

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 12 July 2017

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG[#]

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, J.P.

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG, J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

[#] According to the Judgment of the Court of First Instance of the High Court on 14 July 2017, LEUNG Kwok-hung, Nathan LAW Kwun-chung, YIU Chung-yim and LAU Siu-lai have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

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

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

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

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

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

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

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

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

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE WILSON OR CHONG-SHING, M.H.

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

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

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE NATHAN LAW KWUN-CHUNG[#]

DR THE HONOURABLE YIU CHUNG-YIM[#]

DR THE HONOURABLE LAU SIU-LAI[#]

MEMBERS ABSENT:

THE HONOURABLE DENNIS KWOK WING-HANG

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

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PUBLIC OFFICERS ATTENDING:

THE HONOURABLE PAUL CHAN MO-PO, G.B.M., G.B.S., M.H., J.P.
FINANCIAL SECRETARY

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, G.B.M., S.C., J.P.
SECRETARY FOR JUSTICE

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

THE HONOURABLE NICHOLAS W. YANG, G.B.S., J.P.
SECRETARY FOR INNOVATION AND TECHNOLOGY, AND
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

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

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

THE HONOURABLE PATRICK NIP TAK-KUEN, J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

CLERKS IN ATTENDANCE:

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL

MR MATTHEW LOO, ASSISTANT SECRETARY GENERAL

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

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

PRESENTATION OF PETITION

PRESIDENT (in Cantonese): Presentation of petition. In accordance with Rule 20 of the Rules of Procedure, Mr HUI Chi-fung informed me last night that he, with the other 23 Members, would present a petition to this Council. Under Rule 20(5) of the Rules of Procedure, Mr HUI Chi-fung may not make a speech beyond a summary statement of the number and description of the petitioners and the substance of the petition. Mr HUI Chi-fung.

MR HUI CHI-FUNG (in Cantonese): President, I am very grateful to you for approving my presentation of the petition today.

The petition is jointly presented by me, Mr WU Chi-wai, Mr James TO, Mr KWONG Chun-yu, Mr Andrew WAN, Mr LAM Cheuk-ting, Dr Helena WONG, Mr Kenneth LEUNG, Mr Charles Peter MOK, Mr Alvin YEUNG, Dr KWOK Ka-ki, Mr Dennis KWOK, Ms Tanya CHAN, Mr Jeremy TAM, Mr IP Kin-yuen, Dr YIU Chung-yim, Mr SHIU Ka-chun, Mr LEUNG Yiu-chung, Prof Joseph LEE, Dr Fernando CHEUNG, Dr LAU Siu-lai, Mr Nathan LAW, Ms Claudia MO and Mr CHAN Chi-chuen.

The content of the petition is as follows: Mr LIU Xiaobo, Nobel Peace Laureate 2010, was diagnosed with terminal liver cancer in late June this year, and is now receiving medical treatment in Shenyang. Many countries and organizations and several Nobel Laureates have issued public appeals, or signed petitions, urging the Central Government to allow Mr LIU Xiaobo to leave the country for medical treatment as soon as possible. The German doctor and American doctor who represented the relevant hospitals, and who took part in the conjoint consultation in Shenyang, have also indicated that the hospitals are ready to admit Mr LIU Xiaobo and give him the best medical treatment.

As Mr LIU Xiaobo's disease has reached the most critical stage, we urge the Central Government to make arrangements for Mr LIU Xiaobo to leave the country with his wife LIU Xia and family members for medical treatment as soon as possible on humanitarian grounds.

Pro-democracy Members and I shall now rise to express our support of Mr LIU Xiaobo.

(See Annex I for the content of the petition)

(A number of Members stood up)

PRESIDENT (in Cantonese): Will Members please sit down, otherwise I will treat this as disorderly conduct.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Pharmacy and Poisons (Amendment) (No. 4) Regulation 2017	140/2017
Country Parks (Designation) (Consolidation) (Amendment) Order 2017	141/2017

Other Papers

- No. 116 — Hong Kong Trade Development Council
Annual Report 2016/17
- No. 117 — Hong Kong Deposit Protection Board
Annual Report 2016-2017

- No. 118 — Sir Robert Black Trust Fund
Report of the Trustee on the Administration of the Fund,
Financial Statements and Report of the Director of Audit
for the year ended 31 March 2017
- No. 119 — Clothing Industry Training Authority
Annual Report 2016
- No. 120 — J.E. Joseph Trust Fund
Report, Financial Statements and Report of the Director of
Audit for the period 1 April 2016 to 31 March 2017
- No. 121 — Kadoorie Agricultural Aid Loan Fund
Report, Financial Statements and Report of the Director of
Audit for the period 1 April 2016 to 31 March 2017
- No. 122 — Report of the Public Accounts Committee on Report No. 68
of the Director of Audit on the Results of Value for Money
Audits (July 2017 — P.A.C. Report No. 68)
- Report of the Finance Committee on the examination of the Estimates of
Expenditure 2017-2018
- Committee on Rules of Procedure of the Legislative Council of the Hong
Kong Special Administrative Region Progress Report for the period
October 2016 to July 2017
- Report No. 24/16-17 of the House Committee on Consideration of Subsidiary
Legislation and Other Instruments
- Report of the Bills Committee on Apology Bill
- Report of the Bills Committee on Stamp Duty (Amendment) Bill 2017 and
Stamp Duty (Amendment) (No. 2) Bill 2017
- Report of the Panel on Manpower 2016-2017
- Report of the Panel on Administration of Justice and Legal Services
2016-2017

Report of the Panel on Welfare Services 2016-2017

Report of the Panel on Commerce and Industry 2016-2017

Report of the Panel on Development 2016-2017

Report of the Panel on Economic Development 2016-2017

Report of the Panel on Health Services 2016-2017

Report of the Panel on Education 2016-2017

Report of the Panel on Home Affairs 2016-2017

Report of the Panel on Housing 2016-2017

Report of the Panel on Financial Affairs 2016-2017

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Abraham SHEK will address the Council on the "Public Accounts Committee Report No. 68".

Report of the Public Accounts Committee on Report No. 68 of the Director of Audit on the Results of Value for Money Audits (July 2017—P.A.C. Report No. 68)

MR ABRAHAM SHEK: Thank you, President. On behalf of the Public Accounts Committee ("the Committee"), I have the honour to table our Report No. 68 today.

Out of the eight Chapters covered by the Director of Audit's Report No. 68, the Committee has initially decided to hold hearings on two Chapters that contain more serious allegations of irregularities or shortcomings. They are "Monitoring of charitable fund-raising activities" and secondly, "Government's support and monitoring of charities".

The Committee also studied the other six Chapters by asking the relevant bureaux and departments to provide written replies to members' questions on how they addressed the inadequacies raised in the Director of Audit's Report. Having studied the replies, the Committee decided to invite the Administration to attend a hearing later this month to provide further information and elaboration on the replies to the Chapter on "Provision of district council funds for community involvement projects". For the other five Chapters, the Committee was satisfied with the replies, and decided that no public hearing was required.

The Committee's Report today only covers our conclusions and recommendations on the Chapter "Monitoring of charitable fund-raising activities". For the Chapter on "Government's support and monitoring of charities", as the Committee needs more time to study the information provided by witnesses on issues spanning over the purview of various bureaux and departments, the tabling of a full report on this Chapter will be deferred. The Committee will table a supplementary report on this Chapter together with the Chapter on "Provision of district council funds for community involvement projects" at the beginning of the next session of the Council.

Now, I will report the conclusions and recommendations on the Chapter "Monitoring of charitable fund-raising activities". In Hong Kong, there is no consolidated legislation enacted to regulate charitable fund-raising activities. Monitoring of these activities is confined to those requiring permits or licences from the Social Welfare Department, the Home Affairs Department, or the Food and Environmental Hygiene Department. These activities only cover traditional means of fund-raising, including flag days and other general charitable fund-raising activities in public places, sale of raffle tickets and on-street charity sales. New modes of fund-raising, such as online appeals for donation and face-to-face solicitation of regular donations through signing direct debit authorization forms, are not regulated.

The Law Reform Commission of Hong Kong ("the Commission") published a Report on Charities in 2013, making 18 recommendations to improve the transparency and accountability of charities. Five of these recommendations are related to the Administration's monitoring of charitable fund-raising activities. The Home Affairs Bureau was tasked to coordinate comments from relevant bureaux and departments for consideration of the way forward.

The Administration, President, has internal guidelines which require that a detailed response should be provided to a report of the Commission within 12 months of its publication. The Committee expresses grave concern and dissatisfaction and finds it unacceptable that the Home Affairs Bureau is still coordinating comments from the relevant bureaux and departments more than three years after the publication of the Report on Charities by the Commission. The Committee urges the Home Affairs Bureau to expedite the consultation with relevant bureaux and departments with a view to formulating a substantive response to the Commission's recommendations.

The Committee also expresses grave concern about the Administration's limited monitoring of charitable fund-raising activities, in particular, its failure to respond pro-actively to the rapid evolvement of new modes of fund-raising in recent years, and to formulate effective monitoring measures. The Home Affairs Bureau is urged to formulate measures to enhance monitoring of different types of charitable fund-raising activities, with a view to upholding accountability and transparency for the donations received through these activities and protecting the public from unscrupulous practices.

Lastly, I wish to record my appreciation of the contributions made by members of the Committee, particularly Mr Kenneth LEUNG. Our gratitude also goes to the witnesses who attended the hearings. I would like to express our gratitude to the Director of Audit and his colleagues and our Secretariat for their unfailing support.

Thank you.

PRESIDENT (in Cantonese): Mr CHAN Kin-por will address the Council on the "Report of the Finance Committee on the examination of the Estimates of Expenditure 2017-2018".

Report of the Finance Committee on the examination of the Estimates of Expenditure 2017-2018

MR CHAN KIN-POR (in Cantonese): President, on behalf of the Finance Committee, I submit its Report on the examination of the Estimates of Expenditure 2017-2018.

The Finance Committee held a total of 21 sessions of special meetings from late March to early April this year to examine the Estimates of Expenditure 2017-2018, with the aim to ensure that the authorities are seeking a provision no more than is necessary for the execution of the policies approved.

Members submitted 7 008 questions on the Estimates of Expenditure to the Government, which were slightly less than the 7 199 questions submitted last year. A relatively large number of questions were focused on welfare, women affairs, education, security and home affairs. The Administration, according to the undertaking it had made earlier, submitted replies to a total of 3 300 questions before the special meetings. As for the remaining written questions that were compliant with the Rules of Procedure, and the supplementary questions raised by Members during the special meetings, the Administration's replies to these questions were submitted before the third Budget meeting on 26 April 2017. The questions and replies have been uploaded onto the website of the Legislative Council.

At the special meetings, Members raised questions on various expenditure items, and they also expressed concerns and views on measures closely related to economic development and people's livelihood referred to in the Budget. The procedures of the special meetings are set out in the report.

Following the passage of the Appropriation Bill 2017 at the meeting of the Legislative Council on 18 May, the Finance Committee started to examine the funding requests submitted by the Financial Secretary for changing the approved Estimates of Expenditure.

President, the Finance Committee spent a total of approximately 31 hours and 40 minutes to complete the examination of the Estimates of Expenditure, the process of which was smooth in general. In this connection, I would like to extend my gratitude to Members for their enthusiastic participation and to the various Policy Bureaux and departments of the Government for their cooperation.

I so submit.

PRESIDENT (in Cantonese): Mr Paul TSE will address the Council on the "Progress Report of the Committee on Rules of Procedure for the period October 2016 to July 2017".

Committee on Rules of Procedure of the Legislative Council of the Hong Kong Special Administrative Region Progress Report for the period October 2016 to July 2017

MR PAUL TSE (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure ("the Committee"), I submit to this Council the progress report of the Committee's work during the legislative session of 2016-2017. I will highlight several items of work of the Committee.

During this legislative session, the Committee studied ways to improve the arrangements for handling oral questions at Council meetings, so as to ensure more effective use of the Council's time on discussion. Moreover, President, at your request, the Committee also studied ways to, through oral questions, timely request responses from the Government on topical issues which are of widespread public concerns, but have not yet met the conditions required of an urgent question.

Therefore, after studying the rules and practices of selected overseas legislatures, the Committee brought forward a few proposals, including proposals that the notice period for asking oral questions be shortened and proposals requiring that contents of oral questions be more succinct. Furthermore, the Committee also studied the proposal to amend the Rules of Procedure, so that the Chief Executive may attend regular Council meetings on his/her own volition, allowing Members to put questions directly to the Chief Executive. The Committee sought the views of all Members on 30 June this year on the proposal concerned. After considering Members' views, the Committee will consult the Administration and follow up the issue.

The Committee also discussed the procedures for dealing with filibusters during this legislative session, and once again sought views of all Members on the proposal considered by the previous term of the Legislative Council. However, most Members considered that the proposal would not be able to effectively deal with filibusters, the Committee decided that it is necessary to conduct further studies on the procedures for dealing with filibusters. Moreover, regarding the incessant quorum calls at Council made by certain Members, the Committee proposed seeking legal advice on issues such as the interpretation of the quorum of the Legislative Council and of a committee of the whole Council. Having

taken into account the views of the Committee, the President of the Legislative Council invited a local senior counsel to advise on this matter. The Committee notes the legal advice for future reference.

The Committee also discussed measures to maintain order in Council and committee meetings and procedures for election of the President. The Committee will consult all Members on relevant proposals.

During this legislative session, the Committee studied a series of proposed amendments to the Rules of Procedure and the House Rules, including the interim arrangements relating to the ringing of the division bell at Council meetings and minor textual amendments to provisions. These amendments were endorsed by the Council and the House Committee.

I would like to take this opportunity to thank Members for their support for the Committee. Thank you, President.

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung will address the Council on the "Report of the Panel on Manpower 2016-2017".

Report of the Panel on Manpower 2016-2017

MR LEUNG YIU-CHUNG (in Cantonese): President, in my capacity as Chairman of the Panel on Manpower ("the Panel"), I submit to the Legislative Council the report of the Panel for the current legislative session. As the work of the Panel has already been detailed in the report, I will only highlight several major areas of work of the Panel.

Protection for employees' rights and benefits was high on the Panel's agenda. Members are particularly concerned with the compensation mechanism for employees who sustained injuries in the course of their employment and called on the Administration to take concrete measures to ensure the expeditious handling of cases of work injury compensation claims. According to the Administration, the Government has enhanced support for work injury cases in dispute to resolve differences between employers and employees so that the injured employees will be able to receive statutory compensation early.

The working hours policy was the Panel's another major issue of concern. Regarding the Administration's proposal that a legislative approach be adopted to mandate employers to enter into written employment contracts with employees earning a monthly wage of below \$11,000, which shall include the specified working hours terms and the arrangements for overtime compensation, some members were gravely dissatisfied with and disappointed by the Administration's decision of not legislating for standard working hours, while there were members who acknowledged the Government's proposal, considering it a step forward in respect of the working hours policy. The Panel will continue to follow up on the contents of the relevant legislative proposals and the arrangements for implementation of the legislation.

The Panel attached a great deal of importance to occupational safety. In view of a series of fatal industrial accidents occurred at the construction sites of Hong Kong-Zhuhai-Macao Bridge local projects, members had grave concern as to whether the occurrence of such accidents was attributable to catching up with works progress at the expense of safe work practices. Members urged the Administration to conduct in-depth investigations into the causes of accidents while drawing up preventive measures against unsafe work practices and launching targeted enforcement actions. The Panel also passed a motion, strongly urging the authorities to increase the penalties on people having breached the relevant occupational safety and health legislation, and forbid the company involved in a fatal industrial accident to tender in government works contracts within the one year immediately following the occurrence of the accident, so as to enhance the deterrence effect.

Besides, the Panel had discussed the employment support services for job seekers with employment difficulties, in particular ethnic minorities, persons with disabilities, mature persons and women. Members called on the Administration to provide these job seekers with appropriate training and employment referral service, having regard to the manpower demand in the market.

President, I so submit.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG will address the Council on the "Report of the Panel on Administration of Justice and Legal Services 2016-2017".

**Report of the Panel on Administration of Justice and Legal Services
2016-2017**

DR PRISCILLA LEUNG (in Cantonese): President, in my capacity as the Chairman of the Panel on Administration of Justice and Legal Services ("the Panel"), I present a report on the work of the Panel in this year and briefly highlight several major items of work.

In this session, the Panel continued to receive briefings by the Administration and provide views on any major legislative proposals in respect of policy matters relating to the administration of justice and legal services, including the proposed apology legislation and the legislative amendments to the Arbitration Ordinance and the Mediation Ordinance. The proposed apology legislation sought to promote and encourage the making of apologies in order to facilitate settlement of disputes by stating the legal consequences of making an apology, while the legislative amendments to the Arbitration Ordinance and Mediation Ordinance sought to ensure that third party funding of arbitration and associated proceedings was not prohibited by the common law doctrines of maintenance and champerty. Members generally supported the above proposals and provided views on the amendments.

Manpower and other support for the Judiciary continued to be a concern of the Panel in the current session. The Panel was briefed on the Judiciary Administration's report and supported the proposals to create 14 permanent judicial posts to enhance the establishment of judicial manpower at various levels of courts/tribunal and one supernumerary civil service directorate post at Principal Executive Officer.

The Panel continued to follow up with the Administration on measures for handling sexual offence cases during court proceedings. The Administration consulted the Panel on the Statute Law (Miscellaneous Provisions) Bill 2017 which included the proposed amendment to the Criminal Procedure Ordinance (Cap. 221) to give the Court a discretion to permit complainants of certain sexual offences to give evidence by way of a live television link. The panel supported the proposed amendment.

The Panel noted that the Judiciary Administration, after having conducted a review of the civil jurisdictional limits of the District Court ("DC") and the Small Claims Tribunal ("SCT"), proposed to increase the general financial limit of the

civil jurisdiction of the DC from \$1 million to \$3 million; and to increase the limit for SCT from \$50,000 to \$75,000. Members welcomed the relevant amendments and expressed that the limits should be reviewed regularly in future.

President, a detailed account of the work of the Panel can be found in the written report. I so submit.

PRESIDENT (in Cantonese): Mr SHIU Ka-chun will address the Council on the "Report of the Panel on Welfare Services 2016-2017".

Report of the Panel on Welfare Services 2016-2017

MR SHIU KA-CHUN (in Cantonese): President, in my capacity as Chairman of the Panel on Welfare Services ("the Panel"), I submit to the Legislative Council the report of the work of the Panel for the current legislative session. I will highlight several major areas of work of the Panel.

Members noted that the number of persons benefited from the Low-income Working Family Allowance Scheme was substantially below the Government's original estimate. They requested the Government to expeditiously conduct a review of the Scheme; adopt the suggestions made by members in the applicability, claim period, working hours requirements and the relevant calculation method, income limits and Child Allowance of the Scheme; and streamline application procedures. Members would receive public views on the review of the Scheme.

Members were gravely concerned about the problem of poor quality of private residential care homes for the elderly and persons with disabilities, and urged the Government to adopt the suggestions made by the Panel to enhance the monitoring work and service quality of care homes. Members also called on the Government to, on the basis of the Convention on the Rights of Persons with Disabilities, make afresh planning on long-term care services, develop diversified home-like care homes and substantially increase community and home-based services, so that every endeavour would be made to enable persons with disabilities and frail elderly persons to live independently in the community with dignity.

Discussions were made by members on the proposed legislation to implement the recommendations of the Law Reform Commission Report on Child Custody and Access as well as the relevant support measures. Members took the view that the public had great reservation about the law reform in view of insufficient provision of service support for divorced families. They urged the Government to set up a maintenance board, enhance the prevention of divorce and support for divorced families, and set up parent-child contact centres in various districts, so as to promote parental responsibility through specific services. Members would receive public views on the proposed legislation and support measures.

Members have also discussed the Government's policies on street sleepers as well as the relevant support services and actions/measures. Members called on the Government to draw up policies for the homeless and policies on rental control, enhance housing services provided to street sleepers, introduce services of mobile dispensaries, conduct homeless street counts on a regular basis, and make up for the 11% cut in the standard rates of Comprehensive Social Security Assistance in 1999. The Social Welfare Department, the Police and the Food and Environmental Hygiene Department were also requested to establish a communication platform with street sleepers, and stop evicting street sleepers in the absence of appropriate support to them.

Lastly, I wish to take this opportunity to express my gratitude to members for taking part in the work of the Panel during the past year, and to the large number of deputations and individuals for giving their valuable opinions to the Panel.

PRESIDENT (in Cantonese): Mr WU Chi-wai will address the Council on the "Report of the Panel on Commerce and Industry 2016-2017".

Report of the Panel on Commerce and Industry 2016-2017

MR WU CHI-WAI (in Cantonese): President, in my capacity as Chairman of the Panel on Commerce and Industry ("the Panel"), I submit the report of the work of the Panel for this session and briefly highlight several areas of work of the Panel.

In respect of the promotion of innovation and technology ("I&T") development, members urged the authorities to expeditiously submit the proposed development schedule and funding support for the implementation of the Hong Kong/Shenzhen Innovation and Technology Park in the Lok Ma Chau Loop. They also expressed concerns and views over the positioning, mode of operation, monitoring and management of the Park. Regarding market promotion, members urged the authorities to develop overseas markets for new technologies and technology products developed in Hong Kong, and to take the lead in adopting local technology products to support re-industrialization. The authorities should also formulate a holistic policy for the nurturing of I&T talents. A long-term manpower development plan should be drawn up with a view to providing the necessary talent pool to support I&T development. Besides, members expressed support for continuing the Technology Start-up Support Scheme for Universities in order to assist start-ups in commercializing their research and development ("R&D") results.

In respect of the implementation of a new patent system in Hong Kong, members expressed views on the authorities' plan for the grooming of talents in the legal, science and engineering disciplines to support the operation of the original grant patent system in Hong Kong. Members urged the authorities to explore the possible application of Bolar exemption in Hong Kong's patent law to help lower the expenses relating to the use of patented drugs by the needy and in public hospitals.

The Panel was consulted on a legislative proposal to expand the scope of tax deduction for capital expenditure incurred for the purchase of intellectual property rights. Members generally supported the proposal so as to encourage the creation and commercialization of intellectual property. Members suggested that the authorities should introduce tax concession for R&D expenditure incurred by enterprises to encourage enterprises to actively engage in the development of intellectual property-related business.

In respect of the promotion of inward investment, members urged the authorities to enhance the support for target companies to help those companies which had come to invest in Hong Kong to solve problems relating to legal and operational issues. Members also suggested that the authorities should step up their effort to promote Hong Kong as an investment destination to capitalize on new business opportunities arising from initiatives such as the Belt and Road and the Greater Bay Area.

Members urged the authorities to expedite the implementation of Trade Single Window ("SW") to catch up with the development of SW in the neighbouring region. They also expressed concerned over the fee level after the SW implementation.

President, the work of the Panel has been set out in detail in the report of the Panel. I would like to take this chance to thank the support from members for the Panel's work. I so submit.

PRESIDENT (in Cantonese): Mr Tommy CHEUNG will address the Council on the "Report of the Panel on Development 2016-2017".

Report of the Panel on Development 2016-2017

MR TOMMY CHEUNG (in Cantonese): President, in my capacity as Chairman of the Panel on Development ("the Panel"), I submit to this Council the report on the work of the Panel for the 2016-2017 session. I will highlight several major items of work of the Panel.

During the session, the Panel continued to monitor the Government in increasing housing land supply. In this regard, the Government adopted a series of short- to medium-term measures, including the development of the former Anderson Road Quarry site. When the project is completed, it can provide about 9 000 private and subsidized housing units in 2023. The Panel supported the Government in taking forward this project. Since this project and the public rental housing development at Anderson Road will together provide about 20 000 housing units and accommodate about 70 000 people, members were concerned whether the future road network system in the district could meet public need. Members made specific suggestions on measures to improve the roads in Sau Mau Ping area and the Administration undertook that it would follow up the matter.

In relation to the Government's plan to develop Hung Shui Kiu into a new town to accommodate a population of 210 000, the Panel supported in principle to release the land occupied by brownfield operations for the new town development. However, the Panel also expressed concern over how the Government would assist the affected residents, farmers and brownfield

operators. Members stressed that the Government must understand the needs of the people to be affected by the development and provide reasonable compensation and assistance for them to relocate to other suitable places.

The Panel discussed a review published by the Government titled "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" and received public views on the matter. Members were particularly concerned about the proposals on the East Lantau Metropolis and the New Territories North area. Regarding the East Lantau Metropolis, members were concerned about the enormous cost of the works project and the environmental impacts of the reclamation works. Regarding the New Territories North area, members expressed concerns, among other, on the transport support for the new development area and job opportunities in the district. The Panel will continue to monitor the progress of the Government in taking forward these two proposals.

The quality of our drinking water has been an issue of concern to the Panel. In April 2017, the Panel formed a delegation to visit the Dongjiang River Basin in Guangdong Province. The purpose of the duty visit was to learn about the operation of the Dongjiang-Shenzhen Water Supply System and the measures taken by the Guangdong Provincial authorities in safeguarding the quality of Dongjiang water supplied to Hong Kong. The Panel submitted a report on the duty visit to the House Committee. Moreover, the Panel also conducted a visit to the Muk Wu Raw Water Pumping Station and Tai Po Water Treatment Works in May 2017 to better understand how the Water Supplies Department provided water treatment on the Dongjiang water imported to Hong Kong.

The details of the work of the Panel in other areas are set out in its report. President, I so submit.

PRESIDENT (in Cantonese): Mr Jeffrey LAM will address the Council on the "Report of the Panel on Economic Development 2016-2017".

Report of the Panel on Economic Development 2016-2017

MR JEFFREY LAM (in Cantonese): President, in my capacity as Chairman of the Panel on Economic Development ("the Panel"), I submit the report of the Panel's work for the current session and briefly highlight several major areas of work.

The Panel received the briefing by the two power companies on the results of this year's electricity tariff review. Though members welcomed the rebates of surpluses from the two power companies' Fuel Clause Recovery Accounts, they worried that, given the increase in basic tariff, the net tariff would increase if such special rebates were no longer available in the future. As required by the Panel, the authorities undertook to further monitor the two power companies' fuel cost arrangements under the new Scheme of Control Agreements ("SCAs"). The Panel also passed a motion urging the Government to help tenants of subdivided units overcharged by the landlords on the use of electricity.

The Panel discussed the new SCAs signed between the Government and the two power companies. Although the new permitted rate of return was lowered from the existing rate of 9.99% to 8%, members believed that it is still high. The authorities stated that the term of the current agreements was 10 years, and was extendable for another five years. Without the new SCAs, the present permitted rate of return would apply until 2023. However, the people will benefit from the lowered rate of return upon the commencement of the new SCAs. Members also examined the term of the new SCAs, as well as the incentives for promoting energy efficiency and conservation, and the development of renewable energy.

The Hong Kong Disneyland Resort ("HKDL") is the Government's long-term investment in tourism infrastructure. Members were generally dissatisfied that HKDL recorded a loss last year. Though members agreed that there was a need to enhance the appeal of HKDL, they however expressed grave concern over the financial arrangement of the expansion plan. Members considered that the mechanism to derive the royalties and management fees received annually by The Walt Disney Company ("TWDC") was unfair to the Government. They passed various motions, including a motion urging the Government to review such mechanism with TWDC before submitting the related funding proposal to the Finance Committee for consideration.

In relation to a series of incidents happened after the commissioning of the new Air Traffic Management System in the latter half of last year, the Panel received a briefing by the authorities and the consultancy engaged by the Government. To ensure the safety and reliability of the system, the Panel passed numerous motions urging the authorities to expeditiously complete the enhancement of the system and make public the findings of the consultancy and the independent Expert Panel. The Panel also urged the authorities to replace the system if its performance was still unsatisfactory by the end of this year.

The other areas of work of the Panel are explained in detail in the written report. I would also like to take this opportunity to thank members for their participation in the Panel's work, and the Secretariat for its support to the Panel over the last year. President, I so submit.

PRESIDENT (in Cantonese): Prof Joseph LEE will address the Council on the "Report of the Panel on Health Services 2016-2017".

Report of the Panel on Health Services 2016-2017

PROF JOSEPH LEE (in Cantonese): President, in my capacity as Chairman of the Panel on Health Services ("the Panel"), I submit the report on the work of the Panel for the current session and I will only briefly highlight several major items of work of the Panel as a detailed account of the work of the Panel can be found in the written report.

The Panel was very concerned about the legislative proposals to the regulatory regime for medical devices. Members of the Panel urged the Administration to revisit the proposed use control of specific medical devices and set up a multi-party platform to invite different stakeholders to provide views on the subject.

The Panel also discussed the outcome of manpower planning and professional development of the health care professions. Members concerned about the assumption and data of the manpower projection model and urged the Administration to adjust the manpower projection having due regard to the need for service enhancement.

In order to manage sentinel events in public and private hospitals effectively, members urged Hospital Authority ("HA") Head Office to ensure all hospitals to report and announce relevant incidents in a timely manner. Under the proposed new regulatory regime for private health care facilities, private hospitals should be requested to establish a comprehensive sentinel events management system and the Administration should stipulate the management measures and penalty for non-compliance, so as to curb non-compliance of the relevant requirements by private hospitals.

The Panel continued to follow up the issue concerning the enhancement of mental services. Members considered that the Administration should establish an interdepartmental steering committee under the steer of Chief Secretary for Administration for the formulation and monitoring the implementation of a comprehensive mental health policy and relevant service plans

Furthermore, members also concerned that the Government had not established any official definition of rare diseases, nor had it set out any specific policy on provision of support for rare disease patients. They urged the Government to immediately formulate a policy on rare diseases; establish an inter-departmental central committee on management of rare diseases; and immediately earmark \$500 million to set up a rare diseases drug subsidy fund to provide subsidies for patients suffering from rare diseases.

The Panel also discussed the regulatory regime for private health care facilities, a Chinese medicine safety order, and legislative proposals about the Control of tobacco and alcohol consumption; a number of services and public works projects of HA; funding proposal for the stage two Electronic Health Record Programme, as well as the progress of the implementation of the Voluntary Health Insurance Scheme and so on.

President, I so submit.

PRESIDENT (in Cantonese): Mr MA Fung-kwok will address the Council on the "Report of the Panel on Home Affairs 2016-2017".

Report of the Panel on Home Affairs 2016-2017

MR MA FUNG-KWOK (in Cantonese): President, in my capacity as Chairman of the Panel on Home Affairs ("the Panel"), I report to the Council the main areas of deliberation of the Panel during the current legislative session.

First of all, in respect of district administration, the Panel discussed the progress of the District-led Actions Scheme. Members noted that since April 2016, 18 District Offices had been implementing a number of projects to enhance the living quality of residents, such as enhancing anti-mosquito work, curbing shop front extension, and clearing illegally parked bicycles. In response to the

views expressed by members, the Government pledged that it would consider tackling problems concerning district administration with the necessary resource backup and policy support.

Members welcomed the Government's plan to spend \$20 billion in the coming five years to launch 26 projects to develop sports and recreation facilities, and conduct technical feasibility studies for another 15 sports and recreation facility projects. Members considered that these projects were long-awaited by the districts and could significantly increase the provision of and improve existing sports and recreation facilities as well as open spaces. Moreover, the Panel discussed the funding proposal for the main works for the Kai Tak Sports Park project, and passed a motion urging the Government to ensure that the Sports Park would adopt public-oriented measures and make sure that the public and schools could hire venues in the Sports Park at affordable prices, so as to achieve the objective of promoting sports in the community.

As far as culture and the arts are concerned, members in general welcomed the Government's initiative to draw up the Representative List of Local Intangible Cultural Heritage, and expressed various views on the proposed Representative List. Some members considered that the transmission of the intangible cultural heritage items was most important, and suggested that the Government might collaborate with the Tourism Board in establishing a "cultural estate" to showcase these items on a long-term basis.

The Panel also discussed the Government's further legislative proposals to update the Building Management Ordinance and the related administrative measures. Members noted that the legislative proposals covered a wide range of issues, such as proxy instruments, definition of large-scale maintenance projects and the related matters, and the requirements on safekeeping and circulation of records, and so on. In this connection, the Panel held a special meeting to receive public views from a number of deputations. The Panel will continue to follow up on the Government's legislative proposals, with a view to enhancing the requirements and relevant provisions on owners' corporation meetings, procurement arrangements and appointed proxy.

In addition, the Panel also discussed the work progress of the Community Care Fund, the Phase II development of Yau Ma Tei Theatre project and the related reprovisioning project, and a number of funding proposals for the provision of sports and recreation facilities.

I would like to express my gratitude to colleagues of the Secretariat for their support and service during the past year. President, I so submit.

PRESIDENT (in Cantonese): Ms Alice MAK will address the Council on the "Report of the Panel on Housing 2016-2017".

Report of the Panel on Housing 2016-2017

MS ALICE MAK (in Cantonese): President, in my capacity as Chairman of the Panel on Housing ("the Panel"), I submit to the Legislative Council the report of the work of the Panel for the 2016-2017 session and report on several major areas of work of the Panel

With respect to the supply of public rental housing ("PRH"), the Government adopted a 10-year supply target of 200 000 PRH units under the Long Term Housing Strategy ("LTHS"). As there are nearly 300 000 PRH applicants on the Waiting List, members worried that the authorities would have difficulty meeting the PRH supply target if they could not identify adequate land sites. Members urged the authorities to actively identify more suitable land sites and to speed up the relevant consultation in local communities.

Members noted that the waiting time of general applicants for PRH allocation was way longer than the target of the Hong Kong Housing Authority ("HA") of providing the first offer of PRH units at around three years on average, and that the progress of PRH production was not satisfactory. Some members considered that the authorities should better utilize the existing interim/transitional housing to assist the grass roots in need. Some members urged the authorities to speed up the redevelopment of aged PRH estates to increase the supply of PRH units.

Members expressed concerns over the high selling prices of Home Ownership Scheme flats and the inadequate supply of subsidized sale flats. They called on the authorities to expand the form of subsidized home ownership, with a view to satisfying the home ownership needs of sandwich class families.

Members were concerned that property prices continued to soar despite the new round of demand-side management measure to address the overheated residential property market introduced last November. Some members urged the authorities to introduce additional measures to bring the property price to a level that was affordable to the general public.

Members generally agreed that increasing the housing supply was the key to solving the housing problem. Some members suggested that the authorities should adopt a higher proportion of public housing under LTHS. However, the authorities said such proposal would reduce the supply of private flats, which might fuel another round of property price hike.

Members had all along been paying close attention to the progress of developing bazaars in PRH estates. They welcomed the decision of the Housing Department to support an organization's proposal for setting up a bazaar in Tin Yiu Estate, Tin Shui Wai. Members generally considered that the authorities should be more proactive in supporting proposals for setting up bazaars to provide residents with more choices to shop for basic necessities.

Members opined that HA's adoption of the single-operator letting arrangement for some of its markets would cause stall rentals to rise, and the costs would ultimately shift to the residents. Some members suggested that HA should abolish the letting arrangement and manage its markets directly.

Lastly, President, I would like to express my gratitude to Deputy Chairman and members of the Panel, and particularly to colleagues of the Secretariat for their support during the past year. Thank you.

PRESIDENT (in Cantonese): Dr CHIANG Lai-wan will address the Council on the "Report of the Panel on Education 2016-2017".

Report of the Panel on Education 2016-2017

DR CHIANG LAI-WAN (in Cantonese): President, in my capacity as Chairman of the Panel on Education ("the Panel"), I report the work of the Panel for the session 2016-2017 of the Legislative Council. The details of the work of the Panel is set out in the written report and I will highlight the important work items below.

Regarding pre-primary education, members were delighted that the Administration would implement from the 2017-2018 school year onwards free quality kindergarten education. Members also raised a number of concerns, including subsidies for whole-day and long whole-day kindergarten services, the remuneration system and professional ladder of kindergarten teachers, homework policies of kindergartens, miscellaneous fees collected by kindergartens, site planning for kindergartens and support for non-Chinese speaking students and students with special education needs.

On the front of primary and secondary schools, the Panel discussed a number of issues with the Administration. These issues include the arrangement for the Territory-wide System Assessment ("TSA") and Basic Competency Assessment Research Study, the implementation of Liberal Studies subject as a core subject, student suicide, the implementation of career and life planning education, the pathways for secondary school leavers, strengthening parent education, etc. Members urged the Administration to comprehensively review the education system, abolish TSA, eliminate the drilling culture, review the homework policy, alleviate the pressure of examination on students, and provide individual guidance on career and life planning for all students to facilitate better study or career choice-making based on their interests and abilities. Members considered that heavy debts from student loans had limited students' development upon graduation and the Administration should find effective means to assist students in pursuing further studies.

Members expressed different views on teaching Chinese history as an independent subject at junior secondary level. Some members also expressed concern over the coverage of the Chinese history curriculum. The Administration said that it would present the curriculum details in the document of the second-stage consultation and forward members' views to the Ad Hoc Committee on Revision of the Curricula of Chinese History and History at Junior Secondary Level for consideration.

Members also attached great importance to the learning support for non-Chinese speaking students and students with special education needs. Members held that the Administration should allocate more resource on providing suitable support for these students and their parents, so that they could better integrate into society and give full play of their talents.

Last but not least, I wish to thank members for their active participation in the work of the Panel.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): Mr Kenneth LEUNG will address the Council on the "Report of the Panel on Financial Affairs 2016-2017".

Report of the Panel on Financial Affairs 2016-2017

MR KENNETH LEUNG (in Cantonese): President, in my capacity as the Deputy Chairman of the Panel on Financial Affairs ("the Panel"), I submit the report on the work of the Panel for the current session and briefly highlight several major items of work of the Panel.

With regards to matters relating to macro-economic issues of Hong Kong, members noted the risks to the Hong Kong economy, including uncertainties surrounding policy and political developments in the United States and Europe and the possible rise in protectionist sentiment on the Hong Kong economy. Members urged the Government to implement measures to attract foreign investments, enhance Hong Kong's competitiveness and assist industries. As to the property market, members expressed grave concern about the continual surge in property prices despite the implementation of a number of measures to deal with the over-heated property market, and the increasing number of property buyers seeking top-up loans. Members urged the Government to take precautionary measures against any possible property slump so as to ensure financial stability.

Regarding the work of the Hong Kong Monetary Authority ("HKMA"), members urged HKMA to look into the difficulties encountered by entities in opening bank accounts, and to press banks to make improvement. Some members urged HKMA to take steps to ensure banks to provide basic banking services for socially disadvantaged groups.

About the developments of the financial technologies ("Fintech"), Members urged the Government to review the current policies and regulatory regimes, so as to cope with the rapid development in Fintech and meeting the industry's operational needs.

The Securities and Futures Commission ("SFC") and the Hong Kong Exchanges and Clearing Limited ("HKEX") launched a public consultation on enhancements to the Stock Exchange of Hong Kong Limited's decision-making and governance structure for listing regulation in 2016. Some members expressed reservation on the proposed establishment of the Listing Regulatory Committee as there were concerns that it would delay the approval process of listing applications and unduly increase SFC's power in listing regulation. Some members were supportive of the proposed Listing Policy Committee to provide a suitable platform for SFC, HKEX and the stakeholders to discuss important listing policies and issues.

The Government had briefed the Panel on its proposal for Hong Kong to apply for membership in the Asian Infrastructure Investment Bank ("AIIB"). Members in general supported Hong Kong to become a member of AIIB, which would help Hong Kong tapping the opportunities arising from the Belt and Road Initiative. Members urged the Administration to step up efforts in pursuing the setting up of AIIB's corporate treasury centre in Hong Kong.

Lastly, I wish to thank members for their active participation in the work of the panel and the Secretariat for providing their support to the Panel during the past year.

President, I so submit.

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. First question.

Affairs which the Hong Kong Special Administrative Region administers on its own in accordance with the Basic Law

1. **MR JAMES TO** (in Cantonese): *President, Article 22 of the Basic Law stipulates that no department of the Central People's Government ("CPG") and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region ("SAR") administers on its own in accordance with the Law. When she was running for the CE election as well as after being elected and before assuming office, the Chief Executive ("CE") stated that Hong Kong's*

affairs were to be handled by the SAR Government, and the policies which might be implemented only with approval of this Council should be pushed by the various Secretaries and Directors of Bureaux and even CE. She also said that she did not agree with or approve of the practice of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("LOCPG") assisting the SAR Government in seeking support from Members of this Council for government policies (commonly known as "soliciting votes"), nor would she take the initiative to request for such assistance. In this connection, will the Government inform this Council:

- (1) whether it will request CPG to expressly order the various departments of CPG, the various provinces, autonomous regions and municipalities directly under the Central Government as well as LOCPG to strictly comply with the stipulation in Article 22 of the Basic Law, which is that they may not interfere in the affairs which SAR administers on its own; if so, of the details; if not, the reasons for that;*
- (2) how the Government will implement the pledge made by CE, after being elected and before assuming office, that CE would not take the initiative to request LOCPG to assist in soliciting votes; and*
- (3) as CE said, after being elected and before assuming office, that she could not deny the fact that LOCPG did assist the SAR Government in soliciting votes when the Government promoted its policies in the past, whether the Government has assessed if such practice of LOCPG constituted an interference in the affairs of Hong Kong, thereby seriously contravening the principle that a high degree of autonomy be implemented in Hong Kong; if it has assessed, of the outcome; if not, the reasons for that?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, our consolidated reply to the question raised by Mr TO is as follows:

According to Article 2 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("the Basic Law"), the National People's Congress authorizes the Hong Kong Special Administrative

Region ("HKSAR") to exercise a high degree of autonomy and enjoy executive, legislative and independent judicial power, including that of final adjudication, in accordance with the provisions of the Basic Law. Article 16 of the Basic Law stipulates that HKSAR shall be vested with executive power and shall, on its own, conduct the administrative affairs of HKSAR in accordance with the relevant provisions of the Basic Law.

Moreover, Article 22 of the Basic Law stipulates that no department of the Central People's Government ("CPG") and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the HKSAR administers on its own in accordance with the Basic Law. All offices set up in HKSAR by departments of the Central Government, or by provinces, autonomous regions, or municipalities directly under the Central Government, and the personnel of these offices shall abide by the laws of HKSAR.

Since the establishment of HKSAR, the HKSAR Government and the offices set up by CPG in HKSAR have been acting in strict accordance with the basic policies of "one country, two systems", "Hong Kong people administering Hong Kong" and a high degree of autonomy, as well as complying with the provisions of the Basic Law in performing their respective duties. Based on this premise, the lobbying work on Legislative Council Members, or what is commonly known as "soliciting votes", as referred to in the question, should be the responsibility of the politically appointed officials of the HKSAR Government, especially if the policy proposal involved is one put forward to the Legislative Council by Secretaries and Directors of Bureaux.

The question specifically refers to the functions and roles of the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("CPGLO"). As stated in its official website, CPGLO is an office set up by CPG in HKSAR. Its main functions include liaising with the Office of the Commissioner of the Ministry of Foreign Affairs of the People's Republic of China in HKSAR and the Hong Kong Garrison of the Chinese People's Liberation Army; promoting economic, educational, scientific and technological, cultural and athletic exchanges and cooperation between Hong Kong and the Mainland; liaising with various sectors of the community of Hong Kong to enhance exchanges between the Mainland and Hong Kong; and reflecting the views of Hong Kong residents on the Mainland, etc. When addressing Members at the Chief Executive's Question and Answer Session held

on 5 July, the Chief Executive made it very clear that the work of the offices set up by the Central Government in HKSAR is determined by the Central Authorities. As one of the functions of CPGLO is to liaise with various sectors of the community of Hong Kong, it is normal for CPGLO to liaise and communicate with Legislative Council Members having regard to its operational needs.

The Chief Executive has, in her opening remarks at the above Question and Answer Session last week, indeed taken the initiative to make the point that she attached great importance to improving the relationship between the executive and the legislature. She reiterated sincerely the need for the executive and the legislature to develop a new relationship based on long-term and proactive communication. She also wholeheartedly called upon Members of different political parties to work together with the Government and strive to resolve differences, foster mutual trust and build a better Hong Kong. The Chief Executive made it clear that all politically appointed officials must have more interaction with Legislative Council Members, listen to Members' views seriously, and engage in lobbying efforts instead of leaving this work to others.

President, the current-term Government looks forward to having closer communication and interaction with Members on the basis of mutual trust which we will actively build with Legislative Council, in order to explain our policy thinking to secure Members' support for Government policies. We look forward to receiving a positive response from Members in our joint efforts in building a better Hong Kong.

MR JAMES TO (in Cantonese): *President, the Government obviously has dodged the core issue that I have raised. My question is: will the Government, the Chief Executive in particular, clearly request the Central Government to order its offices in Hong Kong (especially the Liaison Office of the Central People's Government in the Hong Kong Special Administrative Region ("CPGLO")) not to interfere in the affairs of Hong Kong? Over the past decade or so, Hong Kong people have been battered by "Western District ruling Hong Kong". Western District has interfered in everything, be it the election of the Legislative Council President, the coordination of candidacy in the Legislative Council Elections or District Councils Elections, or community affairs, and so on.*

President, the Secretary says that the work of CPGLO is determined by the Central Authorities. Therefore, can the Government tell this Council if the Chief Executive will ask the highest leaders in the Central Authorities to order their offices in Hong Kong (especially CPGLO) to stop their intervention in the affairs in Hong Kong and "Western District ruling Hong Kong"?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, it has been clearly and repeatedly stated by the Central Government, especially its leaders, that the Central Government and the SAR Government all discharge their respective duties based on "one country, two systems", "Hong Kong people administering Hong Kong", "a high degree of autonomy" and the provisions of the Basic Law. The offices set up by the Central Authorities in Hong Kong also act legally within the parameters of their respective functions and on the basis of the above mentioned principles. Therefore, in my opinion, these principles and how things should be handled in actual practice are all very clear. I also believe that the Central Government is well understands aware of the situation in Hong Kong, including the opinions raised by various social sectors.

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

MR JAMES TO (in Cantonese): *Does the Secretary mean that the Chief Executive will not relay to the Central Authorities ...*

PRESIDENT (in Cantonese): Mr TO, you have pointed out the part which the Secretary has not answered. Please do not ask another question. Secretary, do you have anything to add?

MR ANDREW WAN (in Cantonese): *President, as can be noticed from the main reply, the existing roles of CPGLO clearly violate the directions and functions stipulated under Article 22 of the Basic Law. The main reply points out that it is normal and reasonable for CPGLO to communicate with Legislative Council Members. We understand this. However, my supplementary question*

is: in the future, if the Government learns that CPGLO tries to solicit Members' support for certain government bills when communicating with them, will the SAR Government or the Chief Executive try to stop this, or advise CPGLO not to do so, or point out to the Central Government that CPGLO should not do so?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, as I point out in the main reply, CPGLO is an office set up by the Central People's Government in Hong Kong. Its functions are expressly set out in its official web page, and its work CPGLO is determined by the Central Government. One function of CPGLO is to liaise with various social sectors in Hong Kong with the aim of enhancing exchanges between the Mainland and Hong Kong. Therefore, it is a very normal aspect of CPGLO's work to liaise with various social sectors. In fact, every day we meet many people from different backgrounds or holding different posts, and they will express many different opinions to us. Hong Kong is a pluralistic society, so it is most important that we can listen to different views. I also trust that Legislative Council Members can judge independently and make their own decisions.

Moreover, I also say clearly in the main reply that it is the responsibility of politically appointed officials to promote the SAR Government's policies and measures. We ourselves will closely communicate with various social sectors, including Legislative Council Members. In my case, I have been actively contacting many legislators over the past week, expressing my wish that we can strengthen our understanding and communication regarding relevant policy issues. As long as Members have the time, I am ready to have discussions.

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

MR ANDREW WAN (in Cantonese): *President, the Secretary is talking about a different matter here. My question is not about communication. I am asking if the Government will stop CPGLO when it tries to influence Members' voting positions?*

PRESIDENT (in Cantonese): Mr WAN, please sit down. Secretary, do you have anything to add?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I believe I have already answered the Honourable Member's supplementary question. When Members make any decisions, they will listen to many different opinions and make independent decisions.

DR KWOK KA-KI (in Cantonese): *President, the Secretary actually turns a blind eye to many things. He points out in the main reply that exchanges are normal. However, I now tell the Secretary through the President that the so-called "liaison" done by CPGLO over the last 10 years has been very abnormal, as CPGLO has almost interfered in all the affairs of Hong Kong. If the Secretary thinks that this is abnormal, will he do his job and tell CPGLO or its incumbent Director, Mr ZHANG Xiaoming, to stop the so-called liaison practices in the past and to draw a clear line and leave the affairs of Hong Kong to the SAR Government? Hong Kong people do not welcome such practices in the past at all.*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, as I point out in the main reply, the functions of CPGLO are clear, and one of its functions is to liaise with various social sectors in Hong Kong. The current-term Government has also made it very clear that we ourselves will do all the lobbying and explanation when taking forward the Government's policies and measures. I believe we have made our position clear with regard to our future practices.

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

DR KWOK KA-KI (in Cantonese): *I am not asking him whether he will do the lobbying work himself. I am asking him if he will tell CPGLO not to adopt any liaison practices disliked by Hong Kong people.*

PRESIDENT (in Cantonese): Mr KWOK, you have pointed out the part which has not been answered. Please sit down. Secretary, do you have anything to add?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the Central Government and our leaders have repeatedly and unequivocally pointed out that Hong Kong will be allowed to run its own affairs in strict accordance with the principles of "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy", and the provisions of the Basic Law. As an office set up the Central Government in Hong Kong, CPGLO is responsible to the Central Government, and will do its job in accordance with its clear terms of reference. Therefore, I do not think that it is appropriate for me to make any criticisms or comments regarding any specific issues. But I can tell Members very clearly what we will do when implementing relevant policies and measures.

MR JEFFREY LAM (in Cantonese): *President, as its name suggests, CPGLO is an office responsible for liaison between the Central Authorities and various social sectors in Hong Kong, so part of its job is to liaise with Members. Some Members always claim that they want to communicate with the Central Authorities and voice their opinions. And, they also say that the HKSAR Government sometimes cannot reflect their views completely. But these Members refuse to get in touch with CPGLO and the Central Authorities or communicate with them. I want to ask the Secretary if there are any channels for them to convey their opinions to the Central Authorities?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, in case any Members need to communicate with the Central Government via us, we are very happy to help bring forth the communication. In fact, I believe that more understanding between the Central Government, the SAR Government and Legislative Council Members will be highly conducive to implementing "one country, two systems", "Hong Kong people administering Hong Kong", "a high degree of autonomy" and Hong Kong's future development.

Another job of CPGLO is to promote economic, educational, scientific and technological, cultural and athletic exchanges and cooperation between Hong Kong and the Mainland. And, CPGLO's work in this respect can in fact facilitate Hong Kong's economic and social development. For example, CPGLO also plays a role in our arrangements for enabling young people in Hong Kong to get to know the various provinces and cities in the Mainland. Moreover, CPGLO will also offer assistance in organizing sports and cultural promotion activities that involve the Mainland. Such is also a proper function of CPGLO.

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): *The Secretary is not really answering the question. Mr Jeffrey LAM's question is about helping Members, yet the Secretary is talking about the youth work of CPGLO.*

PRESIDENT (in Cantonese): Mr LEUNG, please sit down. This is not the time for you to speak.

MR LEUNG KWOK-HUNG (in Cantonese): *But this is such an improper answer.*

PRESIDENT (in Cantonese): Mr LEUNG, what is really improper is instead your act of standing up and speaking without permission. Please sit down. The Secretary has indicated that he has finished answering the question. Mr LAU Kwok-fan, please ask your question.

MR LAU KWOK-FAN (in Cantonese): *President, the Chief Executive says that she will come to the Council regularly and increase the number of question and answer sessions, with a view to having more communications and exchanges,*

increasing understanding and avoiding misunderstanding. Members all know that one function of CPGLO is to communicate with various social sectors in Hong Kong. Yet, opposition Members may be reluctant to admit this, or they may not realize this at all. Moreover, after their private contacts with CPGLO in the past, some pro-democracy Members were accused of having under-the-table deals. So, they are afraid of doing so again.

I would like to ask the Secretary if it is possible to coordinate the establishment of some sort of official channels to facilitate regular meetings between Members and CPGLO, so that Members can know more about CPGLO's work in Hong Kong through exchanges and understanding?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, I already answered this question directly when I responded to Mr Jeffrey LAM's supplementary question a moment earlier. However, for Members' reference, I have added some information about CPGLO's efforts to promote the exchanges and cooperation between Hong Kong and the Mainland in various areas. Mr LAU hopes that Members can strengthen communication with the Central Government or various provincial or municipal governments. The SAR Government is very happy to facilitate this. Therefore, if Members so request and state the intention via the President of the Legislative Council, we are ready to help and facilitate this.

MR HUI CHI-FUNG (in Cantonese): *The Administration replies that CPGLO can have exchanges and cooperation with various social sectors. But very interestingly, what is meant by "exchanges and cooperation"? I have been informed that CPGLO once took the initiative to call meetings with different statutory bodies, including the Urban Renewal Authority, Hong Kong Housing Society, Antiquities Advisory Board and Airport Authority Hong Kong, and was met by the chairpersons of all these bodies. CPGLO officials were invited to site inspections, and during these inspections, they said to the chairpersons that they fully recognized their performance and praised them for their work. Only a boss will say such words to his employees. Can the Government tell me whether this is interference, or exchanges and cooperation?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, generally speaking ... Just now, I actually meant to say that one function of CPGLO is to promote exchanges and cooperation between Hong Kong and the Mainland in many different areas. Besides, another function of CPGLO is to liaise with various social sectors in Hong Kong, with a view to enhancing exchanges between the Mainland and Hong Kong. So, we are actually talking about two separate matters here.

I believe Members will agree that when getting to know a place or something, we must have first-hand experience, and interact and talk with different people face to face, in addition to reading papers. This is just like what I am doing right now, communicating with Members face to face. I think this is an very effective way. And, of course, after the process of communication, we may all have various perceptions and feelings. Hence, I think we cannot possibly make any sweeping generation on the types of relationship and motive that underlie any communication process, as different people may have different perceptions. I think I can respond to Mr HUI's supplementary question only in this way.

PRESIDENT (in Cantonese): Ms Claudia MO, please speak.

(Mr HUI Chi-fung indicated that his supplementary question has not yet been answered)

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

MR HUI CHI-FUNG (in Cantonese): *The Secretary has not answered directly as to whether CPGLO's compliment and recognition to statutory bodies should be regarded as exchanges or interference?*

PRESIDENT (in Cantonese): You have pointed out the part which has not been answered. Please sit down. Secretary, do you have anything to add?

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

MS CLAUDIA MO (in Cantonese): *I am frankly kind of worried. Is the new Secretary another "human tape-recorder"? The Secretary says that CPGLO performs the function of liaison and communication, and so on. But does this function include canvassing for the "godchildren of Western District" during elections? This is already an open secret now.*

I am now going to ask my supplementary question. During the past Chief Executive Election, retired judge WOO Kwok-hing strongly advocated enacting legislation on implementing Article 22 of the Basic Law. Many people supported his suggestion, thinking that further legal protection is beneficial to the public interest of Hong Kong. Why does the current-term Government think that it is unnecessary to do so?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, whenever I reply to the oral question, I must attempt to give Members a truthful and clear account of the background or core issues concerning the question, including relevant provisions of the Basic Law or the systems in Hong Kong. Of course, I understand that Members may have different opinions, and that they may repeat the same points time and again, but I will try my best to explain my views in response to Members' questions. I hope Members can understand this.

As regards the question just posed by Ms MO, I believe Article 22 of the Basic Law already provides for the relevant requirements very clearly. The SAR Government has no plan to enact legislation to implement Article 22 of the Basic Law.

PRESIDENT (in Cantonese): Second question.

Feed-in tariff scheme for renewable energy power generation installations

2. **MR KENNETH LEUNG** (in Cantonese): *President, to encourage the use of environmental protection ("EP") installations in the industrial and commercial sectors, the Government has since 2008 been providing tax concessions of accelerated profits tax deductions to companies which have acquired EP installations, by shortening the time period for apportionment of specified capital expenditure incurred in relation to such installations from the usual 25 years to five years. Eligible EP installations include renewable energy power generation ("REPG") installations. On the other hand, the new Scheme of Control Agreements that the Government entered into with the two power companies in April this year, which will take effect after 2018, have introduced a feed-in tariff scheme which allows private organizations to invest in installing REPG installations and connect such installations with the public power grids while the power companies will purchase the electricity generated by such installations ("green electricity") at a rate higher than the normal electricity tariff rate, so as to encourage the development of distributed renewable energy. In this connection, will the Government inform this Council:*

- (1) *whether it knows the total number of REPG installations installed by the industrial and commercial sectors since 2008, and a breakdown of the number by type; the annual amount of electricity generated by such installations, and the total amount of tax deductions granted by the Government in respect of such installations; how the Government publicizes the tax concession measure and the effectiveness of such publicity;*
- (2) *how the Government and the power companies will determine the feed-in tariff rate of green electricity; whether the Government will require that the power companies must enter into electricity purchase contracts of a certain number of years with electricity sellers and provide subsidies to electricity sellers; if so, of the details (including the current progress of discussion with the power companies and the implementation timetable); if not, the reasons for that; and*
- (3) *whether the existing legislation regulates matters relating to the feeding of green electricity into the power grids (including the technical and safety standards for power generation and transmission); if so, of the details; if not, the timing for enacting*

such legislation; whether the Government and the power companies will provide technical support to electricity sellers to ensure that the safety and stability of public power grids will not be affected by the feeding-in of green electricity?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President,

- (1) According to the information provided by the Hongkong Electric Company Limited ("HKE") and CLP Power Hong Kong Limited ("CLP"), 50 renewable energy ("RE") systems have been installed by industrial and commercial sector (including power companies) and connected to HKE's and CLP's grids since 2008. The details are provided at Annex 1.

Since the year of assessment 2008-2009, the Government has been providing accelerated tax deduction for environmental protection installations. A deduction under profits tax for 20% of the capital expenditure incurred on the acquisition of eligible environment-friendly installations (including RE installations) will be provided in each of the five consecutive years starting from the year of purchase.

The Inland Revenue Department ("IRD") does not have a breakdown of the amount of tax deductions by type of EP installations. The number of applications for tax deductions for EP installations since the year of assessment 2008-2009 is set out at Annex 2.

IRD promoted the arrangement for accelerated tax deductions for capital expenditures on EP installations following the enactment of the relevant legislation. Relevant information has been published at IRD's website and "Departmental Interpretation and Practice Notes No. 5". On the other hand, the Electrical and Mechanical Services Department ("EMSD") also promotes this concession at its seminars to encourage the adoption of RE.

- (2) The Government entered into the post-2018 Scheme of Control Agreements ("SCAs") with the two power companies in April 2017 and promotion of RE will be a key focus of the new SCAs. Among other measures, Feed-in Tariff ("FiT") will be introduced in the next

regulatory period to encourage the private sector and the community to consider investing in distributed RE as the power generated could be sold at a rate higher than the normal electricity tariff rate to cover the cost of their investments in the RE systems and those of generation. The power companies will also facilitate and improve the distributed RE connection arrangements.

We are now discussing with the power companies details of the FiT scheme, including the FiT rate(s) and term with a view to launching the scheme as soon as practicable after the new SCAs come into effect. For the setting of FiT rate(s), we will take into account factors including the cost of investments in the distributed RE systems and generation, the attractiveness of the rate(s) in providing sufficient incentives to encourage the private sector and the community to consider investing in distributed RE, as well as the tariff implications. We plan to consult the Energy Advisory Committee on the details of the FiT scheme and report to the Legislative Council once ready in 2018.

- (3) Renewable energy power system ("REPS") is classified as a generating facility. Therefore, REPS owners should ensure that the system complies with the safety requirements in the Electricity Ordinance and its subsidiary regulations. The system shall also comply with the reliability and power quality requirements in Supply Rules and the case-specific technical requirements of the power companies.

We understand the power companies provide advice to customers interested in installing the distributed RE systems on the technical aspects of the grid connection. Details are set out on the websites of the power companies. Besides, to help the public better understand the technical issues of small-scale REPS, EMSD has also published "Technical Guidelines on Grid Connection of Small-scale Renewable Energy Power Systems" ("the Guidelines") which provides the requirements in local codes and international standards on grid connection and power quality. The Guidelines has also been uploaded to the website of the EMSD.

Annex 1

RE systems installed by industrial and commercial sector
(including power companies) and connected to HKE's and CLP's grids since 2008

<i>Nature of RE systems</i>	<i>Number of systems within HKE's supply area</i>	<i>Number of systems within CLP's supply area</i>
Photovoltaic ("PV") panels	28	18 ^{Note}
Wind	3	1
Total	31	19

Notes:

including 16 PV installations, and two PV and wind installations.

The above figures do not include RE installations that are not connected to the grid. The power companies do not have the annual electricity generation statistics of RE installations.

Annex 2

Number of applications for tax deductions
for environmental protection installations

<i>Year of Assessment</i>	<i>Number of applications for deductions</i>	<i>Total deduction amount (\$ million)</i>
2015-2016	9	25.1
2014-2015	12	21.7
2013-2014	17	21.3
2012-2013	23	78.5
2011-2012	22	37.7
2010-2011	20	38.9
2009-2010	20	40.8
2008-2009	20	40.8

MR KENNETH LEUNG (in Cantonese): *President, RE systems of different types are set out in Annex 1 of the main reply. It has been nine years since 2008, but there are very few such installations. For example, HKE has 31*

systems and CLP has 19 only. That is to say, only two to three systems are installed each year. At present, the Government wants to implement the FiT scheme, but there are only very few RE installations. Secretary, what pragmatic measures do you have to encourage business customers or individual residents to increase the use of RE installations?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr LEUNG for the supplementary question. First of all, I have to point out that the systems set out in Annex 1 are only those RE systems connected to the grids of power companies; there are other systems not required to be connected to the grids even though they are not large in number. Hence, the figures that we mention here may not necessarily reflect the overall figures in Hong Kong since many systems are not required to be connected to the grids.

Nevertheless, I believe Members will agree that in order to tackle climate change, we, including the Government, the community and the public, should step up our support to power generation by clean distributed energy through the new SCAs signed between the Government and the two power companies. According to the experience of different places in the world, FiT and "green electricity" authentication are relatively effective measures. For that reason, I believe our society should, in the coming one year or so, concentrate on discussing with power companies and relevant stakeholders the FiT details, so as to effectively and expeditiously broaden the work of Hong Kong in this area after the implementation of the new initiatives.

MR WONG TING-KWONG (in Cantonese): *President, as to RE, it is reported that the Government and the two power companies have drawn up the rates for purchasing electricity from private organizations, and as far as the FiT level is concerned, the Government and the two power companies have also reached an agreement. May I ask whether this is true? The Administration expects to announce the details by 2018, but exactly when will the announcement be announced—the beginning, the middle or the end of the year? Furthermore, may I ask how the distributed RE connection arrangements can be facilitated and improved?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr WONG for the supplementary question. I will answer the latter part first. I believe we all hope that more communities will support clean energy power generation. For that reason, in respect of technological arrangements and the entry threshold, we will encourage power companies to assist local communities as far as possible in facilitating the feeding-in of green electricity into the power grids. This is what we will keep on doing.

As for the details of FiT rates, I have mentioned in the main reply that since we still have a year and a half before the new SCAs come into effect, we should make the optimal use of this period of about one year. The Government will ponder on the matter internally and we will also encourage consideration and discussion by the two power companies. Our goal is to provide greater, appropriate and adequate incentives to allow different systems, including those utilizing the rooftops of low-rise buildings in local communities, to make the best use of this opportunity when the FiT scheme is launched.

Moreover, the incentive of the current rate of \$1 per unit may not be too great, because it may take a few decades for the investment to record any gains. However, if we can offer a more favourable FiT rate and appropriate duration, then the financial incentive can be enhanced for the public to participate in the scheme. For that reason, I believe the process of discussion by the Government, the two power companies and relevant stakeholders, including Legislative Council Members, on such details will take about one year. As this process will take some time, we do not have a final decision for the time being.

MR JEFFREY LAM (in Cantonese): *President, the Business and Professionals Alliance for Hong Kong has all along been supporting a broader use of RE. Nevertheless, we also learn that the conditions for the development of RE in Hong Kong are somewhat different from those in other places. Of course, while money is a factor, there are also other factors, including the fact that the installation of solar panels requires a lot of space. Besides, given the large number of high-rise buildings in Hong Kong, we also have to consider some factors like insolation. Moreover, we should also factor in the limitations imposed by the legislation concerning buildings and electricity supply.*

Secretary, according to part (3) of the main reply, customers would rely on power companies' advice, which is actually a rather passive approach. Will the Government consider the provision of more specific policy support, such as renewing the laws and regulations, or even taking the initiative to contact private property owners and see if they are willing to install RE facilities?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr LAM for his supplementary question.

In terms of policy, we will adopt a multi-pronged approach. On the one hand, through the new SCAs with the two power companies and from the perspectives of technology and financial incentives, we will try to attract all parties concerned to take part in such initiatives. Of course, I also agree to what Mr LAM has said: objectively, Hong Kong is facing greater space constraints. Therefore, when talking about the proportion that Hong Kong can achieve, our difficulties or challenges are rather obvious when compared with other large regions with abundant resources.

As for tackling climate change, I think we should reinforce our efforts in this aspect in order to tie in with the Paris Agreement. Therefore, on the one hand, we encourage the two power companies to introduce such initiatives, and on the other, our government departments, including EMSD, will cooperate and provide the relevant support in due course, in particular the work concerning technical support or promotion.

Overall speaking, according to overseas experience, financial incentive is still highly important. If we only provide normal tariff concessions to users of solar energy, their payback period will be rather long. Hence, FiT is precisely the key to break through the bottleneck and is also our key point.

MR PAUL TSE (in Cantonese): *President, the main reply, in particular Annex 1, shows that only those installations connected to the public power grids are counted, and the number of systems involved are 31 and 19 respectively. In other words, other installations not connected to the public power grids can only save electricity but without having the electricity fed into the usual power grids. In that case, has the electricity fed into the public power grids by the users of the*

31 and 19 systems not been counted all along during the time when such installations are interconnected with the public grids, and hence the users cannot get the financial benefits due to them?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I wish to thank Mr TSE for his supplementary question.

As the FiT scheme has yet to be launched, the electricity generated by them is only meant for self-consumption. In other words, the amount of electricity generated by them will be deducted from the total power consumption indicated on the electricity meter. That is to say, the effectiveness may not be that much. For example, if they have generated 1 unit of electricity by themselves and the total power consumption is 10 units, then the meter will only register the tariff for 9 units of electricity.

However, Members should understand that the cost of clean energy power generation in our community is very high. That is why foreign countries will encourage adopting the FiT approach. It is because there will be a multi-fold increase in the tariff for each unit of clean electricity being generated. But if a smart meter is used to record the electricity being generated, then the ratio of power being generated will not be 1:1. Instead, a more concessionary tariff will be provided. This will provide a greater incentive as people can save money on their electricity bills, and will also be more cost-effective.

However, if we are going to do this, we need to put a system in place. Currently, we may not be able to provide the biggest financial incentive. But when the new SCAs come into effect, we can expect to obtain the biggest economic drive and expand the community facilities on solar energy and so on by combining the use of smart electricity meters and putting in place a FiT system.

MR KENNETH LEUNG (in Cantonese): *President, part (3) of the Secretary's main reply says that power companies would provide advice to customers interested in installing the distributed RE systems on the technical aspects of the grid connection. However, my personal experience is that users usually do not know where to find a contractor or access the relevant information.*

First, I think the publicity work of the Government in this area is not adequate. Second, as the Government already intends to introduce the FiT scheme, may I ask whether it will publish a list of qualified technical contractors or consultants for grid connection works via EMSD? Will the Government do that in future?

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I wish to thank Mr LEUNG for raising his follow-up question.

We will ponder on Mr LEUNG's recommendation in a positive way. At the present stage, the demand in the market in this respect may not be that huge and such systems are only adopted in large projects. Nonetheless, following the implementation of the FiT scheme, institutions on various scales or different individuals may take the opportunity to raise such aspirations. For that reason, we will look into the possibility of issuing a list of contractors with specific experience in this area as Mr LEUNG said just now, so as to facilitate easy public access in a one-stop service model. In order to achieve similar effect, we will figure out the approach of implementation, whether it will be done by the Government or by the two power companies. We will maintain an open attitude in this regard.

MR CHU HOI-DICK (in Cantonese): *President, in regard to New Territories exempted houses ("NTEHs"), they will probably become a key point for the development of solar energy installations. I can see that the Buildings Department ("BD") has put in place an arrangement for installing small-scale green and amenity facilities in NTEHs, in which solar energy heaters or solar energy equipment are included. May I ask the Secretary whether any specific amendments will be proposed to the relevant legislation concerning NTEHs during the discussion of FiT, so as to explore the possibility of, for instance, a comprehensive utilization of solar energy installations in a 700 sq ft village house? Will the Government put in place any policies or legislation to go with the proposed scheme?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, I thank Mr CHU for raising his supplementary question. At present, under the existing policy of BD, apart from village houses or small houses in the New Territories, similar guidelines are also provided to relevant personnel in charge of some

small-scale projects, including the installation of solar panels in the community, in urban areas as reference. Therefore, the policy is not only taking care of small houses in the New Territories, but is also providing territorial-wide support.

Of course, we understand that some specified green and amenity facilities, whether they currently exist in village houses or to be installed in such houses in compliance with the relevant terms and conditions in future, including solar energy heater or solar energy equipment, can be allowed to stay or be installed at any time in future without seeking the permission from the Lands Department or BD, provided that the village house is a NTEH exempted under the Buildings Ordinance (Application to the New Territories) Ordinance. To enhance public understanding and application of RE technologies, EMSD has also provided the relevant information on its website.

Furthermore, Mr CHU asked if we would take this opportunity to review the current practice for further possible improvement. The Government has set up the Steering Committee on the Promotion of Green Building which is chaired by me. We will look into how the relevant policies can support the launching of more EP projects at various government buildings and buildings in the community in due course. We will conduct a timely review.

MR PAUL TSE (in Cantonese): *President, I unequivocally support the tax concession introduced in 2008 and the new SCAs in 2018. But I wish to seek clarification of one thing in the Secretary's main reply. In regard to the electricity generated from those unilateral REPG installations which are not interconnected with the public power grids, has it not been given any concession at all by the Government in the past, or besides reducing the units of electricity consumed, there was no benefit at all? There are also some users who generate their own electricity and feed the green energy into the power grids. Although their systems have been interconnected with the public power grids, they received no extra concession from the Government in the past, but will only be provided with further concession under the new SCAs. Is my understanding correct?*

SECRETARY FOR THE ENVIRONMENT (in Cantonese): President, the simple answer is that under the present concession, for every unit of electricity generated, these users can have the tariff of a unit of electricity reduced. It is just that simple. When compared with other major cities, this concession is considered inadequate to support a large-scale REPG in the community.

Therefore, the FiT scheme is a solid concessionary change. My reply to Mr TSE is that the current concession is rather rudimentary. In future, we will elevate the incentive so that REPG will be better used on a wider scale.

PRESIDENT (in Cantonese): Third question.

Studies on two sites on the periphery of country parks

3. **MS TANYA CHAN** (in Cantonese): *On 17 May this year, the Government announced that it had invited the Hong Kong Housing Society ("HKHS") to undertake technical and ecological studies, including the potential for developing public housing and elderly homes, in respect of two sites located on the periphery of Tai Lam Country Park and Ma On Shan Country Park respectively. In reply to my written question on 28 June, the authorities indicated that the Government had not taken part in the specific work to take forward the studies, and hence had no information on the exact locations and areas of the sites selected for the studies nor the considerations in site selection. In this connection, will the Government inform this Council:*

- (1) *whether the two decisions, namely to conduct the aforesaid studies and to select the two aforesaid sites as the pilot sites for the studies, were made by the Government or HKHS; whether the Government can make public the entire process of the studies from idea development to implementation, as well as the relevant correspondence between the Government and HKHS and other documents; if such information cannot be made public, of the reasons for that; and*
- (2) *as the Chief Executive indicated in her election manifesto that she would establish a dedicated task force to conduct a comprehensive and macro review of Hong Kong's land supply options, of the latest progress of and the work schedule for the establishment of the task force by the Government; whether the Government will, in the light of the imminent commencement of work of the task force, request HKHS to withhold or even call off the conduct of the aforesaid studies; if not, of the reasons for that?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, as the Chief Executive mentioned in her election manifesto, we must find more land to tackle the housing problem faced by many Hong Kong people. In fact, apart from housing, we need sufficient land to accommodate the government and community facilities, open space, public space, and so on. The fact is, land use planning and development in Hong Kong, particularly large-scale projects, often take over a decade to complete. We cannot afford to just pursue one single option to develop land, but take a multi-pronged approach and be prepared to explore various possibilities. Our past experiences also suggest that land use planning and development require sustained efforts, in addition to foresight and an open mind, to prepare for the future.

My specific responses to the two-part question by Ms Tanya CHAN are as follows:

- (1) In paragraph 117 of the 2017 Policy Address, the then Chief Executive stated that while increasing the total area of ecological conservation sites and country parks and enhancing their recreational and educational values, the community should also consider allocating a small proportion of land on the periphery of country parks with relatively low ecological and public enjoyment value for purposes other than real estate development, such as public housing and non-profit-making elderly homes. To follow up on this suggestion, the last-term Government invited the Hong Kong Housing Society ("HKHS") in May this year to undertake the ecological and technical studies on land on the periphery of country parks. The invitation has set out the purpose of these studies, that is, to provide objective analyses and enable rational deliberations by the community. The invitation also stated that the studies will be undertaken by HKHS at its own costs, and that the studies would cover two areas in Tai Lam and Shui Chuen O which fall within or lie close to Tai Lam Country Park and Ma On Shan Country Park respectively.

HKHS's studies will mainly look into the two areas' ecological, landscape and aesthetic values; recreational and development potentials; and the major technical factors and practical constraints of developing public housing and other public facilities thereon. When making the invitation, the Government also made clear that

the relevant statutory provisions, including those relating to country parks, town planning and environmental impact assessment, are still applicable. In addition, should the Government decide to proceed with the development of these sites, the possible role of HKHS would be subject to further discussion between the Government and HKHS.

Experienced in the development of subsidized and elderly housing, HKHS has long been an important partner of the Government in housing development, and has carried out studies on experimental initiatives relating to housing and other social welfare facilities in the past. As regards the studies on land on the periphery of country parks, the aforesaid two areas were agreed as the study area, mainly in consideration of the basic transport network and infrastructure facilities in these areas, and the existence of different types of housing in the vicinity. Since the studies are to be carried out by HKHS at its own costs, the Government has not taken part in HKHS's specific work on taking forward the studies.

- (2) On developing land, we need the collective wisdom of the society, and in the process make compromises and involve give-and-take, in order to reach consensus on the solution in the best interest of the society. We are making active preparation to set up a dedicated task force, as proposed in the Chief Executive's manifesto, to take a macro review of our land supply options.

The task force will be chaired by a non-official, with members coming mainly from the professions including planning, engineering, architectural and environmental disciplines, as well as stakeholders at district level. The Development Bureau will provide secretariat support to the task force. We are preparing for the establishment of the task force in full swing, and will report progress to the public in due course.

The current-term Government welcomes HKHS's studies. Indeed, the two sites under study cover just about 40 hectares of land, which account for less than 0.1% of some 40 000 hectares of country parks across the territory. The Secretary for Environment is also incorporating more land of high ecological value into country park

area. We trust that the studies could complement the work of the task force, and facilitate public discussion, in a more comprehensive and rational manner, on whether land on the periphery of country parks could be one of the many options under our land supply strategy. Hence, there is no need to halt or shelve HKHS's studies.

President, land shortage has been plaguing Hong Kong in recent years. I earnestly hope that all sectors of the community can put aside differences and consider with inclusiveness every possibility of creating land to make Hong Kong a better place.

MS TANYA CHAN (in Cantonese): *President, anyone who has listened to my question and the Government's reply on part (1) of the main question will realize that the Secretary has obviously and completely failed to answer my question, since I ask for a disclosure of the entire process, but he only points out that both sides agreed after discussions that studies would be undertaken on the two sites.*

But what I want to pursue today is a very important question on the whole process, and I hope the new Secretary can give an answer. According to a paper and an announcement issued by an anonymous spokesperson for the Government at 5:15 pm on 17 May, the following elements alone can already constitute a procurement contract: first, an offer; second, a promise by HKHS to accept the Government's offer; third, a very clear intention of discussing with HKHS its possible role and involvement in the development of the sites concerned upon completion of the report of the studies; fourthly, the presence of consideration, which is a very important part ...

PRESIDENT (in Cantonese): Ms Tanya CHAN, you need not discuss the announcement.

MS TANYA CHAN (in Cantonese): *President, I am not discussing the announcement.*

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

MS TANYA CHAN (in Cantonese): *President, you do not know the content of the announcement, so you should not criticize me for talking about it. I am raising my supplementary question now, and I need to elaborate and tell the Secretary fairly what elements of a procurement contract I am actually talking about.*

Following the reasoning of the announcement, we may say that the "consideration" (that is, the thing given in exchange for the promise) in this case is the Government's readiness to provide HKHS with the relevant technical data and other information. But the Secretary says nothing about this in his main reply today. This can be very sensitive because some very valuable information may be involved. I think Members should still remember in the previous case of Ove Arup & Partners Hong Kong Limited. The whole thing may well involve certain restricted information. These are the elements which constitute a procurement contract.

Under the Government's Guide to Procurement, this case may involve single-tender procurement, because the whole thing is handed over directly to HKHS. What is more, the Guide to Procurement also sets out some special requirements which must be satisfied before a service contractor, a representative or a unit can be commissioned to undertake a study by means of a single tender. I would therefore like to ask the Secretary whether he can confirm that the arrangements adopted in this case are in strict compliance with the requirements set out in the relevant procurement guidelines of the Government and the World Trade Organization?

SECRETARY FOR DEVELOPMENT (in Cantonese): *President, I thank Ms Tanya CHAN for her supplementary question. The Government does not consider this a procurement contract, because as we have already made very clear, the Government only extended an invitation to HKHS, and HKHS in response agreed to undertake the studies at its own costs, with the Government providing only statistical assistance. In fact, the Government's practice of inviting other organizations to undertake certain studies is nothing new.*

For example, sometime earlier, the Government also invited the Hong Kong Trade Development Council to study other possible uses of the land occupied by the Wan Chai Sports Ground. Here, I wish to explain clearly to Ms CHAN one very important thing in such cases. Such invitations all have no

strings attached. What does the main reply really mean? Has the Government promised that HKHS will definitely have a role to play if the findings of the study show, for example, that the idea is feasible and the Government can take a step further? The answer is no. Therefore, if the feasibility of going ahead is ascertained in the future, further discussion must be held when necessary. Hence, in the Government's opinion, this is not a procurement contract.

MR YIU SI-WING (in Cantonese): *President, the obvious shortage of land in Hong Kong for the provision of housing, community facilities and open space is both a fact and a pressing problem. The Government is duty-bound to develop land with a view to solving the problem. Secretary, over the years, has the Government ever explored the construction, or actually undertaken the building, of housing units or elderly homes on the periphery of country parks? If yes, roughly how much land has been used? Will the Government continue to undertake the relevant studies in the future?*

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr YIU for his supplementary question. As far as I know, before this present invitation was put forward, the Government never made any formal proposal on exploring the use of land on the periphery of country parks for constructing public housing or elderly housing.

The conduct of such a study was formally put forward for the very first time in a government press release in May this year. It was announced that HKHS would undertake a relevant study. According to the information at hand, the study will cover a total land area of roughly 40 hectares, which is just less than 0.1% of the 40 000 hectares or so of country parks across the territory. As for whether there was any precedent, the answer is no.

PRESIDENT (in Cantonese): Mr Abraham SHEK, please speak.

(Mr YIU Si-wing indicated that his supplementary question had not been answered)

PRESIDENT (in Cantonese): Mr YIU Si-wing, which part of your supplementary question has not been answered?

MR YIU SI-WING (in Cantonese): *Will the Government continue to undertake related studies in the future?*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): President, it is really difficult to predict what will happen in the future. As for the study this time, we estimate that it may take two years before HKHS can complete its study on the two sites. And, as I have explained clearly, even if the study yields positive findings and the Government decides to proceed with the development of the two sites for constructing public housing or elderly housing, we must still follow all the required statutory procedures. These include town planning procedures, environmental impact assessments, procedures relating to the handling of country park land. We believe that the whole process will take one year to two years to complete.

Therefore, as Members can see, the Government actually needs lots of time in its efforts to work out land development options that are in the interest of the majority people in Hong Kong. I think it is now too early to say whether any further studies will be conducted after completing the study on these two sites.

MR ABRAHAM SHEK (in Cantonese): *President, several thousand elderly people pass away while waiting for residential care places in Hong Kong every year, and 290 000 households are waiting for public housing allocation. Hence, under such circumstances, I agree that the Government is duty-bound to identify more land for housing production. Using land on the periphery of country parks is an option which can be considered.*

Since the Government has come up with such a good idea of inviting HKHS to undertake the required studies, can I ask whether the Government has drawn up a timetable and road map for implementing the proposal, and how it will take forward the suggestion? Will more housing be provided in the vicinity of the two sites under study?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr SHEK for expressing his agreement to our approach. On the question of a concrete timetable, as I pointed out in my reply to the supplementary question asked by Mr YIU Si-wing just now, HKHS will probably take one and a half years or two years to complete the study on the two sites. Suppose the study yields positive findings and the Government decides to proceed after consideration, it must still follow all the required steps such as town planning procedures, environmental impact assessments and procedures on handling country park land. I think all these procedures will take another two to three years to complete. After completing all these procedures, such as the town planning procedure of altering land uses, the Government must still seek approval and funding from the Legislative Council if it really wants to develop these two sites. The reason is that while the sites are available, they have not yet undergone any land formation, and they are not equipped with any transport infrastructure facilities.

Therefore, it may take four, five or even six years to achieve some concrete progress in developing these two sites alone. This is a hurdle in land development in Hong Kong, and this is also the reality. Hence, it is now too early to say whether more land on the periphery of country parks will be made available for housing production.

PRESIDENT (in Cantonese): Mr LAU Kwok-fan, please speak.

(Mr Abraham SHEK indicated that his supplementary question had not been answered)

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

MR ABRAHAM SHEK (in Cantonese): *President, I thank the Secretary for his reply. However, as several thousand elderly people pass away while waiting for residential care places every year, if it must take 10 years, 40 000 elderly people will not have any chance to live in residential care homes for the elderly before their death. I hope the Secretary will handle this case as a special case ...*

PRESIDENT (in Cantonese): Mr SHEK, please point out which part of your supplementary question has not been answered.

MR ABRAHAM SHEK (in Cantonese): ... *and tackle this problem as soon as possible.*

PRESIDENT (in Cantonese): Mr SHEK, please sit down. Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the Government shares Mr SHEK's concern and worry. We are terribly sorry that owing to the acute shortage of land in Hong Kong, it is impossible to provide many welfare and elderly facilities.

We are prepared to consider different options when proceeding with our work in this regard, but as I said just now, we must adhere to certain basic principles. For example, in course of land development, we must act appropriately under the established procedures, including town planning procedures and environmental impact assessments, so as to ensure that both the planning and environmental impact of the project can meet the standards and requirements of Hong Kong society. This is a principle which we must follow.

Hence, as I say in the main reply, the authorities will set up a task force to discuss the issue, and we will definitely invite the public to give their views. We hope the discussions can come up with creative and innovative ideas that can meet Hong Kong's land demand more quickly and provide more sources of land supply. However, I must point out that when seeking answers to the question, we must still uphold the values of Hong Kong regarding environmental protection and town planning.

MR LAU KWOK-FAN (in Cantonese): *President, I can appreciate why the Development Bureau proposes to explore the development of land on the periphery of country parks. Honestly, we can all see that the housing problem is now very serious. Even the Government finds it necessary to provide "habitable subdivided units", and this shows the urgency of housing development in Hong Kong. The development of country park land for housing construction is*

naturally a highly contentious issue. As we now face a very difficult choice between environmental protection and housing development, I think the Government should disclose all relevant data and study findings, so as to facilitate public discussions on how a choice should be made.

But I want to point out that when the incumbent Chief Executive was the Secretary for Development in 2011, she herself already led a massive public consultation exercise on Enhancing Land Supply Strategy. At that time, the pros and cons of various land supply options were set out to enable society to make a choice. The Government now proposes to set up a task force to conduct studies and consultation on similar issues once again. Secretary, speaking of the new studies and consultation, in what ways will they be different the public consultation on Enhancing Land Supply Strategy back in 2011? The Government wants to conduct consultation over and over again. Will this make people think that it is indecisive, so housing supply in Hong Kong has failed to meet people's housing demand? I hope the Secretary can reply to this question.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr LAU for his supplementary question. It has been six years since 2011. I believe that while our society could already see the land shortage in Hong Kong back in 2011, the problem should have turned even more conspicuous today after six years. Social opinions and consensus must always keep abreast of the times, so in 2017, we cannot possibly stick to the discussions in 2011 as our basis.

As for the terms of reference of the proposed task force, its work and initiatives, I can only say a few simple words on its composition today, because I do not want to disclose the relevant information in a fragmented manner. We will provide the public with a consolidated brief after the task force has been set up and when its detailed work arrangements are available.

PRESIDENT (in Cantonese): Mr LAU Kwok-fan, which part of your supplementary question has not been answered?

MR LAU KWOK-FAN (in Cantonese): *Is the proposed task force just a small team set up within the Government?*

PRESIDENT (in Cantonese): Mr LAU, this question is not related to your supplementary question.

MR LAU KWOK-FAN (in Cantonese): *What differences are there between the work to be carried out by the proposed task force and the consultation conducted on the last occasion?*

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

SECRETARY FOR DEVELOPMENT (in Cantonese): President, the task force will comprise a non-official chairman and members from various professional sectors (including the disciplines of planning, environmental protection, architecture and engineering) and people from the districts. Therefore, the task force will mainly comprise non-officials rather than officials. I think when carrying out its work, the task force will not come up with many proposals through its own discussions, but will appropriately engage the entire society in conducting its review.

PRESIDENT (in Cantonese): Fourth question.

Anti-competition practices of some Internet search-engine service providers

4. **MR PAUL TSE** (in Cantonese): *President, at the end of last month, the European Union ("EU") ruled that Google Inc. had manipulated Internet search results by giving the highest priority placement to its price comparison shopping service, abusing its market dominance in the Internet search-engine market and breaching EU's antitrust rules. Google Inc. was required to end such conduct within 90 days and to pay a fine of 2.42 billion euros. On the other hand, the findings of a survey have indicated that last year, Google Inc. had a market share of nearly 80% in Internet search-engine service in Hong Kong, occupying a dominant position. In this connection, will the Government inform this Council:*

- (1) *whether it knows if the Competition Commission ("the Commission") has made reference to the aforesaid case and investigated whether Google Inc. has engaged in anti-competition practices of the same*

kind in Hong Kong and whether the company has breached the Competition Ordinance; if the Commission has investigated, of the details and outcome; if not, the reasons for that;

- (2) *whether, in the light of the aforesaid ruling by EU, the authorities have studied the implementation of measures to ensure that Hong Kong's Internet users will not be misled by manipulated search results when using Internet search-engine service; and*
- (3) *given that commercial organizations may make their advertisements appear nearer the top of the Internet search results by paying huge amounts of advertising fees, that such advertisements are often displayed in a format similar to that of search results making it difficult for Internet users to distinguish between the two, and that there is currently no legislation requiring Internet search-engine service providers to provide clear indications on advertisements, quite a number of Internet users have therefore mistakenly thought that the listing of products or services nearer the top shows that such products or services are "better" or "more popular", whether the Government will request the Commission to study if any measure should be taken to ensure that search results will not mislead local customers, so as to protect the rights and interests of consumers?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Member for the question. My reply to the three parts of the question is as follows:

- (1) Established under the Competition Ordinance, the Competition Commission ("the Commission") is an independent statutory body which enforces the Ordinance.

The First Conduct Rule of the Competition Ordinance prohibits agreements, decisions and concerted practices among businesses which have the object or effect of harming competition in Hong Kong. Cartel conduct, which includes agreement between competitors to fix prices, share markets, rig bids or restrict output, constitutes serious anti-competitive conduct under the Competition Ordinance.

According to the Second Conduct Rule of the Competition Ordinance, businesses with a substantial degree of market power are prohibited from abusing that power to harm competition. Conduct which may contravene the Second Conduct Rule includes predatory pricing, anti-competitive tying and bundling, etc.

Pursuant to the Competition Ordinance, the Commission may only conduct an investigation if it has reasonable cause to suspect that a contravention of a competition rule has taken place, is taking place or is about to take place. The Commission will determine whether or not to pursue a case having regard to its Guideline on Investigations and Enforcement Policy. For effective investigations and to protect the interests of all persons involved, the Commission will generally not comment on whether a case is being or will be investigated.

The Commission maintains liaison and exchanges with competition authorities in other jurisdictions. On the Google Inc. case, the Commission indicated that it is aware of the European Commission's recent decision and the response of Google Inc., as well as the development of the relevant issue in other jurisdictions. The Commission will keep abreast of the development, and continue to monitor the situation in Hong Kong with a view to promoting competition for enhancing the long term benefit of the community.

- (2) Different jurisdictions hold different views on whether Google Inc. has wrongfully manipulated its search results. Regarding the decision of the European Commission, we note that Google Inc. has expressed disagreement and would consider an appeal. We also note that subsequent to a comprehensive investigation, the United States Federal Trade Commission ("USFTC") considered that there was insufficient evidence that Google Inc. had manipulated its search results to unfairly disadvantage its competitors or violated the relevant laws. It therefore decided to close its investigation into anticompetitive conduct by Google Inc. Nevertheless, there have recently been calls for USFTC to re-examine the case concerning Google Inc.

As seen from the above, the matter is complicated and there is no consistent view across jurisdictions. As I have said in my reply to part (1) of the main question, the Commission is an independent statutory body which enforces the Competition Ordinance, and it will continue to liaise with other competition authorities, closely monitor the development of the Google Inc. case and continue to monitor the situation in Hong Kong.

- (3) The sequence of results displayed by Internet search-engines is determined by certain underlying algorithms, for example the number of backlinks to a website. Displaying advertisements alongside search results may not constitute misleading conduct on the part of the service providers of Internet search-engines. From what we observed on the Internet, links to paid advertisements are labelled as advertisement when search results are displayed on major Internet search-engines.

On consumer protection, the Consumer Council ("the Council") offers consumption and related information to consumers, and acts as a conciliator in an effort to bring settlement to the dispute between traders and consumers. The Council has all along been promoting the importance of smart consumption to consumers, including reminding them to pay attention to details such as the terms of services when making online purchases. A good number of articles have been featured in the *CHOICE Magazine* in recent years to provide tips to consumers for purchasing various products online. The Council also gives recommendations to enterprises, encouraging them to strictly comply with the law, adopt good practices and enhance customer services.

MR PAUL TSE (in Cantonese): *President, I do not quite understand what algorithms are. My simple reasoning is that if a waterproofing engineering company which frequently places advertisements can always appear in the top positions of Internet search results, consumers may be misled.*

President, some companies have been fined for indirect advertising in television programmes; newspapers must clearly specify advertisements as such or state that the advertisement contents are provided by suppliers. In this way,

readers can at least be alerted that they are reading an advertisement, not any news information. But there is no such control whatsoever in the cyber world. There are cases to support what I say. As an expert in this area, does the Secretary think that he should take precautionary actions? USFTC has closed its investigation into Google Inc., and I believe we know whom the European Union believes. Can Hong Kong take a more neutral stance and take proactive measures in this regard?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr TSE for his supplementary question. The extensive use of communication technology, the Internet, cloud computing, big data, online payment and other mobile devices has prompted many people to move their business activities online. At present, laws protecting consumers' rights, including Trade Descriptions Ordinance, Consumer Goods Safety Ordinance and Toys and Children's Products Safety Ordinance, are applicable to both online and physical stores. Hence, the Government will continue to closely monitor the development of online business activities, so as to ensure that consumers' rights are protected.

MR MARTIN LIAO (in Cantonese): *President, technological advances not only make people's daily lives more convenient but also pose a potential risk of technology enterprises abusing their market share and power. According to an analysis done by the technological industry, voice assistants, such as Amazon's Alexa, Apple's Siri and Google's Google Assistant, will ultimately replace search engines. And the competition authority of the European Union also plans to conduct a study and investigation on voice assistant services. May I ask the Government, how we can keep abreast of the times and monitor the emerging technology services when promoting innovative technologies, so that we can strike a sensible balance between consumer rights protection (including their privacy) and technology development?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Mr LIAO for his supplementary question. Actually, it is very difficult for us to ascertain the speed and dimensions of how Internet activities will develop. This is quite a challenging subject. One point raised in a recent motion debate is that we may need to amend certain ordinances

if we are to strike a sound balance between innovation and monitoring. This is a task we must do and will affect our development as a smart city in the future. In this regard, we can only say that we must accept and tolerate others' views and provide any relevant information as much as possible. The Competition Commission is one of the statutory bodies which closely monitors this issue, and it will take actions when appropriate. But I think that before any regulation is imposed, we must first ensure the dissemination of information, so as to let consumers know the choices and protection they have and the things they need to note. The Consumer Council plays a very important role here. Hence, I cannot give a simplistic and all-encompassing reply to the Honourable Member's supplementary question. I can only say that we will listen to Members' views on different matters, discuss with other Policy Bureaux, and strike a balance at different levels and areas.

MR CHARLES PETER MOK (in Cantonese): *President, I thought the Secretary for Commerce and Economic Development would answer this question. But it turns out the Secretary for Innovation and Technology is doing so, and this is actually better. First of all, I must praise the Government for the pertinence of the main reply. The main reply first explains to Members the kinds of acts the Competition Ordinance in Hong Kong covers and focuses on. Then, it goes on to point out that different jurisdictions actually look at such cases differently.*

The targets of competition and antitrust laws should be bid-rigging and monopolistic activities, rather than products or services that are competitive and selling well. Otherwise, these laws will become protectionist measures. Many academics point out that the measures against anti-competitive acts in the United States seek mainly to protect consumers, and the industrial policies of Europe are likewise protectionist in nature, but targeting mainly on imported products and services.

I must point out that the European Union decision is actually about online shopping activities, rather than Internet search results. The Honourable Member says in the main question that Google Inc. has a large market share in the Internet search-engine service in Hong Kong. But this does not mean that there are any competition issues in online shopping in Hong Kong. Hence, we cannot mete out punishment just because European Union has done so.

Here is my supplementary question. Is the online shopping market in Hong Kong monopolized? Google Inc. indeed has a larger share in the local online shopping market, but even so, can the Secretary, the Government or the Competition Commission notice any sign of monopoly in the local online shopping market that warrants the Competition Commission's investigation? We should not confuse Internet search results with online shopping activities.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr MOK for his supplementary question. His clarification is very helpful indeed. We know that many consumers in Hong Kong are very smart. Speaking of online shopping, I think we have many choices apart from Google (I for one also think that it is not the biggest market player). We have Taobao and Jingdong, and we may even use OpenRice when we are choosing dining venues. I must say that there should be no monopoly in the local online shopping market, because Hong Kong is a place with a dense and highly concentrated population, and information can thus spread quickly. Besides, we have many choices. Apart from shopping online, we may also go to physical shops. Hence, personally, I do not see any sign of monopoly at the moment.

MR PAUL TSE (in Cantonese): *President, although I do not belong to Mr Charles Peter MOK's professional sector, I still know the difference between the two. Internet search engines are one thing, and Internet shopping platforms are another. They are related but not the same. Even if Members are as stupid as I am, they should still notice many Google advertisements of its own products when they open the Google search engine. This is precisely about the question I ask in part (1) of my main question, and about the decision of the European Union. And a related problem is online shopping. My concern is that stupid people like me who browse the websites may mistake all such advertisements for ordinary information, when they are in fact Google and Yahoo advertisements of their own products. Google and Yahoo respectively have an 80%-odd and 10%-odd market share. They almost control the market. In such a situation, does the Secretary think that we should take certain precautionary measures and carry out appropriate investigation regarding these two related yet separate issues—the European Union decision and online shopping—so as to assist Hong Kong consumers in grasping the related problems?*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr TSE for his supplementary question. As I have just said, the Competition Commission will receive and collate complaints about anti-competitive acts. Our attitude towards this issue is totally open. If the Competition Commission finds a complaint substantiated and its investigation can establish the existence of such acts, it will take follow-up actions. I have very great confidence in the Competition Commission in this regard. We should respect its independence. In brief, I believe that the Competition Commission will take actions.

Also, as I have just said, the ultimate aim of Consumer Council is to protect consumers. It has conducted different publicity programmes about online spending. I am talking not only about online shopping but also about all types of online spending. The aim is to encourage the public to check all information and beware of the terms of services when they make online spending. Consumers can seek help from the Consumer Council if necessary. I believe the Consumer Council has handled many such cases before. I think that there are now sufficient laws and means in Hong Kong for handling this matter. I must also stress that the Competition Ordinance, which fully commenced only in 2015, is still at its early stage of enforcement. We will closely monitor the implementation of the Ordinance and introduce suitable improvement in the long run.

MR CHARLES PETER MOK (in Cantonese): *President, I am fortunate to have this chance of sharing my experience with Mr Paul TSE. My understanding of this European Union case is that the Google search results were linked mostly to Amazon, which is actually Google's rival, rather than any websites selling Google's own products. That is why many people think that this European Union decision actually aims to pick on American enterprises, rather than truly protecting consumers.*

Here is my supplementary question. We often say that we must lift all restrictions if we truly want to develop innovation and technology in Hong Kong. If Hong Kong is to adopt this protectionist regulatory mindset of the European Union, it will definitely fail to do well, because academics in many countries, especially Britain, do not think much of this mindset. In fact, the growth of innovation and technology in Europe is slower than that in the United States and China. Some people even say that this is why Britain wants Brexit. Secretary,

in your opinion, which regulatory model should Hong Kong's competition law follow? Should we follow the protectionist model of Europe? Whom does this model seek to protect?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I think Hong Kong should have its own model because Hong Kong is not the same as others. The education levels of Hong Kong people are high and our market is very open. We all know that Hong Kong has topped the global competitiveness list for years. I do not think we need to follow other countries in this regard, but we must monitor how other countries handle these matters, lest we may adopt a wrong model for Hong Kong. I think this is the most important point.

Mr MOK is right in saying that when we try to lift restrictions or amend the law, we must carefully weigh the interests of all stakeholders in Hong Kong and strike a proper balance before we can achieve the aim. We are doing our best to accomplish this aim. We have learnt a lot from a recent motion debate, so we hope that we can be more proactive in this regard.

MR PAUL TSE (in Cantonese): *President, the protectionism described by Mr Charles Peter MOK is always about protecting certain interests of the industry, disregarding which places he refers to, the United States or Europe. But the protectionism I mention is about protecting the interests of Hong Kong consumers. Hong Kong has its own system in this regard. But as I have just said, local newspapers and television broadcasters all carry prominent reminders to alert consumers that something is an advertisement. In contrast, this is not the case with Internet search engine results or screen pictures. This is my concern. I want to protect local consumers. Secretary, can you say once again what measures can be taken? Don't shift the responsibility to the Competition Commission.*

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Mr TSE for his supplementary question. There are many ordinances in Hong Kong that protect online spending and I have named a few just now. Apart from the Competition Commission, there is the Consumer Council. If the Honourable Member thinks that these are insufficient, I believe

we will have to think about whether there is any other better means. Mr TSE's main concern is to protect local consumers, which I agree. This is very important. The Consumer Council performs the main role in this respect. We will discuss with the Consumer Council to see if there are any other better means that can give consumers the protection they are entitled to when they make online spending in Hong Kong.

PRESIDENT (in Cantonese): Fifth question.

Chinese medicine hospital proposed to be built in Tseung Kwan O

5. **MRS REGINA IP** (in Cantonese): *President, the Chief Executive of the last term announced in the 2014 Policy Address that a site in Tseung Kwan O had been reserved for the development of a Chinese medicine hospital, which will be operated on a self-financing basis under the integrated Chinese-Western medicine service model. He further stated in this year's Policy Address that the Government had decided to finance the construction of the hospital and invite the Hospital Authority ("HA") to assist in identifying a suitable non-profit-making organization by tender to take forward the project and operate the hospital. In this connection, will the Government inform this Council:*

- (1) *whether it has formulated the details of the integrated Chinese-Western medicine service model to be adopted by the Chinese medicine hospital; if so, of the details (including the specific division of labour between the Chinese and Western medicine practitioners as well as their respective responsibilities and authority); if not, when the Government plans to announce such details;*
- (2) *whether it knows the criteria to be adopted by HA for selecting a non-profit-making organization to operate the Chinese medicine hospital; whether the Government and HA will, in future, provide assistance to the non-profit-making organization which has successfully bid for the project in taking forward the project and operating the Chinese medicine hospital; if so, of the details; and*

- (3) *in order to tie in with the long-term development of the Chinese medicine hospital, whether the Government will create a supernumerary directorate post dedicated to planning, coordinating, promoting and overseeing the development of the Chinese medicine hospital?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the Government has all along been committed to promoting the development of Chinese medicine in Hong Kong. To this end, the Government established the Chinese Medicine Development Committee ("CMDC") in 2013 to explore the long-term development needs of the Chinese medicine sector so as to facilitate Chinese medicine to play a more active role in public health.

Among others, the Government announced in the 2014 Policy Address its decision to reserve a site in Tseung Kwan O, originally earmarked for private hospital development, to set up a Chinese medicine hospital. In the same year, the Government invited Hospital Authority ("HA") to launch the Integrated Chinese-Western Medicine ("ICWM") Pilot Programme to explore the feasible clinical framework and gain experience for the provision of Chinese medicine inpatient services and the development of the Chinese medicine hospital. All along, the Government has been working closely with CMDC to study the mode of development for the Chinese medicine hospital which is suitable for Hong Kong.

As the first Chinese medicine hospital in Hong Kong, the Government considers that it is necessary to allow flexibility and room for its future development and therefore agrees with the CMDC's recommendations that the Chinese medicine hospital should be a non-public hospital and be operated by non-profit-making organization(s) on a self-financing basis. The Chinese medicine hospital will provide ICWM inpatient services with Chinese medicine having the predominant role. The hospital will also support the teaching, clinical training and scientific research of higher education institutions in Hong Kong, including the Schools of Chinese Medicine of three universities.

During January to May in 2016, the Government invited non-binding expression of interest from non-profit-making organizations which are interested in developing and operating a Chinese medicine hospital. Responding non-profit-making organizations generally consider that they could hardly afford

the enormous cost of constructing the Chinese medicine hospital without financial support from the Government. After thorough deliberation, the Government announced in the 2017 Policy Address that it has decided to finance the construction of a Chinese medicine hospital and invite HA to assist in identifying a suitable non-profit-making organization by tender to take forward the project and operate the hospital.

As the provision of Chinese medicine hospital services is unprecedented, detailed and careful consideration of various factors, including the following challenges, is necessary when planning for the Chinese medicine hospital:

1. establishing a framework for and experience in the operation of a Chinese medicine hospital;
2. meeting the developmental needs of the Chinese medicine sector;
3. ensuring effective provision of ICWM inpatient services with Chinese medicine having the predominant role;
4. making sustainable financial arrangement;
5. ensuring effective management of the operation contract; and
6. facilitating the cooperation between the Chinese medicine hospital and the educational, training and research institutions.

Today, I would like to take this opportunity to provide an update on the latest development of the Chinese medicine hospital.

- (1) As there is no relevant experience in Hong Kong in planning the development of a Chinese medicine hospital and the health care system of Hong Kong is different from those in the Mainland and overseas countries in terms of legal and regulatory regimes, there is no identical precedent to model on. Although HA has gained experience in the provision of ICWM inpatient services, there are areas which still need to be examined when the ICWM model with Chinese medicine having the predominant role is put into clinical practice. These include collaboration between Chinese medicine practitioners and Western medicine doctors, design of clinical

pathways, clinical accountability, review and monitoring systems, patients' safety and rights, and ways to handle the assessment, treatment and follow-up of patients in different treatment episodes under the ICWM approach. The above issues involve complicated legal and insurance matters which require thorough study and discussion. The adoption of evidence-based medicine will also be a major challenge to the whole project.

- (2) To fully consider the views of stakeholders and provide appropriate operational conditions, HA has commissioned an international consultant to conduct a consultation exercise with local stakeholders and overseas experts since April 2017 and the exercise is expected to complete at the end of this year. Upon completion of the consultation and the analysis report, we will further map out the direction for developing the Chinese medicine hospital with HA and relevant parties, and formulate a set of operational requirements which are practicable and in line with the operational considerations of the Chinese medicine sector before rolling out the open tender procedures.
- (3) The Chief Executive has stated in her Manifesto that a unit dedicated to the development of Chinese medicine would be set up under the Food and Health Bureau, and the unit should maintain close liaison with the sector. The Bureau is now actively following up on the issue including the deployment of manpower in accordance with the established procedures. The proposed new dedicated unit will be responsible for the development of Chinese medicine sector in Hong Kong, including to decide on the position of Chinese medicine in our public health care system, and to plan the operational model of the first Chinese medicine hospital accordingly. The Government will take forward the work mentioned above step by step to match with the timing for the Chinese medicine hospital to commence operation, and report the progress of the development of the Chinese medicine hospital at an appropriate juncture.

MRS REGINA IP (in Cantonese): *President, I am very glad to learn from the Secretary that the Government has finally realized the impossibility of leaving a non-governmental organization ("NGO") to operate a Chinese medicine hospital on a non-profit-making basis. The cost of operating a hospital is very high.*

The Secretary should also be aware that the University of Hong Kong-Shenzhen Hospital has been losing money. Since such a hospital requires huge manpower for management, it simply cannot operate well if the Government does not step in and offer support. I notice that the Government will always commission a consultant whenever it wants to develop new facilities, such as the Kai Tak Cruise Terminal, the Kai Tak Sports Park and a Chinese medicine hospital. There is nothing so wrong with this practice. I also notice that since the cruise terminal was a new kind of facility at the time, the Government specially created a supernumerary directorate post in the course of its development, and the post was even extended for five years, showing that it would be impossible to accomplish anything without the necessary manpower. The Chinese medicine sector has complained to me that the Food and Health Bureau has never assigned any particular officials with sole responsibility for promoting the development of Chinese medicine. Can the Secretary promise us that it will submit a proposal as soon as possible to the Establishment Subcommittee of the Legislative Council on creating any additional directorate posts required? Since the Secretary has talked about the establishment of a certain unit, can I know the composition of this unit and when the funding proposal will be put before the Legislative Council? Indeed, nothing can be done if we do not have the necessary manpower.

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, the planning for the setting up of this dedicated unit is in full swing. We will surely follow the established procedure and seek approval from the Establishment Subcommittee of the Legislative Council for the provision of resources to establish this unit. The workload of this unit will be very heavy. Apart from maintaining close communication with the sector, it must also launch plenty of work on the development, positioning and operational mode of the Chinese medicine hospital.

PROF JOSEPH LEE (in Cantonese): *President, the Secretary's reply to the question of Mrs Regina IP is not clear enough because part of her question is about which operational model of the Chinese medicine hospital will adopt in the future. In other words, will it adopt the Integrated Chinese-Western Medicine ("ICWM") service model, or other models? The Secretary's reply says that the Hospital Authority ("HA") will assist in the management of the Chinese medicine hospital. This reply is rather vague and worrying. This is a Chinese medicine hospital, and even if it is to be managed by a dedicated unit as mentioned by the*

Secretary, we are still worried that this ICWM Chinese medicine hospital may be run as a Western medicine hospital. President, can the Secretary undertake that this Chinese medicine hospital will adopt the ICWM model, with Chinese medicine having the leading role? Apart from Chinese medicine practitioners, there must also be Chinese medicine nurses and Chinese medicine pharmacists, because the hospital will need to prescribe Chinese medicine and provide Chinese medicine nursing care. After making an undertaking, what policies will the Government put in place to ensure that adequate resources and talents will be provided to enable this Chinese medicine hospital to operate under the ICWM model with Chinese medicine having the leading role?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, we hope that the Chinese medicine hospital under planning will operate under the ICWM model with Chinese medicine having the leading role. For one thing, this is going to be the first Chinese medicine hospital adopting this operating model in Hong Kong. Besides, since Hong Kong's health care system and legal system are different from those of foreign countries and even the Mainland, there is no single model that we can follow completely. Thus, we are consulting HA, and meanwhile, the Chinese Medicine Practice Subcommittee ("Subcommittee") under the Chinese Medicine Development Committee ("CMDC") has been doing a lot of work and providing us with input. As most Subcommittee members are Chinese medicine practitioners, Chinese medicine will have the leading role and the ICWM service model will be adopted. The manpower issue raised by Prof LEE is equally important. The Subcommittee under CMDC has held discussions on this, as we must ascertain the kinds of training to be provided and the level of manpower to be trained. Chinese medicine practitioners aside, we also need manpower training and planning for Chinese medicine nursing care and other service areas. Looking forward, we will continue to hold discussion with CMDC. Besides, the overseas consultant commissioned by HA will complete its consultation at the end of this year. After analysing the findings, we will continue to explore what policies we should introduce next.

DR PIERRE CHAN (in Cantonese): *President, I would like to thank Mrs IP for her oral question.*

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

My supplementary question is about the ICWM service model. Actually, I approve of the Government's reply concerning the provision of inpatient services based on or led by Chinese medicine. But I still want to respond to Prof Joseph LEE's question just now and say that we are not quite so supportive of the ICWM service model. Why? Actually, I have received complaints from both Chinese and Western medicine practitioners, and they allege that certain small-scale ICWM projects currently operating have encountered serious problems. I thus want to ask a further question. Does the Government have any concrete figures on the estimated annual additional resources and the number of hospital beds to be provided for the future Chinese medicine hospital?

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, let me first talk about the number of beds. When we earmarked the site, we tentatively estimated that 400 to 500 beds would be provided. As for the ICWM model, some public hospitals under HA have already launched certain pilot schemes. These pilot schemes are divided into two stages, and they are already in their second stages by now. We will review all these schemes. I know that as Dr CHAN has just said, there are indeed some problems with existing ICWM projects. In fact, the aim of these pilot schemes is exactly to enable us to gain experience and solve the problems we may encounter. That way, when we set up the Chinese medicine hospital in the future, we can learn from the experience.

MR MA FUNG-KWOK (in Cantonese): *Deputy President, in the area of Chinese medicine or ICWM, the Mainland is actually the only country in the world which has accumulated several decades of experience and built up a network of several hundred such hospitals. They have already amassed very advanced experience and worked out a comparatively refined system through trials and errors. I therefore cannot quite understand why the Government should give such a heavier emphasis on the differences between Hong Kong and the Mainland, rather than considering how Hong Kong can learn from the valuable experience of the Mainland. The major difference between the two places, among other things, perhaps lies in their legal systems. But I think the curative effects of Chinese medicine are remarkable. Hence, how is the Government going to devise a sound mechanism for importing the advanced and successful experience of the Mainland into the Chinese medicine hospital in the future?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, although Hong Kong's health care system and that of Mainland China are different, we nonetheless think that we can learn from the Mainland in some areas. Due to the differences between the Mainland and Hong Kong in their health care and legal systems and professional training, it may not be possible for the Hong Kong health care system to directly copy the development model of the Chinese medicine hospital on the Mainland. Still, this does not mean that we should not learn from the experience of the Mainland. When planning our Chinese medicine hospital, we will study the Mainland's model of developing Chinese medicine hospitals and all its valuable experience.

Our consultant is preparing a consultancy report. I believe that the report can let us know the demand of local Chinese medicine practitioners, the industry, and the public for Chinese medicine inpatient services and their relevant views.

DR KWOK KA-KI (in Cantonese): *Deputy President, yes, Chinese medicine hospitals are indeed found nowhere in the world except China. But many Chinese medicine hospitals in the Mainland are not really Chinese medicine hospitals. For example, such hospitals may perform joint replacements, laser beauty treatment, and kidney transplant. In fact their operation is not subject to the regulation of both the Chinese medicine profession and the Western medical authorities. But these are affairs in the Mainland, and they are beyond our control. But I am worried about the occurrence of medical incidents in the Chinese medicine hospital in Hong Kong in the future. A cancer patient may just be prescribed some ineffective Chinese medicine, rather than being given any appropriate treatment such as surgery or cancer drugs, thus leading to unfortunate outcomes. There may well be many such incidents in the Chinese medicine hospital in the future. Has the Government ever considered this? Has it sought to prevent the occurrence of such tragedies? The lack of adequate regulation in this regard will definitely do harm to patients with critical illnesses. What does the Government plan to do?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, we understand that under the ICWM framework with Chinese medicine having the leading role, patients may require assessment and treatment at different stages, and it may also be necessary to follow up some emergencies. Actually, all these involve complicated legal and insurance matters. We are aware of

these problems, but we need time to sort out and study how we should tackle them. Anyway, all such issues will be incorporated in the operational model and management framework.

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

DR KWOK KA-KI (in Cantonese): *I am asking the Secretary how she can make use of the management system to ensure the prevention of any potential tragedies. She has not answered this question.*

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

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, we do see the point here. Dr KWOK is right, and this is precisely a management issue. After the completion of the consultancy report, we will need time to study all the complicated issues, including legal and insurance matters, so as to formulate the future operational model.

MR LUK CHUNG-HUNG (in Cantonese): *Deputy President, the hospital to be developed in Tseung Kwan O will be the first Chinese medicine hospital in Hong Kong. Far bigger than existing Chinese Medicine clinics in scale, the hospital will require many Chinese medicine practitioners and supplementary health care professionals, such as nurses. I wish to know more about the concept of Chinese medicine nurses, which the Secretary has referred to. Is the training of Chinese medicine nurses just about the provision of additional training to Western medicine nurses? Or is it a new kind of professional training. Will hospitals also take part in the provision of training, in ways similar to the setting up of nursing schools in hospitals previously?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, health care manpower is an important topic in the planning of this Chinese medicine hospital. The planning in this regard covers health care personnel training, headcounts, and the health care disciplines that are required. As we observe from the experience of foreign countries and the Mainland, Chinese medicine nursing also covers the kind of nursing services we now provide. In other words, the training on Chinese medicine nursing is not just about the nursing needs unique to Chinese medicine. The main thing is that certain Chinese medicine procedures and measures which health care personnel (such as nurses) must know are included in the training on Chinese medicine nursing. I note that there are some training programmes on Chinese medicine nursing in Hong Kong. These programmes in general aims to provide training on Chinese medicine nursing to registered nurses in Hong Kong who have already received nursing training. I think when we determine the scope of services, operating model, and other matters of the hospital, we must consider the capability and professional disciplines of the health care staff in the future. These are the areas we must explore.

MR CHAN HAN-PAN (in Cantonese): *Deputy President, on the one hand, the waiting list for Western medicine specialist services is very long at present. On the other hand, the Government has basically shifted all its responsibility for Chinese medicine services to NGOs despite the remarkable performance of Chinese medicine in quite a number of areas. The Government has already handed over the operation of 18 Chinese medicine clinics to NGOs, and now even the operation of the Chinese medicine hospital is to be taken up by NGO. The Government has not shown any slightest bit of commitment to Chinese medicine services. What is more, this Chinese medicine hospital must also perform the functions of clinical training, teaching and scientific research. All these tasks should in fact be done by the public health care sector, but the NGO concerned must now do the job. Secretary, in the long run, will the Government incorporate various Chinese medicine services, including inpatient service and the Chinese medicine hospital, into the public health care system?*

SECRETARY FOR FOOD AND HEALTH (in Cantonese): Deputy President, at this stage, we need to determine the positioning of Chinese medicine in our public health care system. When we plan the operating model of the first

Chinese medicine hospital, we will need more information. We will definitely draw on the experience of those existing Chinese medicine clinics that adopt the model of tripartite cooperation. But as Mr CHAN has pointed out, some may not think this is the best model, and they think that there may be other options. That is why HA launched a consultation exercise involving local stakeholders and overseas experts in April to examine the issues of positioning and development directions. We hope that following the completion of the consultancy report, we can gradually sort out the operational considerations and develop a practicable development plan for the Chinese medicine hospital. CMDC has all along provided us with lots of input. The initial thought of allowing an NGO to take up the management role is precisely the suggestion of CMDC.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Prohibiting acts of secession

6. **DR PRISCILLA LEUNG** (in Cantonese): *Deputy President, Article 1 of the Basic Law ("BL") stipulates that the Hong Kong Special Administrative Region ("HKSAR") is an inalienable part of the People's Republic of China ("PRC"). Last month, three Members of this Council attended in Taiwan the founding ceremony of a local political organization "Taiwan Congressional Hong Kong Caucus" ("the Caucus"), and signed a cooperation document with the Caucus. It has been reported that the Caucus, established by some advocates of "Taiwan Independence" and funded by the Taiwanese Government, has been engaging in activities to split up China. It has also been reported that the purpose of establishing the Caucus is to share experience in democratic movements with Hong Kong, make statements on major political events in Hong Kong, and strive to promote the amendment of the Act Governing Relations with Hong Kong and Macau by Taiwan's Legislative Yuan so that people from Hong Kong and Macau will have a formal channel to seek political asylum in Taiwan. There are comments that the acts of the aforesaid three Members allegedly bore an element of collusion with secession forces and were therefore in violation of BL. In this connection, will the Government inform this Council:*

- (1) *to prevent anyone from engaging in acts of secession and endangering national security deliberately or due to a lack of understanding of the relevant provisions of BL, whether the Government will promulgate policies and guidelines to enhance ...*

(Mr CHU Hoi-dick stood up to indicate his wish to raise a point of order)

DEPUTY PRESIDENT (in Cantonese): Dr Priscilla LEUNG, please hold on. Mr CHU Hoi-dick, what is your point of order?

MR CHU HOI-DICK (in Cantonese): *Deputy President, citing Rule 39(b) of the Rules of Procedure, I hope that Dr Priscilla LEUNG can make a clarification. In part (1) of the main question, she mentions "to prevent anyone from ... deliberately". Does it refer to the three Members, including myself, mentioned in the preamble? If so, I would like to raise that pursuant to Rule 41(5) of the Rules of Procedure, Dr Priscilla LEUNG shall not impute improper motives to me.*

DEPUTY PRESIDENT (in Cantonese): Mr CHU Hoi-dick, I want to point out that if you want to ask a Member who is speaking to clarify the meaning of a certain part of his or her speech, you shall first wait after that Member has finished his or her speech, and then I will ask that Member to decide whether he or she will make a clarification in response to your request.

Dr Priscilla LEUNG, please continue.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, Rule 39 of the Rules of Procedure entitled "Interruptions" provides that a Member shall not interrupt another Member, except ... Let me quote Rule 39(b): "(except) to seek elucidation of some matter raised by that Member in the course of his speech". I also want to seek elucidation from Dr Priscilla LEUNG. She mentions in the preamble that last month, three Members of this Council attended in Taiwan the founding ceremony of the Taiwan Congressional Hong Kong Caucus ("Caucus"), and signed a cooperation document with the Caucus. I attended the ceremony*

but I did not sign any cooperation document. I would ask her to clarify. What is the basis of her words? Does she have a copy of that cooperation document and can she show it to us? If not, I must ask her to withdraw her statement.

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, the President has already ruled that Dr Priscilla LEUNG's question is in order, and you have raised your request for clarification. As I said earlier, I would first ask Dr Priscilla LEUNG to continue speaking. After she has finished, she can decide whether to make a clarification. Please sit down.

Dr Priscilla LEUNG, please continue.

DR PRISCILLA LEUNG (in Cantonese): *All right, Deputy President. I think the problems are already clear and they have been widely reported. I continue with my question.*

- (1) *to prevent anyone from engaging in acts of secession and endangering national security deliberately or due to a lack of understanding of the relevant provisions of BL, whether the Government will promulgate policies and guidelines to enhance the understanding of the national system, the Constitution of PRC and BL of HKSAR among various government departments and members of the public, so as to prevent anyone from engaging in acts of secession and endangering national security in HKSAR; and*
- (2) *as some members of the public have pointed out that some Hong Kong people currently have a weak awareness of their obligation to safeguard national security, whether the Government will consider taking measures to specifically address this situation by enhancing communications, education and promotion targeting various sectors of society, to enable Hong Kong people to understand their obligation to safeguard national security, with a view to creating a favourable environment to facilitate enacting legislation on protecting national security in HKSAR; if so, of the details; if not, the reasons for that?*

DEPUTY PRESIDENT (in Cantonese): Secretary for Constitutional and Mainland Affairs.

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, Dr Priscilla LEUNG has already finished speaking. Can I ask her to make a clarification now?*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please do not interrupt the meeting proceedings. I have pointed out very clearly that a Member can decide whether to clarify. Mr CHAN, I also notice that you have already pressed the "Request to speak" button. You can give an explanation when you speak.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, it is not like that at all. When my turn to speak comes, I will raise my question. But according to Rule 41(5) of the Rules of Procedure mentioned by Mr CHU Hoi-dick just now, a Member shall not impute improper motives to another Member, and this is what the Deputy President needs to clarify.*

In accordance with Rule 39(b), I ask her whether she is holding the cooperation document. If she has no evidence, she should withdraw her remarks or admit that she has no evidence and it is only hearsay. She continues to raise ...

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, you have already clearly stated the matter on which you want to seek elucidation. Firstly, the President has ruled that the question concerned is in order. Secondly, the Member who has been asked to clarify can decide whether he or she will make a clarification. This is my ruling.

Secretary for Constitutional and Mainland Affairs, please speak.

MR CHAN CHI-CHUEN (in Cantonese): *However, according to Rule 41(5) of the Rules of Procedure, the President has to deal with this point of order.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please sit down. Secretary, please answer the main question first.

MR CHU HOI-DICK (in Cantonese): *Deputy President, according to Rule 41(5) of the Rules of Procedure, you have to deal with the point of order now.*

MR CHAN CHI-CHUEN (in Cantonese): *In accordance with the Rules of Procedure, I request a headcount.*

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

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

DEPUTY PRESIDENT (in Cantonese): Will Members please return to your seats. Mr CHAN Chi-chuen, concerning the request that you raised just now, I have already stated my ruling. The content of Dr Priscilla LEUNG's question is in line with the provisions of Rule 25(1)(a) to (i) of the Rules of Procedure. Now is not the time for her to speak, and she was only reading out the content of her question in accordance with the requirements of the Rules of Procedure. Members should not abuse the point of order to interrupt other Members. Secretary for Constitutional and Mainland Affairs, please answer.

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, you say that now is not the time for Dr Priscilla LEUNG to speak and her question has already been ruled by the President to be in order. Does this mean that I can raise my point of order when she speaks again later?*

DEPUTY PRESIDENT (in Cantonese): When Dr Priscilla LEUNG or another Member is speaking, if a Member has a point of order, he can raise it at that time. However, Dr Priscilla LEUNG was only reading out the content of her question to the Council just now, and pursuant to the Rules of Procedure, her question has already been approved by the President and confirmed to be in line with the provisions of Rule 25(1)(a) to (i) of the Rules of Procedure.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, the content of Dr Priscilla LEUNG's question, however, has really violated Rule 41(5) of the Rules of Procedure, which says that a Member shall not impute improper motives to another Member.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, I have already given an explanation in respect of my understanding of the Rules of Procedure and the matter on which you ask for my ruling. Please note that the content of Dr Priscilla LEUNG's question is totally in line with the provisions of Rule 25(1)(a) to (i) of the Rules of Procedure, in which there is no requirement disallowing a Member to quote some comments from others.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, when she said that we signed a cooperation document, she was in the manner of stating a fact instead of quoting a comment. I ask her to clarify whether she has that cooperation document as evidence, and I think that my request is sensible and reasonable.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, I have explained to you time and again that as stated in the Rules of Procedure, if a Member intends to seek elucidation of some matter raised by that Member in the course of his speech, first, he shall not interrupt the speech of that Member ...

MR CHAN CHI-CHUEN (in Cantonese): *I have not interrupted her speech ...*

DEPUTY PRESIDENT (in Cantonese): ... He can only raise his request for elucidation after that Member has finished speaking and his name is called by the President. Second, that Member can decide whether to clarify. Mr CHAN, since you have already pressed the "Request to speak" button, if you request elucidation, you can explain further when it is your turn to speak. Please sit down.

MR CHAN CHI-CHUEN (in Cantonese): *I pressed the "Request to speak" button for the sake of questioning the Secretary instead of questioning Dr Priscilla LEUNG ...*

(Mr WONG Kwok-kin stood up to indicate his wish to raise a point of order)

MR WONG KWOK-KIN (in Cantonese): *Deputy President, a point of order. I have been standing for a long time.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please sit down. Mr WONG Kwok-kin, what is your point of order?

MR WONG KWOK-KIN (in Cantonese): *Deputy President, the ruling made by the President in the Council is the final ruling which is not debatable. Why have you argued with Mr CHAN Chi-chuen for such a long time? Deputy President, you are wasting the meeting time of this Council. I hope that you can chair the meeting better.*

DEPUTY PRESIDENT (in Cantonese): I was only explaining my ruling again just now. Secretary for Constitutional and Mainland Affairs, please answer.

(Mr LEUNG Kwok-hung stood up to indicate his wish to raise a point of order)

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

MR LEUNG KWOK-HUNG (in Cantonese): *Mr Jasper TSANG, former President of the Legislative Council, often explained his rulings to Members ...*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Please do not abuse the point of order.

MR LEUNG KWOK-HUNG (in Cantonese): *Mr WONG Kwok-kin does not have what it takes to participate in the meeting, as he cannot see that you are explaining your point to Mr CHAN Chi-chuen. I fully support your explaining the ruling earlier ...*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, if you still speak in contravention of the Rules of Procedure, I will treat your act as disorderly conduct.

(Mr CHU Hoi-dick indicated his wish to raise a point of order)

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

MR CHU HOI-DICK (in Cantonese): *Deputy President, I hope that you can give a brief clarification, as Mr CHAN Chi-chuen and I are referring to two different parts of the question in our discussions. My discussion is related to the first sentence of part (1) of Dr Priscilla LEUNG's question. In my opinion, this directly involves imputing a motive to me, which is thus related to Rule 41(5) of the Rules of Procedure.*

DEPUTY PRESIDENT (in Cantonese): Mr CHU Hoi-dick, please sit down. I have already explained that the content of this question is in line with the provisions of Rule 25(1)(a) to (i) of the Rules of Procedure.

MR CHU HOI-DICK (in Cantonese): *Deputy President, I really have to raise this request. Even though the content of the question has been approved by the President, I can still invoke Rule 41(5) of the Rules of Procedure to seek elucidation on whether Dr Priscilla LEUNG was imputing improper motives to another Member in her speech ...*

DEPUTY PRESIDENT (in Cantonese): Mr CHU, what you are saying is related to the content of the question. You have already abused the point of order. Please sit down. Secretary for Constitutional and Mainland Affairs, please answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, our consolidated reply to Dr LEUNG's question, after consulting the relevant bureaux, is as follows:

The Preamble of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China ("the Basic Law") unequivocally states that "[u]pholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a Hong Kong Special Administrative Region will be established in accordance with the provisions of Article 31 of the Constitution of the People's Republic of China."

The Basic Law is the constitutional document of the Hong Kong Special Administrative Region and also a national law of the country. Hong Kong people should have a comprehensive and accurate understanding of the Basic Law. Chaired by the Chief Secretary for Administration, the Basic Law Promotion Steering Committee ("the Steering Committee") is responsible for steering the overall programme and strategy for promoting the Basic Law as well as coordinating the efforts of Government departments and various sectors in the society in taking forward the promotion work. There are five working groups under the Steering Committee, namely the Working Group on Local Community, the Working Group on Teachers and Students, the Working Group on Civil Servants, the Working Group on Industrial, Commercial and Professional Sectors, and the Working Group on Overseas Community, to promote the Basic Law to different target groups. These working groups are respectively supported by the

Home Affairs Bureau, the Education Bureau, the Civil Service Bureau, the Trade and Industry Department and the Information Services Department in terms of secretariat services as well as assistance in planning and organizing different types of activities to proactively promote the Basic Law to their responsible sectors.

There is a wide variety of activities in promoting the Basic Law, with a view to effectively reaching out to the target groups of different sectors. These activities include thematic seminars, quiz and debate competitions, roving exhibitions, brochure publication, online games and talks or seminars. Target groups of different sectors can gain a general or in-depth understanding of the Basic Law according to their needs. We also make use of different media, including TV and Radio Announcements of Public Interest, radio quiz programmes, mobile resource centre, Internet and smartphone applications, to promote the Basic Law to members of the public. In addition, the Constitutional and Mainland Affairs Bureau provides sponsorship for non-government organizations and community organizations through the "Basic Law Promotion Sponsorship Scheme" to organize different forms of Basic Law promotion activities at the district level to reach a wider Hong Kong audience. In the next five years, the current-term Government will continue to strengthen the work in this aspect. The Chief Executive has stated in her election manifesto that she hopes that future young people in Hong Kong can become a new generation equipped with a sense of national identity, love for Hong Kong and international perspectives.

On the issue of forestalling secession and endangerment of national security, it has already been clearly stated upfront in Article 1 of the Basic Law that "[t]he Hong Kong Special Administrative Region is an inalienable part of the People's Republic of China." Article 12 of the Basic Law stipulates that "[t]he Hong Kong Special Administrative Region shall be a local administrative region of the People's Republic of China, which shall enjoy a high degree of autonomy and come directly under the Central People's Government." According to Article 23 of the Basic Law, "[t]he Hong Kong Special Administrative Region shall enact laws on its own to prohibit any act of treason, secession, sedition, subversion against the Central People's Government, or theft of state secrets, to prohibit foreign political organizations or bodies from conducting political activities in the Region, and to prohibit political organizations or bodies of the Region from establishing ties with foreign political organizations or bodies."

As such, the Basic Law has already prescribed clearly that the Government of the Hong Kong Special Administrative Region ("HKSAR Government") has the responsibility to safeguard our national sovereignty and territorial integrity, as well as the responsibility to enact laws on its own to prohibit any act of secession in accordance with the Basic Law. I also believe that Hong Kong people will not agree with any words and deeds of secession. In fact, the Chief Executive has clearly stated in her election manifesto that it is a constitutional responsibility of the HKSAR Government to enact legislation to safeguard our national security. Moreover, the world has become complicated and uncertain, hence, increasing the importance to legislate for national security here in Hong Kong. Nonetheless, the Chief Executive has also pointed out that past experience has shown that this subject is highly controversial and can easily cause social disturbance. For this reason, the current-term Government has to weigh the pros and cons and act cautiously to try and create the right social conditions for legislation, such that the Hong Kong community may deal with this controversial subject in a constructive manner.

Deputy President, the Chief Executive has pledged a new style of governance to rebuild a harmonious society, improve the relationship between the executive and the legislature, and restore public confidence in the Government. We hope that there will be more proactive and positive communication and interaction on different issues to build up a better social atmosphere. We believe that when people's confidence in the Government is restored and mutual trust among members of the public is enhanced, the Hong Kong community will once again be united, harmonious and inclusive to accommodate different opinions. At that time, we will have the right conditions to embark on a rational discussion on enacting legislation for safeguarding national security and other controversial issues, build consensus in the community, and achieve a successful outcome.

DR PRISCILLA LEUNG (in Cantonese): *Deputy President, I think the one who needs to clarify things is Mr CHAN Chi-chuen instead of me. He should make a public clarification himself, or he can also make use of the platform and opportunity that I provide today to make a clarification. The media have widely reported this incident and the community has openly discussed their acts. Hence, he needs to make a clarification.*

I would like to ask the Secretary the following supplementary question. The Secretary can see that my main question is actually very mild in wording. I do not ask the Secretary when legislation will be enacted, but only ask the

authorities whether they will implement any measures or formulate any policies and guidelines. These questions are all very specific. But the Secretary's main reply responds only to part (2) of my main question and completely disregards part (1). Does this mean that the Government has no policies and guidelines at all? If so, when various government departments encounter these problems, how are they going to deal with them? Are they going to leave all these problems to their frontline staff? Are they going to leave their frontline staff in helplessness and simply let them adopt inconsistent standards of enforcement?

Hence, Secretary, the top echelons of the Government must not behave like an ostrich on this issue. They should announce clear guidelines and policies so that various government departments and public organizations will know what to do when carrying out frontline duties. In the main reply, the Secretary says that the Steering Committee is responsible for the promotion work. In fact, the authorities must not shift the responsibility to the Steering Committee as it is not in charge of formulating policies. In fact, the top echelons of the Government must provide guidelines and policies so that frontline civil servants and various public organizations will know what to do when facing these problems. I thus give the Secretary one more chance to answer my question. In view of the many recent incidents, and in order to prevent the occurrence of similar incidents, will the authorities issue any clear policies and guidelines to various government departments, so that they will know exactly how to handle these problems?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, I thank Dr LEUNG for her supplementary question. As I point out in the main reply, the Basic Law contains clear provisions, and the HKSAR Government opposes any acts of secession. What is more, Article 23 of the Basic Law also provides for the enactment of local legislation in this respect. In reply to Dr LEUNG's question just now, I would say we will do our work in accordance with the law. But on the other hand, I think the core question is that we must fully recognize the territorial integrity of our country, oppose any acts of secession and uphold the principle of "one country, two systems" faithfully. Hence, as I have mentioned among other things just now, we have set up the Steering Committee as a mechanism for promoting the Basic Law. Promoting the Basic Law is of course one focus of the Steering Committee. But this should not be the work for the Government alone, as various sectors in society should also do so.

Secondly, we need to enhance communication in different areas, so that people in the community can better understand the concept of national identity and the essence of "one country, two systems". I believe that this is the most fundamental issue that we must deal with. We take an open attitude towards any approach which can help us achieve the policy objective, and we will also act in accordance the law. I therefore thank Dr LEUNG for her supplementary question and also welcome other suggestions. For example, we are happy to have discussions and exchanges with various sides on the promotion of the Basic Law.

DR PRISCILLA LEUNG (in Cantonese): *Deputy President ... the Secretary has not answered my supplementary question at all. In fact, we have heard from frontline civil servants ...*

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

DR PRISCILLA LEUNG (in Cantonese): *Frontline civil servants have told us their hope that the top echelons of the Government can formulate a policy for them to follow.*

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG, you only need to briefly point out the part of your supplementary question which has not been answered. Secretary, do you have anything to add?

(Dr CHIANG Lai-wan stood up)

DR CHIANG LAI-WAN (in Cantonese): *Deputy President, I do not think that Dr Priscilla LEUNG's oral question is directed at any particular individuals. Rather, she hopes that the Government can answer the question from the legal perspective. At present if a Legislative Council Member has violated the oath of office, he may be disqualified by the Government. In case a Legislative Council Member has participated in the activities of an organization advocating "Taiwan Independence", what can be done under the existing legislation? Besides, in*

view of the existing legislation which prohibits any ties with political organizations in Taiwan, I would like to know whether there are laws prohibiting forces advocating "Taiwan Independence" from interfering in the internal affairs of Hong Kong? If so, what are the laws concerned? And are these laws applicable to prohibiting any person or body in Hong Kong from inviting forces advocating "Taiwan Independence" to meddle in the internal affairs of Hong Kong?

(Mr LEUNG Kwok-hung stood up to indicate his wish to raise a point of order)

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

MR LEUNG KWOK-HUNG (in Cantonese): *My point of order is that a Member has raised a nonsensical question.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, you are abusing the point of order. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): *When she raised her supplementary question, she mentioned that there are laws at present prohibiting any ties with political organizations in Taiwan. This is a supplementary question based on inaccurate information.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, if you continue to speak without permission, I will treat this as misconduct. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): *I only want to ask Dr CHIANG Lai-wan ...*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, you have violated the Rules of Procedure. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): *She can tell a lie, but she must not say anything at variance with the facts.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please sit down. Dr CHIANG Lai-wan has just raised her supplementary question.

(Mr CHU Hoi-dick stood up to indicate his wish to raise a point of order)

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

MR CHU HOI-DICK (in Cantonese): *Deputy President, pursuant to Rule 39 of the Rules of Procedure, I hope that Dr CHIANG Lai-wan can make a clear clarification. Dr CHIANG Lai-wan just mentioned that there is already legislation which prohibits Hong Kong people from establishing ties with political organizations in Taiwan. I want her to clarify what the legislation concerned is.*

(Mr Paul TSE raised his hand in indication)

DEPUTY PRESIDENT (in Cantonese): Mr Paul TSE, do you have a point of order?

MR PAUL TSE (in Cantonese): *A point of order. Deputy President, I do not want Members to spend too much time in this discussion, and neither do I want the Deputy President to face any unnecessary pressure. The Chinese version of Rule 26(5) of the Rules of Procedure provides, "議員不得就質詢向立法會陳詞，亦不得以質詢作為辯論的藉口。" The English version is even clearly, "A Member shall not address the Council on a question and a question shall not be*

made a pretext for a debate." Since the question or the point of order raised earlier is of this nature, I hope that Deputy President can invoke this rule in order to resolve this situation.

DEPUTY PRESIDENT (in Cantonese): Mr CHU Hoi-dick just asked for clarification from Dr CHIANG Lai-wan. In accordance with the Rules of Procedure, Dr CHIANG can decide whether to make a clarification. Dr CHIANG Lai-wan, do you have anything to add?

DR CHIANG LAI-WAN (in Cantonese): *Deputy President, I think Mr CHU Hoi-dick has some sort of misunderstanding here. By elucidation, it is meant that when a speaking Member misunderstands what another Member means to say, the latter may need to stand up and clarify.*

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG, if you do not have any intention to clarify, please sit down.

DR CHIANG LAI-WAN (in Cantonese): *No, I do not. Hence, I am not the one who needs to clarify. If he has such a need, he can make his own clarification.*

DEPUTY PRESIDENT (in Cantonese): Dr CHIANG, your speaking time is up. Secretary, please answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, Dr CHIANG has raised two questions. First, in regard to the duties discharged by the Legislative Council Members, in accordance with Article 68 of the Basic Law, the Legislative Council shall be constituted by election. Article 66 provides that the Legislative Council shall be the legislature of the Region. Article 104 provides that when assuming office, Members of the Legislative Council "must, in accordance with law, swear to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China." As also stipulated in Article 79(7) of the Basic Law, the President of the Legislative Council shall

declare that a Member of the Council is no longer qualified for the office "when he or she is censured for misbehaviour or breach of oath by a vote of two-thirds of the members of the Legislative Council present". The above are the provisions in the relevant articles of the Basic Law.

As regards the second question, in accordance with the existing provisions in the relevant legislation of Hong Kong, if a political body of Hong Kong has established ties with foreign or Taiwan political organizations, its registration can be rejected, revoked or its operation can even be prohibited.

MR HOLDEN CHOW (in Cantonese): *Deputy President, the Caucus is actually for the independence of Taiwan and Hong Kong. Its aim is to import into Hong Kong the radicalism of the "Taiwan Independence" Movement. There was the Sunflower Movement in Taiwan, so Occupy Central was organized in Hong Kong. These acts will upset the stability of Hong Kong.*

Deputy President, in the aftermath of this incident, will the HKSAR Government seek to have appropriate communications with the Central Government? And, will it make use appropriate and open channels to remind those Taiwan organizations not engage in any acts of secession and interfere in Hong Kong affairs. In particular, will it remind those Taiwan organizations that they should not invite Legislative Council Members of the HKSAR to participate in such acts of secession?

(Mr Nathan LAW stood up to indicate his wish to raise a point of order)

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

MR NATHAN LAW (in Cantonese): *Deputy President, regarding the contents of questions, Rule 25(1)(b) of the Rules of Procedure provides, "A question shall not contain a statement which the Member who asks the question is not prepared to substantiate". But I notice the statement "and signed a cooperation document with the Caucus" in the main question. I am one of the people involved but I did not sign any cooperation document ...*

DEPUTY PRESIDENT (in Cantonese): Mr Nathan LAW, I remind you again that this is not a debate session, and you have raised ...

MR NATHAN LAW (in Cantonese): *Deputy President, Dr Priscilla LEUNG has made a statement which she cannot substantiate, and this contravenes the provision of the Rules of Procedure. Will the Deputy President make a ruling in this regard?*

DEPUTY PRESIDENT (in Cantonese): Mr Nathan LAW, the content of Dr Priscilla LEUNG's question is in line with the stipulations under Rule 25(1)(a) to (i) of the Rules of Procedure. The President has ruled that this question can be raised at the Legislative Council meeting. In accordance with the Rules of Procedure, the decision of the President is final. Even if a Member has any queries on the President's ruling, he should not debate his ruling at the Legislative Council meeting. Please sit down.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the position of the HKSAR Government is very clear. Firstly, the HKSAR Government strongly upholds national unity and is against any acts of secession. Under the Basic Law, it has the responsibility to enact laws on its own to prohibit any acts of secession. I also believe that Hong Kong people will not approve of any secession behaviour. I must emphasize that any act or statement advocating "Hong Kong Independence" is against the Basic Law and the overall interests of Hong Kong.

Secondly, the HKSAR Government is opposed to any form of intervention in the internal affairs of Hong Kong by other political organizations or governments.

MR LEUNG KWOK-HUNG (in Cantonese): *Deputy President, I am not going to talk about the misrepresentation in the main question. It is up to her to decide whether she is going to make any clarification.*

Dr Priscilla LEUNG has sternly instructed the Secretary to play a good gate-keeping role, and Mr Holden CHOW has even strayed away from the topic completely, asking us to tackle the Taiwan issue. He must study the Basic Law.

He is talking about the issue of national reunification. Can the Hong Kong Government have any say?

I am not going to talk about this anymore. I will quote two cases and hope that the Secretary can give a response. His Chinese surname is made up of the three identical characters of "耳" (meaning "ear"). He is supposed to listen with three ears but he is basically deaf to people's voices. I would like to ask two questions and the Secretary can comment ...

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you can only raise one supplementary question.

MR LEUNG KWOK-HUNG (in Cantonese): *No, the questions are actually related. In 2008, a nine-member delegation of the Democratic Alliance for the Betterment and Progress of Hong Kong visited Taiwan. The delegation met with TSAI Ing-wen, the new Chairperson of the Democratic Progressive Party at that time, and Mr WU Po-hsiung, ex-Chairman of the Kuomintang. In January 2016 during the election in Taiwan, Ms CHAN Yuen-han, an ex-Legislative Council Member from the Hong Kong Federation of Trade Unions, participated in the campaign rally of Mr Freddy LIM, who was a candidate to the Legislative Yuan from the New Power Party. Were there any acts of secession in these two cases? Have you commented on these two cases?*

(Dr CHIANG Lai-wan indicated her wish to raise a point of order)

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, you have already raised your supplementary question. Dr CHIANG Lai-wan, what is your point of order?

DR CHIANG LAI-WAN (in Cantonese): *Deputy President, in accordance with Rule 41(1) of the Rules of Procedure, a Member shall restrict his observations to the subject under discussion and shall not introduce matter irrelevant to that subject. Therefore, Mr LEUNG Kwok-hung has violated this rule of the Rules of Procedure.*

MR LEUNG KWOK-HUNG (in Cantonese): *Deputy President, I do not understand what she is driving at.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please explain how your supplementary question is related to the main question.

MR LEUNG KWOK-HUNG (in Cantonese): *Who is chairing this meeting anyway—you or her? Who should I report to—you or her? Dr CHIANG Lai-wan, the "President of the Legislative Council"!*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please stop shouting.

MR LEUNG KWOK-HUNG (in Cantonese): *Ms Starry LEE, you have turned a blind eye to the presumptuous behaviour of "President" Dr CHIANG Lai-wan. Even though you two belong to the same political party, you should not condone her behaviour in this way.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, Dr CHIANG Lai-wan has raised a point of order, and I have to handle it.

MR LEUNG KWOK-HUNG (in Cantonese): *All right, you just take your time to handle it.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please sit down. Secretary, please answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, we will not comment on individual cases, but I will clearly spell out the position of the HKSAR Government ...

MR LEUNG KWOK-HUNG (in Cantonese): *Deputy President, he will not comment on individual cases but ...*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, it is the third time that you speak without being called by the President. If you break the Rules of Procedure again, I will treat this as grossly disorderly conduct. Secretary, please continue to answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, about the handling of the Taiwan issue, former Vice Premier of the State Council Mr QIAN Qichen announced in 1995 the basic principles and policies which the HKSAR must follow when dealing with matters related to the Taiwan issue. These principles and policies form the very basis of exchanges and contacts between Hong Kong and Taiwan after the return of Hong Kong to the Motherland. The relationship between Hong Kong and Taiwan is a special component part of cross-Strait relationship. In accordance with the One China principle, Hong Kong will deal with its relationship with Taiwan in a pragmatic manner. But the HKSAR Government must emphasize once again that it is our long-standing position to oppose any acts of secession.

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

(Mr LEUNG Kwok-hung stood up)

MR LEUNG KWOK-HUNG (in Cantonese): *Deputy President, he has not answered my supplementary question.*

MR CHAN CHI-CHUEN (in Cantonese): *He said he would not give any comments.*

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please sit down. Secretary, do you have anything to add?

(The Secretary indicated that he had nothing to add)

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please ask your question.

Mr LEUNG Kwok-hung, your questioning time is up. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): *Is his refusal to answer the question an answer to the question?*

DEPUTY PRESIDENT (in Cantonese): The Secretary already indicated that he had nothing to add.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, the point of order I raised just now is not meant to cause a debate. I only want to point out clearly that the allegation made by Dr Priscilla LEUNG in the main question about our signing of a cooperation document with an organization in Taiwan is not true. I just want to point this out clearly, and say that we have not any motive of secession or endangering national security.*

Deputy President, I now ask my supplementary question. If we look at the main question of Dr Priscilla LEUNG as a whole, we will see that the preamble is hardly related to the theme of the question. The Secretary can actually answer the two parts of the question without responding to the allegation. But since she has asked the question and the Secretary has heard it, can I ask the Secretary whether he agrees to the allegation of Dr Priscilla LEUNG in the main question, and whether he has sought to ascertain its truth or otherwise?

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, looking at Dr LEUNG's main question alone, I think that the two parts of her question are very clear. First, she asks about what we will do ...

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, I am asking the Secretary about the preamble to the main question of Dr Priscilla LEUNG.*

DEPUTY PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please do not interrupt the reply of the Secretary. Secretary, please continue to answer.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, part (1) of the question is about what measures the Government will adopt to enhance the understanding of the national system, the Constitution and the Basic Law among various government departments and members of the public, and I have already provided an answer to this question in the main reply. Part (2) of the question is about how the promotion work concerned can enhance the awareness of Hong Kong people to safeguard national security, with a view to carrying out the constitutional responsibility enshrined in Article 23 of the Basic Law by enacting legislation to safeguard our national security.

MR CHAN CHI-CHUEN (in Cantonese): *Deputy President, the Secretary has not answered my supplementary question. My question is very clear. Does he agree to the allegation against the three Legislative Council Members in Dr Priscilla LEUNG's main question, and has he looked into the matter to see whether it is true?*

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

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): I have nothing to add.

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

WRITTEN ANSWERS TO QUESTIONS

Implementation of the Public Health (Animals and Birds) (Trading and Breeding) Regulations

7. **MR JEREMY TAM** (in Chinese): *President, according to the original Public Health (Animals and Birds) (Animal Traders) Regulations (Cap. 139 sub. leg. B), any person who carries on business as an animal trader must obtain an Animal Trader Licence ("ATL"). In order to strengthen the regulation of animal trading and dog breeding activities, the Government has introduced a new regulatory system by amending the said Regulations. The amended Regulations, known as the Public Health (Animals and Birds) (Trading and Breeding) Regulations ("the new Regulations"), have come into operation since 20 March this year. Apart from retaining the aforesaid licensing requirement, the new Regulations require that any person who sells, or offers to sell, dogs must obtain an ATL or a one-off permit. Moreover, any person who keeps for breeding and sells, or offers to sell, a dog, must obtain a dog breeder licence, viz. a dog breeder licence (category A) ("DBLA") or a dog breeder licence (category B) ("DBLB"). Regarding the implementation of the new Regulations, will the Government inform this Council:*

- (1) *of the respective numbers of applications for (i) ATL, (ii) DBLA, (iii) DBLB and (iv) one-off permit which have been received, approved and rejected by the authorities since the new Regulations came into operation;*
- (2) *in respect of the ATL applications mentioned in (1), of the respective numbers of applications involving the selling of birds/animals listed in the table below and, among them, the respective numbers of cases approved and not approved (set out in the table below);*

<i>Type of birds/animals</i>	<i>Number of applications</i>	<i>Number of applications approved</i>	<i>Number of applications not approved</i>
<i>Pet birds</i>			
<i>Pheasants (food)</i>			
<i>Domestic chukars (food)</i>			

<i>Type of birds/animals</i>	<i>Number of applications</i>	<i>Number of applications approved</i>	<i>Number of applications not approved</i>
<i>Domestic guinea fowls (food)</i>			
<i>Lizards (pet)</i>			
<i>Snakes (pet)</i>			
<i>Turtles (pet)</i>			
<i>Lizards (food)</i>			
<i>Snakes (food)</i>			
<i>Turtles (food)</i>			
<i>Cats</i>			
<i>Dogs</i>			
<i>Domestic rabbits</i>			
<i>Hamsters</i>			
<i>Guinea pigs</i>			
<i>Chinchillas</i>			
<i>Gerbils</i>			
<i>Domestic rats</i>			
<i>Mice</i>			

- (3) *of the number of female dogs enrolled as dogs kept for breeding purpose which are involved in the DBLAs currently issued; the number of female dogs kept for breeding purpose which are involved in the DBLA applications awaiting vetting and approval;*
- (4) *of the number of female dogs enrolled as dogs kept for breeding purpose which are involved in the DBLBs currently issued; the number of female dogs kept for breeding purpose which are involved in the DBLB applications awaiting vetting and approval; and*
- (5) *of the respective numbers of inspections, conducted by the Agriculture, Fisheries and Conservation Department each month since the new Regulations came into operation, on premises for dog breeding purpose in respect of which the relevant licences have (i) been obtained and (ii) not yet been obtained?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the Government has implemented the amended Public Health (Animals and Birds) (Trading and Breeding) Regulations (Cap. 139B) ("the new Regulations") since 20 March this year, with a view to strengthening the regulation of animal trading, and dog breeding and trading, by means of a licensing system and inspections.

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

- (1) Details of applications for Animal Trader Licence ("ATL") and Dog Breeder Licence ("DBL") received by the Agriculture, Fisheries and Conservation Department ("AFCD") since the new Regulations came into operation on 20 March till the end of June this year are set out below:

<i>Licence/permit</i>	<i>Number of applications</i>	<i>Number of applications approved</i>	<i>Number of applications being processed</i>
ATL	153	111	42
DBL (Category A) ("DBLA")	12	3	8
DBL (Category B) ("DBLB")	21	3	18

So far, one DBLA application has been rejected and no application for a one-off permit has been received by AFCD.

- (2) Details of applications for ATL since the new Regulations came into operation on 20 March till the end of June this year are set out below:

<i>Type of animals involved</i>	<i>Number of applications</i>	<i>Number of applications approved</i>	<i>Number of applications being processed</i>
Pet birds	16	13	3
Food birds (pheasants, domestic chukar and domestic guinea fowls)	13	7	6

<i>Type of animals involved</i>	<i>Number of applications</i>	<i>Number of applications approved</i>	<i>Number of applications being processed</i>
Pet reptiles (including lizards, snakes and turtles)	42	34	8
Food reptiles (including lizards, snakes and turtles)	38	29	9
Cats	44	28	16
Dogs	30	17	13
Small mammals (including domestic rabbits, hamsters, guinea pigs, chinchillas, gerbils, domestic rats and mice)	25	18	7

Some ATL applications involved more than one types of animals. No application has been rejected so far.

(3) and (4)

Since the new Regulations came into operation on 20 March till the end of June this year, the three DBLAs issued involved seven enrolled female dogs kept for breeding purpose, while the three DBLBs issued involved 48 enrolled female dogs kept for breeding purpose.

Applications for DBL are tied to premises. The maximum number of female dogs that can be kept at any premises for breeding and sale purposes depends on the actual circumstances of individual premises, including the size of usable area, layout of the internal rooms/passageways and design of the sleeping and exercise area for dogs, and is subject to AFCD's approval. Therefore, the number of female dogs for breeding and sale purposes involved in applications will only be available after AFCD has completed the vetting process.

- (5) Since the new Regulations came into operation on 20 March till the end of June this year, the respective numbers of inspections conducted by AFCD each month on dog breeding premises in respect of which DBLs are obtained and DBL applications are being processed are set out below:

2017	<i>Number of inspections</i>	
	<i>Premises in respect of which DBLs are obtained</i>	<i>Premises in respect of which DBL applications are received and being processed</i>
20 to 31 March	3	10
April	13	9
May	13	11
June	18	15

Bicycle parking spaces

8. **MS YUNG HOI-YAN** (in Chinese): *President, the Government indicated in the 2017 Policy Address that it would continue to create a bicycle-friendly environment in new towns and new development areas to foster a green community. However, some residents in New Territories East have relayed that there is currently a shortfall of public bicycle parking spaces in the district and some parking spaces have been occupied by abandoned bicycles for a long period of time, causing a serious problem of illegal parking of bicycles. In addition, quite a number of members of the public have pointed out that the support facilities for bicycles in various districts are inadequate at present, making it difficult for them to use bicycles as a mode of transport for first mile or last mile connection for their journeys. In this connection, will the Government inform this Council:*

- (1) *of the current number of public bicycle parking spaces across the territory (with a breakdown by District Council ("DC") district); whether it has plans to provide additional bicycle parking spaces in the coming three years; if so, of the details and the timetable; if not, the reasons for that;*

- (2) *of the number of operations mounted by the Government in each of the past three years to clear illegally parked bicycles, as well as the number of bicycles seized in the operations (with a breakdown by DC district);*
- (3) *as the authorities may invoke section 6 (unlawful occupation of unleased land) of the Land (Miscellaneous Provisions) Ordinance (Cap. 28) to post a notice on bicycles parked on unleased government land requiring the bicycle owners to cease the occupation of the land, and to confiscate, on expiry of a deadline, the illegally parked bicycles which have not been removed, whether they have reviewed the effectiveness of such way of handling the problem of illegal parking of bicycles (including whether it has a deterrent effect); if so, of the outcome and how the authorities deal with the bicycles confiscated in the operations; if not, whether they will conduct such a review;*
- (4) *as the Civil Engineering and Development Department ("CEDD") is conducting an investigation for the pilot scheme of provision of underground bicycle parking system, of the progress and the completion date of the investigation; whether other measures are in place to apply innovative technologies to provide additional public bicycle parking facilities; and*
- (5) *whether it will review the planning standards for the provision of bicycle parking facilities in the Hong Kong Planning Standards and Guidelines ("HKPSG") based on the populations, the provision of cycle tracks and the prevalence of bicycles in various districts; if so, of the relevant details and implementation timetable; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government's policy is to foster a "bicycle-friendly" environment where road safety permits and practicable, especially in new towns and new development areas, so as to promote cycling as a green mode for short-distance commuting to make "first mile" and "last mile" connections to public transport services, thereby minimizing the need for mechanized transport.

Under the "bicycle-friendly" policy, various bureaux and departments are pursuing supporting measures within their respective purviews. For example, the Development Bureau carries out comprehensive planning on cycle track networks in new development areas, and takes forward the works projects for cycle track networks in the New Territories. The Transport and Housing Bureau has been actively promoting cycling for short-distance commuting in new towns. Apart from developing cycle track networks, the Government has been striving to improve ancillary facilities for cycling in recent years. My reply to various parts of Ms YUNG Hoi-yan's question is as follows:

- (1) As of December 2016, there are some 57 700 public bicycle parking spaces across the territory, including about 37 000 parking spaces managed by the Transport Department ("TD") and the remainder provided by the Housing Department, the Leisure and Cultural Services Department and the Food and Environmental Hygiene Department ("FEHD"). A breakdown of parking spaces by District Council districts is at the Annex 1.

Based on a consultancy study, TD recommended adding about 7 000 bicycle parking spaces in 290 locations across nine new towns, of which around 1 000 are expected to be completed progressively by 2018. For the remaining parking spaces, given the complexity of their design and construction procedures, TD is commissioning the Highways Department to undertake works for the project, including planning, design and construction. The implementation schedule has yet to be confirmed. A breakdown of the proposed parking spaces is at Annex 2.

- (2) The number of clearance operations conducted by the Government for illegally-parked bicycles and the number of bicycles confiscated during those operations over the past three years by District Council districts are at Annex 3.
- (3) At present, relevant departments, including the District Offices, the District Lands Offices ("DLOs"), TD, Hong Kong Police Force and FEHD, conduct joint clearance operations for illegally parked bicycles from time to time having regard to the actual situation. If illegally parked bicycles are found during such operations to be unlawfully occupying unleased government land, officers of

concerned DLOs will exercise the powers under the Land (Miscellaneous Provisions) Ordinance (Cap. 28) ("the Ordinance") to post notices on illegally parked bicycles, requiring the persons concerned to cease occupying the government land before specified dates. Otherwise, the concerned DLOs will take possession of and remove the illegally parked bicycles according to the law. Under the Ordinance, any property being taken possession of shall become the property of the Government free from the rights of any person. Hence, DLOs will not make any arrangements to return the property that has been taken possession to the persons concerned. As such joint clearance operations have a deterrent effect against illegal parking of bicycles, the departments concerned will continue to clear such bicycles having regard to actual circumstances, the Government has no intention at this juncture to change the current practice.

- (4) The Civil Engineering and Development Department is undertaking a pilot study on underground bicycle parking system. Preliminary results of the study are expected at the end of this year. Meanwhile, TD has already updated the Transport Planning and Design Manual by including new bicycle rack designs such as "double-deck parking system" and "1-up-1-down parking rack" as standard designs, apart from that of conventional bicycle parking spaces. TD will have regard to the circumstances of individual districts in considering the installation of these new parking racks at suitable locations so as to provide more bicycle parking spaces.
- (5) The prevailing Hong Kong Planning Standards and Guidelines ("HKPSG") has prescribed the provision of ancillary facilities for bicycles in new development projects. In principle, bicycle parking facilities should be provided in areas with cycle tracks which are constructed for short-distance commuting by residents to various places within the districts. Generally speaking, bicycle parking facilities should be located at main residential developments, activity nodes, markets, public transport interchanges, railway stations, and Government, Institutions and Community facilities. TD will make reference to HKPSG and recommend the appropriate number of bicycle parking spaces taking into account the actual needs of the districts. For districts with high demand, TD will recommend a level of provision higher than that specified in HKPSG. For

instance, individual residential developments in Pak Shek Kok and Ma On Shan have adopted the standard of one bicycle parking space for every 10 flats, which is higher than the one bicycle parking space for every 15 to 30 flats laid down in HKPSG. TD will have regard to the actual circumstances of individual districts and continue to exercise flexibly in meeting the demands for more bicycle parking spaces.

Annex 1

Number of bicycle parking spaces in each district

<i>District Council District</i>	<i>Number of bicycle parking spaces</i>				
	<i>TD</i>	<i>Leisure and Cultural Services Department</i>	<i>FEHD</i>	<i>Housing Department</i>	<i>Total</i>
Central and Western	0	0	40	0	40
Wan Chai	0	0	8	0	8
Eastern	0	0	44	0	44
Southern	0	2	0	11	13
Kowloon City	0	0	75	0	75
Sham Shui Po	60	0	0	0	60
Kwun Tong	0	0	0	0	0
Kwai Tsing	0	0	20	0	20
Yau Tsim Mong	51	0	57	0	108
Wong Tai Sin	0	0	0	0	0
Islands	4 619	28	0	1 370	6 017
North	4 172	33	167	1 857	6 229
Sai Kung	4 986	184	11	480	5 661
Sha Tin	6 044	152	30	5 778	12 004
Tai Po	3 686	26	182	2 868	6 762
Tsuen Wan	74	0	36	0	110
Tuen Mun	4 593	18	0	1 267	5 878
Yuen Long	8 757	113	0	5 833	14 703
Total	37 042	556	670	19 464	57 732

Annex 2

Number of additional bicycle parking spaces proposed
to be provided in each of the new towns

<i>New town</i>	<i>To be completed by 2018</i>	<i>To be completed after 2018</i>	<i>Total</i>
1. Tin Shui Wai	80	360	440
2. Yuen Long	100	340	440
3. Tuen Mun	150	460	610
4. Tsuen Wan	10	60	70
5. Tung Chung	20	200	220
6. Tseung Kwan O	60	240	300
7. Sha Tin/Ma On Shan	90	1 300	1 390
8. Tai Po	260	500	760
9. Fanling/Sheung Shui	180	2 500	2 680
Total	950	5 960	6 910

Annex 3

Number of clearance operations against illegally parked bicycles and
number of bicycles confiscated in such operations in each district

<i>District Council District</i>	<i>Number of clearance operations against illegally parked bicycles</i>			<i>Number of bicycles confiscated in clearance operations against illegally parked bicycles</i>		
	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Central and Western	17	33	39	3	12	19
Wan Chai	9	12	9	4	6	3
Eastern	23	19	33	25	63	26
Southern	4	1	3	1	1	5
Kowloon City	17	24	34	72	93	130
Sham Shui Po	12	16	17	162	268	218
Kwun Tong	10	11	37	85	181	204
Kwai Tsing	12	7	97	275	123	118
Yau Tsim Mong	19	20	32	112	56	87
Wong Tai Sin	9	14	21	38	67	75

<i>District Council District</i>	<i>Number of clearance operations against illegally parked bicycles</i>			<i>Number of bicycles confiscated in clearance operations against illegally parked bicycles</i>		
	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Islands	20	14	19	339	320	454
North	26	32	30	895	959	1 812
Sai Kung	29	40	26	1 554	959	704
Sha Tin	47	49	32	2 060	1 415	1 846
Tai Po	18	12	19	419	436	900
Tsuen Wan	9	9	102	106	128	72
Tuen Mun	13	15	22	1 028	975	1 049
Yuen Long	34	52	51	1 106	1 315	1 165
Total	328	380	623	8 284	7 377	8 887

Note:

No bicycle was confiscated in some clearance operations as the illegally parked bicycles had been removed by bicycle owners upon the posting of notices.

Policies on and statistics of Mainland residents coming to study, work and settle in Hong Kong

9. **MS CLAUDIA MO** (in Chinese): *President, it is learnt that since 1997, almost 1 500 000 Mainland residents have come to settle in Hong Kong, and quite a number of Mainland residents have come to study and work in Hong Kong. Regarding the policies on and statistics of these people, will the Government inform this Council:*

- (1) *of the number of Mainland residents who came to settle in Hong Kong on strength of Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits")("OWPs") in each year since 1997 and, among such residents, the number of those who were subsequently repatriated after being ruled by the court that they had obtained their OWPs by illegal means;*
- (2) *of the respective numbers of people who (i) applied for and (ii) were granted permission to come to/stay in Hong Kong under the Quality Migrant Admission Scheme, the Capital Investment Entrant Scheme,*

the Admission Scheme for Mainland Talents and Professionals and the Immigration Arrangement for Non-local Graduates last year; the respective numbers of people, who had been granted permission in earlier years to come to/stay in Hong Kong under such Schemes/Arrangement, became Hong Kong permanent residents ("HKPRs") last year by virtue of having ordinarily resided in Hong Kong for a continuous period of not less than seven years and, among such people, the number and percentage of those who were Mainland residents;

- (3) *whether it knows the respective numbers of Mainland students coming to Hong Kong to pursue post-secondary programmes funded by the University Grants Committee and self-financing post-secondary programmes in each year since 2003 (and the respective percentages of such numbers in the numbers of students and non-local students in those years), together with a breakdown by (i) name of institution, (ii) level of study (e.g. sub-degree, bachelor's degree, master's degree and doctor's degree) and (iii) duration of study, as well as the public expenditure incurred each year as a result of Mainland students pursuing these programmes;*
- (4) *whether it knows the number of Mainland students coming to Hong Kong to pursue other post-secondary programmes in each year since 2003 (and the respective percentages of such numbers in the numbers of students and non-local students in the years concerned), together with a breakdown by (i) name of post-secondary institution, (ii) level of study and (iii) duration of study;*
- (5) *of the number of foreign workers imported and, among them, the number and percentage of those who were Mainland residents, in each year since 1997;*
- (6) *whether it knows the number of the Mainland residents who had come to settle in Hong Kong after 1997 emigrating overseas, and the percentage of such number in the total number of HKPRs who emigrated overseas, in each year since 1997;*

- (7) *of the number of Mainland residents, who had come to settle in Hong Kong after 1997, applying for renunciation of HKPR status, and the percentage of such number in the total number of such applicants, in each year since 1997;*
- (8) *whether it knows the respective numbers of live births born to singly non-permanent resident ("SNR") pregnant women (i.e. Mainland pregnant women whose spouses are HKPRs) and doubly non-permanent resident ("DNR") pregnant women (i.e. Mainland pregnant women whose spouses are not HKPRs) in public and private hospitals in Hong Kong in each year since 1997;*
- (9) *of the respective numbers of SNR and DNR children coming to Hong Kong to study in (i) kindergartens, (ii) primary schools, (iii) secondary schools, (iv) post-secondary institutions and (v) universities in Hong Kong, and the respective percentages of such numbers in the total numbers of students at those levels, in each year since 2003; and*
- (10) *whether the authorities will discuss with the relevant Mainland authorities the assumption of full responsibility for the vetting and approval of OWP applications by Hong Kong; if so, of the details and timetable; if not, the reasons for that?*

SECRETARY FOR SECURITY (in Chinese): President, upon consultation with relevant Policy Bureaux and departments, the reply to the question is as follows:

- (1) Since 1 July 1997, the number of persons who have come to Hong Kong on Permits for Proceeding to Hong Kong and Macao (commonly known as "One-way Permits" ("OWPs")) in each year is as follows:

<i>Year</i>	<i>Number of persons entering Hong Kong on OWPs</i>
1997 (From 1 July)	29 395

<i>Year</i>	<i>Number of persons entering Hong Kong on OWPs</i>
2007	33 865

<i>Year</i>	<i>Number of persons entering Hong Kong on OWP</i> s	<i>Year</i>	<i>Number of persons entering Hong Kong on OWP</i> s
1998	56 039	2008	41 610
1999	54 625	2009	48 587
2000	57 530	2010	42 624
2001	53 655	2011	43 379
2002	45 234	2012	54 646
2003	53 507	2013	45 031
2004	38 072	2014	40 496
2005	55 106	2015	38 338
2006	54 170	2016	57 387

The Immigration Department ("ImmD") does not maintain the other statistics mentioned in the question.

(2) The statistics mentioned in the question are at Annex 1.

(3) and (4)

From the 2003-2004 to 2016-2017 academic years, the number of Mainland students of University Grants Committee ("UGC")-funded programmes by university and level of study; and the percentage of Mainland students to total enrolment and non-local enrolment are at Annex 2. The Education Bureau does not have information of the average years of study of relevant Mainland students in Hong Kong.

According to information provided by relevant institutions, from the 2010-2011 to 2016-2017 academic years, the number of Mainland students of full-time locally accredited non-UGC-funded post-secondary programmes by institution and level of study; and the percentage of Mainland students to total enrolment and non-local enrolment are at Annex 3. Education Bureau does not have information of the average years of study of relevant Mainland students in Hong Kong.

Funding provided by the UGC to UGC-funded universities is made in the form of a block grant on the basis of approved student places allocated to the universities. It is not possible to attribute specific amount of funding to Mainland students.

It is noteworthy that starting from the 2016-2017 academic year, all new non-local students in sub-degree ("SD"), undergraduate ("Ug") and taught postgraduate ("TPg") programmes should be admitted through over-enrolment outside the approved UGC-funded student number targets, capped at a level equivalent to 20% of the approved UGC-funded student number targets for these programmes, by study level. Over-enrolment is allowed on the condition that no extra resources will be provided by the UGC. All non-local students of SD, Ug and TPg programmes are required to pay tuition fee at a level that is at least sufficient to recover all additional direct costs. In other words, no additional resources are involved in over-enrolment of non-local students.

On the other hand, Mainland students who are admitted to the subvented Higher Diploma programmes offered by the Vocational Training Council are required to pay tuition fees at the level equivalent to that of self-financing programmes.

- (5) The statistics mentioned in the question are at Annex 4.
- (6) Hong Kong residents departing Hong Kong are not obliged to inform the Government of the Hong Kong Special Administrative Region ("HKSAR Government") of their purpose of travel. The HKSAR Government does not maintain the statistics mentioned in the question.
- (7) ImmD verifies Hong Kong permanent resident status in accordance with the Immigration Ordinance. According to the law, once verified, as long as the person still qualifies for Hong Kong permanent resident, the Hong Kong permanent resident status will not change. ImmD does not maintain the statistics mentioned in the question.

- (8) To ensure that local pregnant women are accorded priority for quality obstetric services, the Government has implemented a series of measures to limit the use of obstetric services by non-local pregnant women to a level that can be handled by the health care system in Hong Kong. Since the implementation of the "zero-quota policy" on 1 January 2013, all public hospitals have not accepted any delivery bookings by non-local pregnant women, and private hospitals have also unanimously agreed to stop accepting delivery bookings from non-local pregnant women (including Mainland pregnant women) whose husbands are not Hong Kong residents since 2013. For Mainland pregnant women whose husbands are Hong Kong permanent residents or Hong Kong residents who came to Hong Kong on OWPs hoping to give birth in Hong Kong, there is a consensus in the community that the Government should provide assistance to this group of expectant mothers as far as possible. In this connection, the Government has established a special arrangement with private hospitals to allow this specific group of women to make delivery bookings at local private hospitals on the production of the required supporting documents.

According to the information provided by the Census and Statistics Department ("C&SD"), the numbers of live births born in Hong Kong to Mainland women whose spouses are Hong Kong permanent residents and Mainland women whose spouses are non-Hong Kong permanent residents between 1997 and 2016 are summarized at Annex 5. Besides, C&SD only maintains the statistics regarding the proportion of live births born to Mainland women in public hospitals and private hospitals from 2007 onwards.

- (9) Education Bureau does not collect information on the resident status of the parents of students and hence is unable to provide the number and the percentage of students by their parents' resident status.
- (10) OWPs are documents issued by relevant authorities in the Mainland. The application, approval and issuance of OWPs fall within the remit of the Mainland authorities. According to Article 22 of the Basic Law and the interpretation by the Standing Committee of the National People's Congress in 1999, Mainland residents who wish to enter Hong Kong for whatever reason must apply to the relevant authorities of their residential districts for approval in accordance with the relevant national laws and administrative regulations, and

must hold valid documents issued by the relevant authorities. Accordingly, Mainland residents who wish to settle in Hong Kong for family reunion must apply for OWPs from the exit and entry administration offices of the public security authority at the places of their household registration in the Mainland. ImmD facilitates the processing of OWP applications by the Mainland authorities at case level, including issuing Certificates of Entitlement to the Right of Abode to children of Hong Kong permanent residents, and when necessary, rendering assistance in verifying the supporting documents submitted by the applicants and their claimed relationship with relatives in Hong Kong (e.g. husband and wife, parent and child). Where a case is found to be suspicious or when factual discrepancies are identified, ImmD will inform the Mainland authorities and request the applicant to provide further documentary proof. ImmD will also assist the Mainland authorities in investigating cases involving OWPs obtained through unlawful means. The HKSAR Government does not consider that there is any need or justification to request the Mainland authorities to consider changing the existing OWP scheme or approval arrangements.

Annex 1

Table 1: Statistics of applications received and approved under various admission schemes/arrangements⁽¹⁾

<i>Admission scheme/arrangement</i>			<i>2016</i>	
Quality Migrant Admission Scheme			Applications received	1 575 (750) [47.6%]
			Quotas allotted	273 (237) [86.8%]
Capital Investment Entrant Scheme ⁽²⁾			Applications received	0 (0)
			Applications approved	2 667 (2 575) [96.6%]

<i>Admission scheme/arrangement</i>		<i>2016</i>
Admission Scheme for Mainland Talents and Professionals ⁽³⁾	Applications received	(12 251)
	Applications approved	(10 404)
Immigration Arrangements for Non-local Graduates	Applications received	9 376 (8 680) [92.6%]
	Applications approved	9 289 (8 611) [92.7%]

Notes:

- () Denote Mainland applicants. As for the Capital Investment Entrant Scheme, such figures include applicants who are Chinese nationals having acquired the status of permanent residents overseas.
- [] Denote the percentage of Mainland applicants in the total number of applications.
- (1) The number of cases approved generally does not fully correspond to the number of applications received in a particular year since the receipt and completion of a case may not fall in the same year.
- (2) The Capital Investment Entrant Scheme has been suspended with effect from 15 January 2015. However, ImmD continues to process the applications received before the suspension in accordance with the rules of the Scheme.
- (3) The Admission Scheme for Mainland Talents and Professionals is only applicable to Mainland residents and thus all applicants are Mainland residents.

Table 2: Statistics of entrants who acquired right of abode under various admission schemes/arrangements

<i>Admission scheme/arrangement</i>	<i>2016</i>
Quality Migrant Admission Scheme	221
Capital Investment Entrant Scheme	728
Admission Scheme for Mainland Talents and Professionals	699
Immigration Arrangements for Non-local Graduates	1 979

Note:

The breakdown is maintained in accordance with applicants' status in Hong Kong at the time of application for right of abode. ImmD does not maintain statistical breakdowns by region of applicants who acquired right of abode.

Annex 2

Number of Mainland students in UGC-funded programmes by university and level of study, 2003-2004 to 2016-2017 academic years

(headcount)

Academic Year	University	Number of Mainland students					% of Mainland students to total enrolment	% of Mainland students to total non-local enrolment
		SD programme	Ug programme	TPg programme	Research postgraduate ("RPg") programme^			
					Master of philosophy programme	Doctor of philosophy programme		
2003-2004	CityU	-	123	2	43	114	1.8%	89.0%
	HKBU	-	56	-	21	55	2.5%	95.0%
	LU	-	43	-	8	8	2.6%	100.0%
	CUHK	-	238	31	131	342	5.7%	94.4%
	EdUHK	-	23	-	-	-	0.3%	71.9%
	PolyU	2	89	10	31	135	1.6%	85.0%
	HKUST	-	122	43	61	384	8.5%	93.1%
	HKU	-	148	51	131	404	5.6%	81.4%
2004-2005	CityU	-	197	5	54	158	2.9%	93.2%
	HKBU	-	83	-	28	68	3.3%	95.2%
	LU	-	36	-	8	8	2.3%	100.0%
	CUHK	-	426	14	117	360	7.2%	94.8%
	EdUHK	-	24	3	-	-	0.3%	79.4%
	PolyU	4	127	5	26	126	1.8%	83.5%
	HKUST	-	176	19	84	401	9.9%	94.6%
	HKU	-	215	25	110	456	6.3%	82.1%
2005-2006	CityU	-	212	8	88	165	3.7%	93.5%
	HKBU	-	139	-	34	56	4.1%	97.4%
	LU	-	46	-	13	4	2.7%	100.0%
	CUHK	-	630	2	155	418	9.6%	94.4%
	EdUHK	-	37	6	-	-	0.6%	97.7%
	PolyU	-	246	3	20	164	2.8%	88.4%
	HKUST	-	298	16	106	414	12.2%	94.8%
	HKU	-	399	21	122	548	8.7%	85.3%

Academic Year	University	Number of Mainland students					% of Mainland students to total enrolment	% of Mainland students to total non-local enrolment
		SD programme	Ug programme	TPg programme	Research postgraduate ("RPg") programme [^]			
					Master of philosophy programme	Doctor of philosophy programme		
2006-2007	CityU	-	350	10	94	199	6.1%	94.9%
	HKBU	-	244	-	41	63	6.5%	98.6%
	LU	-	65	-	18	4	3.7%	92.6%
	CUHK	-	815	4	165	551	11.6%	93.3%
	EdUHK	-	68	9	-	-	1.2%	100.0%
	PolyU	-	408	3	35	194	4.3%	91.6%
	HKUST	-	411	14	131	451	14.7%	94.7%
	HKU	-	612	19	187	589	11.1%	88.1%
2007-2008	CityU	-	473	1	90	229	8.1%	95.1%
	HKBU	-	333	1	39	70	8.1%	98.4%
	LU	-	105	-	16	4	5.3%	88.7%
	CUHK	-	727	4	210	623	11.8%	92.1%
	EdUHK	-	156	26	-	-	3.1%	100.0%
	PolyU	1	574	1	48	236	6.1%	93.5%
	HKUST	-	489	6	155	470	16.3%	93.2%
	HKU	-	801	17	218	627	12.6%	89.2%
2008-2009	CityU	-	607	3	104	232	9.6%	94.0%
	HKBU	-	399	-	38	93	9.5%	98.9%
	LU	-	153	-	17	4	7.3%	87.0%
	CUHK	-	797	9	227	670	12.7%	91.9%
	EdUHK	-	192	11	-	-	3.2%	100.0%
	PolyU	2	748	-	60	264	7.6%	92.8%
	HKUST	-	559	-	165	539	18.1%	90.9%
	HKU	-	893	16	209	702	13.7%	88.9%
2009-2010	CityU	-	636	3	51	369	10.5%	93.2%
	HKBU	-	428	2	56	93	10.4%	98.5%
	LU	-	180	-	21	6	8.6%	90.4%
	CUHK	-	848	4	239	758	13.5%	91.5%
	EdUHK	-	227	9	-	-	3.6%	100.0%
	PolyU	2	818	-	79	313	8.2%	91.8%
	HKUST	-	517	-	178	576	18.0%	87.4%
	HKU	-	908	17	255	837	15.0%	85.8%

Academic Year	University	Number of Mainland students					% of Mainland students to total enrolment	% of Mainland students to total non-local enrolment
		SD programme	Ug programme	TPg programme	Research postgraduate ("RPg") programme [^]			
					Master of philosophy programme	Doctor of philosophy programme		
2010-2011	CityU	-	624	2	2	496	11.0%	89.9%
	HKBU	-	437	3	52	101	10.7%	96.1%
	LU	-	191	-	19	5	9.4%	90.0%
	CUHK	-	852	8	207	846	13.7%	90.4%
	EdUHK	-	242	8	-	6	3.7%	98.5%
	PolyU	2	848	-	62	321	8.4%	89.4%
	HKUST	-	497	-	167	629	17.9%	80.9%
	HKU	-	947	22	254	873	15.4%	80.3%
2011-2012	CityU	-	590	6	2	522	10.7%	87.4%
	HKBU	-	450	3	27	121	10.8%	95.7%
	LU	-	169	-	21	5	8.8%	86.3%
	CUHK	-	911	9	172	937	14.1%	88.2%
	EdUHK	-	211	10	1	17	3.3%	96.0%
	PolyU	-	801	-	64	326	8.2%	85.2%
	HKUST	-	474	-	170	732	18.2%	75.8%
	HKU	-	977	27	218	963	15.9%	76.1%
2012-2013	CityU	-	794	3	1	520	10.3%	82.3%
	HKBU	-	648	1	16	134	11.4%	95.1%
	LU	-	158	-	24	5	7.0%	81.3%
	CUHK	-	1 317	13	168	1 040	13.9%	86.6%
	EdUHK	-	218	6	2	20	3.1%	95.0%
	PolyU	-	1 059	-	62	345	8.5%	83.5%
	HKUST	-	668	-	207	753	16.5%	72.1%
	HKU	-	1 453	39	224	1 065	15.9%	73.4%
2013-2014	CityU	-	810	4	1	479	10.0%	75.5%
	HKBU	-	692	-	15	145	12.1%	95.2%
	LU	-	147	-	26	7	6.8%	81.4%
	CUHK	-	1 374	13	168	1 081	14.1%	84.5%
	EdUHK	-	235	4	2	18	3.3%	93.8%
	PolyU	-	1 104	-	57	391	9.0%	82.1%
	HKUST	-	694	-	221	823	17.1%	70.7%
	HKU	-	1 465	65	223	1 110	16.0%	72.7%
2014-2015	CityU	-	814	4	1	536	9.9%	71.7%
	HKBU	-	705	-	17	145	12.1%	94.5%
	LU	-	138	-	26	9	6.6%	82.0%
	CUHK	-	1 443	6	138	1 185	14.4%	83.5%

Academic Year	University	Number of Mainland students					% of Mainland students to total enrolment	% of Mainland students to total non-local enrolment
		SD programme	Ug programme	TPg programme	Research postgraduate ("RPg") programme [^]			
					Master of philosophy programme	Doctor of philosophy programme		
	EdUHK	-	258	3	1	12	3.4%	93.2%
	PolyU	2	1 139	-	47	409	9.2%	79.3%
	HKUST	-	668	-	226	802	16.6%	68.0%
	HKU	-	1 465	56	175	1 180	15.5%	71.6%
2015-2016	CityU	-	838	-	1	574	10.0%	71.0%
	HKBU	-	727	1	11	155	12.1%	94.2%
	LU	-	155	-	22	12	7.2%	84.0%
	CUHK	-	1 445	4	150	1 278	14.7%	81.9%
	EdUHK	-	285	6	4	17	3.8%	92.9%
	PolyU	1	1 167	-	44	435	9.5%	77.8%
	HKUST	-	652	-	197	841	16.3%	66.0%
	HKU	-	1 457	41	159	1 213	15.2%	71.2%
2016-2017 (provisional)	CityU	-	841	-	1	663	10.5%	70.1%
	HKBU	-	740	1	12	158	12.4%	93.3%
	LU	-	123	-	15	12	5.6%	79.8%
	CUHK	-	1 488	4	148	1 274	14.8%	79.3%
	EdUHK	-	340	5	9	28	4.6%	92.5%
	PolyU	-	1 200	-	60	417	9.5%	73.0%
	HKUST	-	670	-	183	831	15.8%	63.1%
	HKU	-	1 450	44	168	1 152	14.7%	68.5%

Notes:

- (1) The place of origin of non-local students is determined having regard to their nationality.
- (2) RPg figures include only students funded by UGC within normal study periods.
- (3) To tie in with the implementation of the new academic structure, UGC-funded universities admitted two cohorts of Ug students under the old and new academic structures in the 2012-2013 academic year.
- (4) [^] Figures may not add up to the corresponding totals owing to rounding. If RPg students are financed by universities using both UGC and external funds, they will be counted towards different sources on a pro-rata basis, which leads to the possibility of having decimal places for the number of RPg students.
- (5) "-" denotes 'nil'.
- (6) Abbreviations:
CityU City University of Hong Kong
HKBU Hong Kong Baptist University
LU Lingnan University
CUHK The Chinese University of Hong Kong
EdUHK The Education University of Hong Kong
PolyU The Hong Kong Polytechnic University
HKUST The Hong Kong University of Science and Technology
HKU The University of Hong Kong

Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2010-2011 academic year

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	-	-	-	-	-
Caritas Institute of Higher Education	3	-	-	0.4%	100.0%
Chu Hai College of Higher Education	-	67	-	4.9%	100.0%
City University of Hong Kong	31	-	819	6.6%	91.2%
Hang Seng Management College	3	5	-	0.7%	100.0%
HKU SPACE Po Leung Kuk Stanley Ho Community College	-	-	-	-	-
Hong Kong Art School	2	-	-	1.8%	100.0%
Hong Kong Baptist University	171	37	661	12.8%	97.4%
Hong Kong College of Technology	3	-	-	8.1%	100.0%
Hong Kong Institute of Technology	1	-	-	0.1%	100.0%
Hong Kong Shue Yan University	16	-	-	1.6%	88.9%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Lingnan University	-	216	-	4.5%	100.0%
SCAD Foundation (Hong Kong) Limited	55	13	112	6.3%	96.8%
The Chinese University of Hong Kong	13	-	1 278	11.3%	87.3%
The Education University of Hong Kong	84	-	-	5.2%	95.5%
The Hong Kong Academy for Performing Arts	9	11	186	12.2%	97.6%
The Hong Kong Polytechnic University	2	25	31	10.0%	65.2%
The Hong Kong University of Science and Technology	30	44	1 120	6.8%	93.4%
The Open University of Hong Kong	-	-	712	30.1%	61.7%
The University of Hong Kong	-	92	18	1.7%	88.7%
Tung Wah College	68	-	748	5.9%	77.3%
Vocational Training Council	1	-	-	<0.1%	50.0%
Yew Chung Community College	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2011-2012 academic year

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	3	-	-	0.6%	60.0%
Caritas Institute of Higher Education	-	-	-	-	-
Chu Hai College of Higher Education	-	47	-	3.7%	100.0%
City University of Hong Kong	21	4	1 248	10.2%	94.0%
Hang Seng Management College	2	6	-	0.5%	100.0%
HKU SPACE Po Leung Kuk Stanley Ho Community College	1	-	-	<0.1%	50.0%
Hong Kong Art School	-	-	-	-	-
Hong Kong Baptist University	193	50	905	15.5%	95.9%
Hong Kong College of Technology	2	-	-	0.2%	100.0%
Hong Kong Institute of Technology	20	-	-	1.9%	95.2%
Hong Kong Shue Yan University	-	216	-	4.5%	100.0%
Lingnan University	64	11	132	5.8%	98.6%
SCAD Foundation (Hong Kong) Limited	-	-	-	-	-
The Chinese University of Hong Kong	15	-	1 725	14.3%	89.0%
The Education University of Hong Kong	11	21	264	13.1%	96.7%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Hong Kong Academy for Performing Arts	-	23	37	9.6%	61.2%
The Hong Kong Polytechnic University	25	90	1 469	8.5%	93.2%
The Hong Kong University of Science and Technology	-	-	855	35.8%	64.9%
The Open University of Hong Kong	-	83	24	1.6%	89.9%
The University of Hong Kong	84	-	921	7.4%	72.7%
Tung Wah College	-	7	-	2.1%	87.5%
Vocational Training Council	3	-	-	<0.1%	60.0%
Yew Chung Community College	1	-	-	5.9%	25.0%

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

**Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2012-2013 academic year**

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	4	-	-	0.8%	80.0%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Institute of Higher Education	-	7	-	1.0%	100.0%
Centennial College	-	-	-	-	-
Chu Hai College of Higher Education	-	41	-	2.3%	100.0%
City University of Hong Kong	12	-	1 720	13.0%	94.8%
Hang Seng Management College	3	10	-	0.4%	100.0%
HKU SPACE Po Leung Kuk Stanley Ho Community College	1	-	-	<0.1%	25.0%
Hong Kong Art School	-	-	-	-	-
Hong Kong Baptist University	206	60	1 312	17.3%	97.4%
Hong Kong College of Technology	5	-	-	0.6%	100.0%
Hong Kong Institute of Technology	19	7	-	1.8%	89.7%
Hong Kong Shue Yan University	-	201	-	4.1%	100.0%
Lingnan University	150	-	161	5.5%	98.4%
SCAD Foundation (Hong Kong) Limited	-	-	-	-	-
The Chinese University of Hong Kong	11	-	2 304	17.9%	92.3%
The Education University of Hong Kong	4	23	329	14.2%	98.1%
The Hong Kong Academy for Performing Arts	-	47	46	12.1%	67.9%
The Hong Kong Polytechnic University	21	181	1 767	10.2%	94.2%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Hong Kong University of Science and Technology	-	-	1 079	42.9%	70.6%
The Open University of Hong Kong	-	112	36	2.1%	94.3%
The University of Hong Kong	132	3	1 275	8.7%	77.3%
Tung Wah College	5	33	-	3.3%	100.0%
Vocational Training Council	40	-	-	0.1%	85.1%
Yew Chung Community College	3	-	-	4.3%	23.1%
YMCA College of Careers	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

**Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2013-2014 academic year**

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	26	-	-	6.6%	96.3%
Caritas Institute of Higher Education	4	43	-	6.1%	100.0%
Centennial College	-	21	-	4.5%	100.0%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Chu Hai College of Higher Education	-	46	-	2.8%	83.6%
City University of Hong Kong	31	-	2 114	15.1%	94.7%
Hang Seng Management College	3	7	-	0.3%	100.0%
HKU SPACE Po Leung Kuk Stanley Ho Community College	4	-	-	0.1%	50.0%
Hong Kong Art School	1	-	-	0.4%	25.0%
Hong Kong Baptist University	270	69	1 763	23.4%	98.5%
Hong Kong College of Technology	7	-	-	0.8%	100.0%
Hong Kong Institute of Technology	25	-	-	1.8%	86.2%
Hong Kong Nang Yan College of Higher Education	1	-	-	3.4%	100.0%
Hong Kong Shue Yan University	-	208	11	4.2%	99.5%
Lingnan University	105	-	131	4.8%	97.5%
SCAD Foundation (Hong Kong) Limited	-	-	-	-	-
The Chinese University of Hong Kong	16	-	3 304	25.2%	94.6%
The Education University of Hong Kong	-	39	485	18.9%	98.9%
The Hong Kong Academy for Performing Arts	-	54	48	13.2%	74.5%
The Hong Kong Polytechnic University	11	246	2 022	12.1%	94.7%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Hong Kong University of Science and Technology	-	-	1 149	43.1%	78.9%
The Open University of Hong Kong	-	130	8	1.8%	93.9%
The University of Hong Kong	108	5	1 488	10.2%	80.9%
Tung Wah College	6	41	-	2.8%	100.0%
Vocational Training Council	77	5	-	0.3%	79.6%
Yew Chung Community College	8	-	-	8.7%	44.4%
YMCA College of Careers	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

**Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2014-2015 academic year**

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	64	-	-	17.2%	100.0%
Caritas Institute of Community Education	-	-	-	-	-
Caritas Institute of Higher Education	10	124	-	12.9%	100.0%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Centennial College	-	68	-	11.2%	98.6%
Chu Hai College of Higher Education	-	69	-	4.1%	98.6%
City University of Hong Kong	79	-	2 329	17.8%	95.4%
Hang Seng Management College	3	23	-	0.6%	100.0%
HKU SPACE Po Leung Kuk Stanley Ho Community College	10	-	-	0.4%	83.3%
Hong Kong Art School	3	-	-	1.2%	60.0%
Hong Kong Baptist University	341	60	1 888	27.2%	97.6%
Hong Kong College of Technology	15	-	-	2.4%	100.0%
Hong Kong Institute of Technology	28	-	-	2.4%	90.3%
Hong Kong Nang Yan College of Higher Education	3	-	-	7.0%	100.0%
Hong Kong Shue Yan University	-	207	5	4.1%	100.0%
Lingnan University	99	-	229	15.6%	95.9%
SCAD Foundation (Hong Kong) Limited	-	-	-	-	-
The Chinese University of Hong Kong	36	-	3 029	25.6%	94.6%
The Education University of Hong Kong	-	55	483	19.4%	98.2%
The Hong Kong Academy for Performing Arts	-	50	54	13.1%	78.8%
The Hong Kong Polytechnic University	16	242	2 080	12.7%	95.2%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Hong Kong University of Science and Technology	-	-	1 300	47.5%	78.5%
The Open University of Hong Kong	-	181	90	2.9%	95.8%
The University of Hong Kong	123	2	1 514	11.3%	82.3%
Tung Wah College	4	52	-	3.0%	100.0%
Vocational Training Council	54	21	-	0.2%	78.1%
Yew Chung Community College	6	-	-	5.8%	54.5%
YMCA College of Careers	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2015-2016 academic year

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	80	-	-	24.8%	98.8%
Caritas Institute of Community Education	3	-	-	2.7%	100.0%
Caritas Institute of Higher Education	22	182	-	15.9%	99.5%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Centennial College	-	87	-	14.0%	94.6%
Chu Hai College of Higher Education	-	70	4	4.8%	81.3%
City University of Hong Kong	130	-	2 355	19.9%	96.3%
Gratia Christian College	-	-	-	-	-
Hang Seng Management College	-	36	-	0.7%	100.0%
HKCT Institute of Higher Education	-	-	-	-	-
HKU SPACE Po Leung Kuk Stanley Ho Community College	9	-	-	0.4%	90.0%
Hong Kong Art School	3	-	-	1.4%	75.0%
Hong Kong Baptist University	319	67	1 664	24.3%	97.6%
Hong Kong College of Technology	10	-	-	2.0%	100.0%
Hong Kong Institute of Technology	27	-	-	3.5%	87.1%
Hong Kong Nang Yan College of Higher Education	3	14	-	22.4%	100.0%
Hong Kong Shue Yan University	-	186	29	4.1%	100.0%
Lingnan University	81	-	210	19.5%	94.5%
SCAD Foundation (Hong Kong) Limited	-	-	-	-	-
The Chinese University of Hong Kong	35	-	2 544	23.6%	95.0%
The Education University of Hong Kong	-	67	448	17.3%	96.4%
The Hong Kong Academy for Performing Arts	-	40	54	12.1%	74.0%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Hong Kong Polytechnic University	15	226	1 832	11.3%	93.8%
The Hong Kong University of Science and Technology	-	2	1 368	48.1%	78.4%
The Open University of Hong Kong	1	239	149	3.5%	90.7%
The University of Hong Kong	132	-	1 615	11.5%	83.3%
Tung Wah College	4	55	-	2.9%	100.0%
Vocational Training Council	35	39	-	0.2%	84.1%
Yew Chung Community College	2	-	-	1.1%	28.6%
YMCA College of Careers	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

Full-time locally accredited self-financing post-secondary programmes
Mainland students by institution and level of study, 2016-2017 academic year

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Bianchi College of Careers	62	-	-	21.8%	98.4%
Caritas Institute of Community Education	2	-	-	1.3%	100.0%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
Caritas Institute of Higher Education	14	167	-	12.8%	98.3%
Centennial College	-	63	-	17.0%	91.2%
Chu Hai College of Higher Education	-	111	23	13.2%	98.5%
City University of Hong Kong	170	-	2 195	19.3%	96.3%
Gratia Christian College	-	-	-	-	-
Hang Seng Management College	-	33	-	0.7%	100.0%
HKCT Institute of Higher Education	-	-	-	-	-
HKU SPACE Po Leung Kuk Stanley Ho Community College	16	-	-	0.7%	80.0%
Hong Kong Art School	1	-	-	0.6%	50.0%
Hong Kong Baptist University	269	104	1 397	21.7%	97.0%
Hong Kong College of Technology	28	-	-	6.7%	100.0%
Hong Kong Institute of Technology	24	-	-	3.0%	88.9%
Hong Kong Nang Yan College of Higher Education	2	7	-	14.5%	98.7%
Hong Kong Shue Yan University	-	198	21	4.8%	100.0%
Lingnan University	41	-	243	21.0%	93.1%
SCAD Foundation (Hong Kong) Limited	-	13	-	2.3%	5.5%
The Chinese University of Hong Kong	18	-	2 402	23.2%	94.5%

<i>Institution</i>	<i>Number of Mainland students</i>			<i>% of Mainland students to total enrolment[#]</i>	<i>% of Mainland students to total non-local enrolment[#]</i>
	<i>SD</i>	<i>Ug (including top-up degree)</i>	<i>Postgraduate[^]</i>		
The Education University of Hong Kong	-	71	486	19.7%	96.2%
The Hong Kong Academy for Performing Arts	-	27	54	9.6%	71.1%
The Hong Kong Polytechnic University	11	198	1 675	10.4%	93.4%
The Hong Kong University of Science and Technology	-	7	1 389	48.7%	78.3%
The Open University of Hong Kong	1	354	172	4.5%	94.4%
The University of Hong Kong	238	-	1 660	12.9%	84.9%
Tung Wah College	1	32	-	1.4%	94.2%
Vocational Training Council	19	33	-	0.2%	76.5%
Yew Chung Community College	1	-	-	0.5%	14.3%
YMCA College of Careers	-	-	-	-	-

Notes:

[^] Figures include students of both full-time and part-time TPg programmes and full-time RPg programmes.

[#] Student enrolment of an institution refers to all students enrolling in its non-UGC-funded programmes of SD and above.

Annex 4

Statistics of approved applications for visas/entry permits to enter Hong Kong for employment as imported workers under the Supplementary Labour Scheme

<i>Year</i>	<i>Total number of approved applications</i>	<i>Number of approved applications submitted by Mainland applicants</i>
2002	817	784 [96.0%]

<i>Year</i>	<i>Total number of approved applications</i>	<i>Number of approved applications submitted by Mainland applicants</i>
2003	758	720 [95.0%]
2004	713	694 [97.3%]
2005	839	757 [90.2%]
2006	959	798 [83.2%]
2007	833	762 [91.5%]
2008	1 322	1 259 [95.2%]
2009	1 106	1 010 [91.3%]
2010	1 567	1 544 [98.5%]
2011	1 602	1 586 [99.0%]
2012	2 159	2 133 [98.8%]
2013	2 582	2 453 [95.0%]
2014	2 543	2 488 [97.8%]
2015	3 852	3 628 [94.2%]
2016	3 545	3 452 [97.4%]

Notes:

- (1) Figures in [] denote the percentage of Mainland applicants in the total number of approved applications.
- (2) ImmD does not maintain the statistics of approved applications before 2002.

Annex 5

Number of registered live births born in Hong Kong to Mainland women

<i>Year</i>	<i>Whose spouses are Hong Kong permanent residents</i>	<i>Whose spouses are non-Hong Kong permanent residents⁽¹⁾</i>	<i>Others⁽²⁾</i>	<i>Total</i>	<i>Percentage share in public hospitals</i>	<i>Percentage share in private hospitals</i>
1997	-	-	-	5 830	-	-
1998	5 651	458	-	6 109	-	-
1999	6 621	559	-	7 180	-	-
2000	7 464	709	-	8 173	-	-
2001	7 190	620	-	7 810	-	-
2002	7 256	1 250	-	8 506	-	-
2003	7 962	2 070	96	10 128	-	-
2004	8 896	4 102	211	13 209	-	-
2005	9 879	9 273	386	19 538	-	-
2006	9 438	16 044	650	26 132	-	-
2007	7 989	18 816	769	27 574	33%	67%
2008	7 228	25 269	1 068	33 565	32%	68%
2009	6 213	29 766	1 274	37 253	28%	72%
2010	6 169	32 653	1 826	40 648	26%	74%
2011	6 110	35 736	2 136	43 982	24%	76%
2012	4 698	26 715	1 786	33 199	10%	90%
2013	4 670	790	37	5 497	7%	93%
2014	5 179	823	22	6 024	6%	94%
2015	4 775	775	16	5 566	5%	95%
2016	4 370	606	3	4 979	*	*

Notes:

(1) Include non-Hong Kong permanent residents (persons from the Mainland having resided in Hong Kong for less than seven years being grouped in this category) and non-Hong Kong residents.

(2) Mainland mothers did not provide the father's resident status during birth registration.

- Statistical information for that year is not available.

* Not yet available.

The way forward for the live poultry trade

10. **MR SHIU KA-FAI** (in Chinese): *President, regarding the way forward for the live poultry trade, will the Government inform this Council:*

- (1) *given that the supply of live chickens from the Mainland to Hong Kong was suspended or reduced intermittently on a number of occasions after January 2014, and has even halted altogether since February 2016, of the actions taken by the authorities since 2014 to provide assistance to the live poultry traders affected; whether the Secretary for Food and Health will consider paying a visit to the Mainland to discuss with the relevant Mainland authorities (including the State General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ")) on expeditious resumption of supply of live chickens to Hong Kong; if so, of the details; if not, the reasons for that;*
- (2) *as the Government stated last month that the Food and Health Bureau, the Agriculture, Fisheries and Conservation Department and the Centre for Food Safety of the Food and Environmental Hygiene Department had been maintaining liaison with AQSIQ, the Ministry of Commerce as well as the relevant entry-exit inspection and quarantine bureaux of the Mainland on the issue of supply of Mainland live chickens to Hong Kong, of the date, mode, participating departments and outcome of each session of such liaison made since 2014;*
- (3) *as it has been learnt that there has been no longer any minor poultry (including pigeons, silky chickens, pheasants and chukars) imported from the Mainland to Hong Kong since a few months ago, whether the Government has gained an understanding from the Mainland authorities on when the supply of minor poultry to Hong Kong will be resumed;*
- (4) *as the Government sees merits in the measure recommended by a consultant of vaccinations of poultry against H7N9 Avian Influenza ("AI") virus to improve bio-security, and it has been reported that farms on the Mainland are administering such vaccinations to chickens to fight against AI, whether the Government will expedite the discussion with the Mainland authorities on the resumption of supply of live chickens to Hong Kong;*

- (5) *whether it will consider relaxing the regulation on the transfer of licences for live poultry wholesalers and retailers, so as to make it easier for such licences to be passed on; if not, of the reasons for that; and*
- (6) *as the Government has indicated that it will invite the trade to participate in the study of different feasible options for enhancing the segregation between consumers and live poultry at retail outlets and for the relocation of Cheung Sha Wan Temporary Wholesale Poultry Market, of the details of the relevant plans?*

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

(1) to (3)

In response to the avian influenza ("AI") incident at the end of January 2014, the Government looked into practical arrangements that would help avoid causing disruption to the operation of local live poultry trade and the supply of live poultry to Hong Kong in case of detection of H7 AI virus in imported live poultry. Since it took time to work out and put in place suitable arrangements, despite the fact that Cheung Sha Wan Temporary Wholesale Poultry Market ("CSWTWPM") resumed operation in February 2014, the Government decided then to continue the suspension of importation of live poultry from the Mainland for about four months. Given the impact of the suspension on the operation of import wholesalers, cross-boundary transport operators of live poultry and retailers who sold solely live pigeons, the Government assessed the situation and decided to provide these stakeholders with a one-off ex-gratia payment ("EGP") and rental waiver on an exceptional basis to help alleviate their financial hardship so caused.

It is understood that since the detection of AI at the end of December 2014, in the light of the prevailing state of AI threat on the Mainland and nearby areas as well as the associated risks, the Mainland authorities have adopted more stringent measures for managing registered farms supplying live poultry to Hong Kong and Macao. The Hong Kong Special Administrative Region Government keeps an open mind on the supply of live poultry from the Mainland, and recognizes the importance of the measures taken by the Mainland

authorities to strengthen the prevention and control of AI on the Mainland. Although there is no import ban on live poultry from the Mainland, the registered Mainland farms supplying live poultry to Hong Kong, on commercial considerations, have not supplied live chickens to Hong Kong since mid-February 2016.

The Food and Health Bureau, the Agriculture, Fisheries and Conservation Department ("AFCD") and the Centre for Food Safety of the Food and Environmental Hygiene Department ("FEHD") maintain close liaison with the General Administration of Quality Supervision, Inspection and Quarantine ("AQSIQ"), the Ministry of Commerce, and the relevant entry-exit inspection and quarantine bureaux of the Mainland on issues relating to food supply from the Mainland as well as safeguarding food safety, including the issue of live poultry supply to Hong Kong, on various occasions and through various channels under the existing communication mechanism. Our efforts on this front will continue. Also, the Secretary for Food and Health will visit the Mainland in due course to discuss issues of mutual concern.

- (4) AFCD maintains communication with the Ministry of Agriculture and AQSIQ about issues relating to the H7 AI vaccine. It is understood that the Ministry of Agriculture is preparing for the production of the vaccine. The Government will keep in view the progress, including whether the vaccine will be used on the registered Mainland farms supplying live poultry to Hong Kong.
- (5) A live poultry wholesaler operating in CSWTWPM is required to sign a stall tenancy agreement with AFCD, under which transfer of the tenancy by the tenant is not allowed. Under special circumstances, however, the tenancy may be transferred to immediate family members (i.e. parents, spouse or children) of the tenant. If the tenant is a company, the shares transferable within the tenancy period must not exceed 49% and the transferees must not be the recipients of EGP under the voluntary surrender scheme⁽¹⁾ in exchange for their surrender of tenancies and ceasing operation. As for retailers, FEHD allows transfer of the licence/tenancy of a live

(1) To reduce human contact with live poultry for better prevention of AI, the Government launched a voluntary surrender scheme and a buyout scheme in 2004-2005 and 2008 respectively concerning the licences/tenancies of poultry farmers and other related businesses in the live poultry supply chain.

poultry retail outlet to immediate family members (i.e. parents, spouse or children) of the licensee/tenant so as to maintain the operational landscape of the live poultry supply chain. The Government currently has no plan to change the above policy.

- (6) Having considered the findings of the consultancy study completed earlier on the way forward of live poultry trade in Hong Kong and the outcome of public consultation, the Government has decided to maintain the status quo for the live poultry trade (i.e. continuing sale of live poultry at retail level and no need to ban the importation of live poultry from the Mainland). The Government will also actively implement a series of bio-security improvement measures recommended in the consultancy study, including exploring the feasibility of introducing vaccination against H7N9 AI on local chicken farms, strengthening pre-sale AI testing at farm level and reducing staying time of minor poultry at the wholesale market, in order to guard against AI risk in a more comprehensive manner. In response to the divergent views received on further segregation of live poultry and humans at retail outlets and the relocation of CSWTWPM, the Government is currently studying different options and will engage the trade in due course to ensure that the options developed would be pragmatic and feasible.

The manpower situation of lifeguards

11. **MR HO KAI-MING** (in Chinese): *President, some lifeguards under the employment of the Leisure and Cultural Services Department ("LCSD") have relayed to me that the long-term shortage of lifeguard manpower in LCSD has not only increased the workload of the serving lifeguards and accelerated their wastage, but also posed a safety hazard to swimmers. In respect of the manpower situation of lifeguards, will the Government inform this Council:*

- (1) *of the respective numbers of occasions in each month of the past three years in which LCSD (i) temporarily closed the swimming facilities in public swimming pool complexes and (ii) suspended lifesaving services at public beaches, together with a breakdown by cause;*
- (2) *of (i) the establishment and strength of civil service lifeguards, with a tabulated breakdown by the education level they attained (i.e. primary, secondary, tertiary or above, and others) and the age*

group to which they belonged (i.e. 18 to 22, 23 to 30, 31 to 40, 41 to 50, 51 to 60 and 61 or above), and (ii) the number of civil service lifeguards transferred to positions in other grades or other government departments (with a breakdown by grade and government department), in each of the past two years;

- (3) *whether it knows (i) the annual numbers of swimming pools in private housing estates and (ii) the monthly numbers of lifeguards on duty at such swimming pools, in the past three years (with a tabulated breakdown by District Council district); and*
- (4) *whether it knows, in each of the past three years, the number of participants in the Honorary Lifeguard Incentive Scheme operated by the Hong Kong Life Saving Society, with a tabulated breakdown by the age group to which they belonged (i.e. 18 to 22, 23 to 30, 31 to 40, 41 to 50, 51 to 60 and 61 or above)?*

SECRETARY FOR HOME AFFAIRS (in Chinese): President, currently, the Leisure and Cultural Services Department ("LCSD") manages 43 public swimming pools, 41 gazetted public beaches (38 of which provide lifeguard services), and five water sports centres across the territory. The safety of swimmers has always been the prime concern for LCSD in arranging the manpower of lifeguards. My reply to the four parts of the question is as follows:

- (1) LCSD will consider closing the entire swimming pool complexes or suspend the lifeguard services at beaches in response to unexpected incidents such as inclement weather, water pollution at swimming pools/beaches, urgent repair works, red tide, oil spill or unexpected absence of lifeguards, etc. For details on the closure of the entire swimming pool complexes or the suspension of lifeguard services at beaches for the reasons mentioned above in the past three years, please refer to Annex 1.
- (2) As at 1 August 2016, there were 2 044 lifeguards in LCSD, including 1 162 civil service lifeguards and 67 ex-council contract lifeguards employed on a long-term regular basis. The remaining 815 were non-civil service contract seasonal lifeguards employed on a seasonal basis so as to augment the manpower of lifeguards during the swimming season.

There has been a steady increase in the number of civil service lifeguards, increasing by 30% from 893 in 2011 to 1 162 in 2016. A total of 49 additional civil service lifeguards posts were created in LCSD in 2016-2017. There is no difficulty in the recruitment of civil service lifeguards and their resignation rate has all along been lower than the average rate of the entire civil service, indicating that there is no retention difficulty. Since seasonal lifeguards are employed on a short-term basis, their mobility is naturally higher than that of civil service lifeguards. In addition to stepping up publicity and recruitment efforts, remuneration in terms of salaries and gratuities, etc., for seasonal lifeguards has also been adjusted upwards as appropriate to attract more eligible applicants to apply for the post. LCSD will also continue to recruit eligible retired civil service lifeguards as seasonal lifeguards, and implement a number of measures, including the launch of different training programmes and trainee schemes integrating training, internship and recruitment so as to enhance the overall manpower supply of lifeguards.

With regard to the entry requirements of civil service lifeguard, only applicants with specified qualifications, academic qualifications, good eyesight and who passed the selection interviews and trade tests, etc., required by LCSD with proven capability to perform life-saving duties and related work would be considered for appointment. The relevant qualifications include valid Pool Lifeguard Award or Beach Lifeguard Award or above issued by the Hong Kong Life Saving Society and valid First Aid Certificate issued by the St. John Ambulance Association, Hong Kong Red Cross or Auxiliary Medical Service. All civil service lifeguards appointed by LCSD possess the qualifications mentioned above. The department does not maintain statistics of the education profile of lifeguards.

For details on the establishment, actual manpower, age distribution of civil service lifeguards and those who had transferred to other grades or other government departments in the past two years, please refer to Annex 2.

- (3) According to the Swimming Pools Regulation (Cap.132CA), artificially constructed pools (except those which serve not more than 20 residential units and which are not accessible by the public) used for swimming or bathing and to which the public have access

(whether on payment or otherwise) or which are operated by any club, institution, association or other organization require a swimming pool licence from the Food and Environmental Hygiene Department ("FEHD"). For the number of licensed private swimming pools broken down by District Council districts from 2014 to 2016, please refer to Annex 3.

According to the Swimming Pools Regulation, the licensee of a swimming pool shall, at all times during which the pool is open to swimmers, deploy not less than two lifeguards possessing valid certificates of competency in life saving and first aid. FEHD does not maintain the monthly number of lifeguards on duty at private swimming pools.

- (4) Honorary lifeguards of the Hong Kong Life Saving Society ("HKLSS") and its venue-based lifeguard clubs provide lifeguard services for swimming pools and beaches of LCSD on Saturdays, Sundays and public holidays during the peak swimming season each year. The Honorary Lifeguard Incentive Scheme ("the Scheme") has been launched by HKLSS since 1999 to motivate more people to take part in honorary lifeguard service. Lifeguards providing five or more shifts of honorary lifeguard service within the same year with good service record and nomination by affiliated clubs will be awarded. The total number of shifts of honorary lifeguard services provided by honorary lifeguards for swimming pools and beaches of LCSD and the number of awardees of the Scheme in the past three years are tabulated as follows:

Year	<i>Number of shifts of honorary lifeguard services provided (4 hours per shift)</i>	<i>Number of awardees of the Scheme</i>
2014	4 518	249
2015	3 729	217
2016	3 947	253

Note:

HKLSS indicated that it does not maintain information on the age profile of the awardees.

Annex 1

Number of days of closure of public beaches and swimming pools of
LCSD in 2014 to 2016

2014

Beach

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Red tide	-	-	-	27	47	88	-	-	4	-	31	-	197
Water pollution	-	2	-	11	12	16	-	44	-	-	-	-	85
Industrial action by lifeguards	-	-	-	-	-	-	-	2	13	-	-	-	15
Unexpected absence of lifeguards	-	-	-	-	-	2	-	-	1	1	-	-	4
Others (e.g. inclement weather, urgent repair works, etc.)	-	-	-	-	-	3	53	10	101	-	-	-	167
Total	0	2	0	38	59	109	53	56	119	1	31	0	468

Swimming pool

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Water pollution	-	-	-	-	1	4	5	4	2	1	3	1	21
Industrial action by lifeguards	-	-	-	-	-	-	-	2	12	-	-	-	14
Unexpected absence of lifeguards	-	-	1	2	-	-	1	-	-	-	-	2	6
Others (e.g. inclement weather, urgent repair works, etc.)	3	-	4	1	4	-	6	-	40	-	1	1	60
Total	3	0	5	3	5	4	12	6	54	1	4	4	101

2015

Beach

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Red tide	9	-	23	29	25	-	-	-	-	-	3	-	89
Oil spill	-	-	-	-	3	14	17	12	3	-	-	-	49
Water pollution	-	-	-	-	13	7	10	2	2	6	-	-	40
Industrial action by lifeguards	-	-	-	-	-	-	-	-	-	-	-	-	0
Unexpected absence of lifeguards	-	-	-	-	3	-	-	-	-	-	-	-	3
Others (e.g. inclement weather, urgent repair works, etc.)	-	-	-	-	33	4	69	4	12	36	-	-	158
Total	9	0	23	29	77	25	96	18	17	42	3	0	339

Swimming pool

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Water pollution	2	1	-	1	-	2	3	4	2	-	3	5	23
Industrial action by lifeguards	-	-	-	-	-	-	-	-	-	-	-	-	0
Unexpected absence of lifeguards	1	2	-	2	-	1	-	-	-	-	2	3	11
Others (e.g. inclement weather, urgent repair works, etc.)	-	-	-	1	7	1	54	2	-	-	-	1	66
Total	3	3	0	4	7	4	57	6	2	0	5	9	100

2016

Beach

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Red tide	-	-	100	204	53	-	-	-	-	-	-	-	357
Oil spill	-	-	-	-	32	-	-	-	-	-	-	-	32
Water pollution	-	2	-	7	2	10	9	10	2	-	2	-	44
Industrial action by lifeguards	-	-	-	-	-	3	4	-	-	-	-	-	7

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Unexpected absence of lifeguards	-	-	-	-	-	-	1	-	-	-	-	-	1
Others (e.g. inclement weather, urgent repair works, etc.)	-	-	-	-	3	2	-	85	-	73	-	-	163
Total	0	2	100	211	90	15	14	95	2	73	2	0	604

Swimming pool

<i>Reason of closure</i>	<i>January</i>	<i>February</i>	<i>March</i>	<i>April</i>	<i>May</i>	<i>June</i>	<i>July</i>	<i>August</i>	<i>September</i>	<i>October</i>	<i>November</i>	<i>December</i>	<i>Total</i>
Water pollution	4	2	1	3	-	2	2	4	-	4	4	6	32
Industrial action by lifeguards	-	-	-	-	-	-	-	-	-	-	-	-	0
Unexpected absence of lifeguards	1	2	1	2	1	-	3	1	1	-	1	-	13
Others (e.g. inclement weather, urgent repair works, etc.)	-	-	2	-	2	1	3	86	-	56	-	2	152
Total	5	4	4	5	3	3	8	91	1	60	5	8	197

Annex 2

Establishment of civil service lifeguards

(a) Establishment and strength of civil service lifeguards

<i>As at 1 August</i>	<i>2015</i>		<i>2016</i>	
<i>Civil service lifeguard (including senior lifeguard and lifeguard)</i>	<i>Establishment</i>	<i>Strength</i>	<i>Establishment</i>	<i>Strength</i>
	1 181	1 166	1 197	1 162

(b) Age distribution of civil service lifeguards

<i>As at 1 August</i>		<i>2015</i>	<i>2016</i>
Age group	18-22	4	1
	23-30	188	168
	31-40	458	469
	41-50	292	285
	51-60	223	238
	61 or over	1	1
Total		1 166	1 162

(c) Details on civil service lifeguards transferred to other grades of LCSD or other government departments (including transfer on trial terms)

<i>Government department</i>	<i>Grade</i>	<i>Number</i>	
		<i>August 2014 to August 2015</i>	<i>August 2015 to August 2016</i>
LCSD	Senior Artisan (beach/swimming pool)	11	10
	Artisan (beach/swimming pool)	1	1
	Artisan (Lifeguard at Water Sports Centre)	2	0
	Artisan (Filtration Plant)	3	14
	Amenities Assistant III	1	6
	Sub-total	18	31
Correctional Services Department	Assistant Officer II	0	2
Fire Services Department	Fireman	5	0
FEHD	Foreman	0	1
Hongkong Post	Postman	0	2
Marine Department	Marine Inspector II	1	0
Water Supplies Department	Water Sampler	1	0
Total		25	36
		61	

Annex 3

Number of licensed private swimming pools in 2014 to 2016

<i>District \ Year</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
Central and Western	149	152	155
Wan Chai	89	91	101
Eastern	71	73	64
Southern	97	97	96
Islands	30	30	33
Yau Tsim Mong	67	71	72
Sham Shui Po	31	32	35
Kowloon City	85	92	95
Wong Tai Sin	16	16	16
Kwun Tong	22	23	23
Kwai Tsing	29	29	30
Tsuen Wan	58	60	61
Tuen Mun	74	74	74
Yuen Long	75	76	80
North	42	44	44
Tai Po	52	52	55
Sha Tin	110	110	111
Sai Kung	56	56	60
Total	1 153	1 178	1 205

Breakdown of franchised buses

12. **MR CHAN HAN-PAN** (in Chinese): *President, some members of the public have recently relayed to me that they have often witnessed incidents in which some franchised buses broke down or even caught fire while in service. Regarding breakdown of franchised buses, will the Government inform this Council:*

- (1) *whether it knows, in each of the past five years, the respective numbers of buses under the fleets of various franchised bus companies (i.e. (i) The Kowloon Motor Bus Company (1933) Limited, (ii) Citybus Limited, (iii) New World First Bus Services Limited, (iv) Long Win Bus Company Limited and (v) New Lantao*

Bus Company (1973) Limited) ("bus companies"), as well as the respective numbers of incidents in which such buses broke down or even caught fire while in service, with a breakdown by years of service of buses (set out in tables of the same format as the table below);

Year: _____

<i>Bus company</i>	<i>Number of buses</i>	<i>Number of incidents by years of service of buses</i>				<i>Number of incidents</i>
		<i>5 years or below</i>	<i>6-10 years</i>	<i>11-15 years</i>	<i>16 years or above</i>	
<i>(i)</i>						
<i>(ii)</i>						
<i>(iii)</i>						
<i>(iv)</i>						
<i>(v)</i>						

- (2) *whether it knows the details of the regular bus maintenance and repair work carried out by the various bus companies, including the frequencies of and procedures for inspection of various components; whether the Transport Department ("TD") has (i) formulated codes or guidelines on the roadworthiness of buses, and (ii) put in place any mechanism to monitor the compliance with such codes or guidelines by the various bus companies; if TD has put in place such mechanism, whether cases of breaches of the codes or guidelines were found in the past five years;*
- (3) *whether bus companies are currently required to report bus breakdown incidents to TD; if so, whether TD has stepped up its monitoring of the bus maintenance and repair work carried out by those bus companies with higher incident rates; and*
- (4) *whether it knows if the various bus companies have put in place any retirement mechanism for their buses; if the bus companies have, of the details; if not, the reasons for that; the latest progress of the bus replacement programmes of the various bus companies, and the number of buses intended to be replaced in the coming five years; the differences between buses of the latest model and buses of older models in terms of safety standards?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government attaches great importance to the operational safety of franchised buses. Franchised bus companies shall maintain their fleets properly so as to ensure that they operate safely and are in good working conditions. The Transport Department ("TD") performs a monitoring role and follows up with the franchised bus companies on matters concerning the maintenance and repair of the bus fleets as and when necessary. My reply to the various parts of Mr CHAN Han-pan's question is as follows:

- (1) The average number of breakdown of buses per million vehicle-kilometre under the fleets of individual franchisees over the past five years (2012 to 2016) is set out at Annex. A breakdown refers to an incident (other than a traffic accident) in which passengers have to alight from a bus because its mechanical parts cannot function properly, and that the passengers cannot reach their destination by the same bus. The information is compiled from the monthly statistical reports submitted by the franchised bus companies to TD. Since these reports do not contain the particulars of individual vehicles involved, TD is unable to provide the breakdown statistics by the years of service of the buses. Only about 0.07% of all such incidents caused fire.

(2) to (4)

There were a total of 5 916 franchised buses under all franchised bus companies in Hong Kong as at end 2016. According to the Road Traffic Ordinance, all in-service franchised buses are required to pass annual examinations conducted by TD to assure their operational safety and roadworthiness before their vehicle licences are renewed. The annual examination covers items including the performance of the braking system, steering system, suspension system, lighting, seats, glass, compressed air system, emergency exit and the emission of black smoke to ensure that the bus is operationally fit for the carriage of passengers. Apart from the aforesaid annual examinations, all in-service franchised buses also undergo routine inspection conducted by the respective franchised bus companies on a monthly basis. Items covered in the monthly inspections include the braking system, steering system, engine, axle, suspension system, electrical and power systems as well as

air-conditioning system of a bus. TD has also drawn up specific requirements, such as replacement frequency and performance level, for the critical parts and components of individual systems (e.g. the braking system and axle) for the franchised bus companies to follow when they carry out maintenance and repair work. Franchised bus companies are also required to submit monthly statistical reports on the number of breakdown of buses to TD for monitoring purpose. Where necessary, TD will request submission of additional records, or direct the franchised bus company concerned to conduct in-depth investigation into individual cases of breakdown, so as to facilitate appropriate follow-up action.

In addition, TD conducts spot checks on in-service franchised buses and the relevant maintenance records to monitor the quality of bus maintenance and repair. On average, TD conducts spot checks on 14 franchised buses each working day (totalling around 3 400 buses a year). TD may adjust the number of spot checks for buses of individual franchised bus companies having regard to factors such as the fleet size, number of breakdown cases and results of previous spot checks of the company concerned. If a spot check reveals any problem with individual buses, TD will request the franchised bus company concerned to take immediate action and properly repair the bus concerned before putting it into service again. In case any serious mechanical problem is found during a spot check, TD may institute prosecution pursuant to the Road Traffic (Construction and Maintenance of Vehicles) Regulations. Offenders shall be liable to a maximum penalty of a fine of \$10,000 or imprisonment for six months. Records show that there were 12 such successful convictions in the past five years (2012 to 2016). These cases involved malfunctioning of the braking system, defective tyres, and failure of the suspension system.

Meanwhile, TD reviews the outcome of bus examination and the quality of maintenance work in regular meetings with franchised bus companies. It also takes follow-up actions to enhance bus safety where appropriate. Overall speaking, TD is satisfied with the existing maintenance and repair work carried out by the franchised bus companies for their fleets.

As regards the retirement arrangement of buses, a franchised bus at present shall retire from service before its age reaches 18 years old. The bus replacement cycle for franchised bus companies is in its peak in recent years (i.e. from 2014 to 2017), with a total of more than 2 650 buses being replaced within this period. Among them, the Long Win Bus Company Limited ("LW") and Citybus Limited (Franchise for the Airport and North Lantau Bus Network) are pursuing a major replacement programme, under which these two franchisees are replacing about 30% and about 75% of their respective fleets. In the coming five years (i.e. from 2018 to 2022), the Kowloon Motor Bus Company (1933) Limited, Citybus Limited (Franchise for Hong Kong Island and Cross-Harbour Bus Network), New World First Bus Services Limited, LW and New Lantao Bus Company (1973) Limited ("NLB") are planning to replace 1 225, 19, 118, 3 and 35 buses respectively.

On the safety standard of buses, all franchised buses have to undergo a type approval process by TD to ensure that their design and construction comply with the Road Traffic (Construction and Maintenance of Vehicles) Regulations. The buses shall also pass a pre-registration examination before they can run on the road to ensure operational safety. In general, the new buses procured by the franchised bus companies nowadays come with a host of safety features, such as tachograph (commonly known as "blackbox"), speed limiter, break-glass hammer, fire barrier for the engine compartment and automatic fire alarms, as well as the use of fire-retardant materials for components (such as seats) inside the bus compartments. Where appropriate, franchised bus companies also plan to gradually introduce automatic fire suppression system, which can extinguish small fire in the engine compartment or contain the spread of fire therein, so as to further enhance the operational safety.

It is noteworthy that apart from upgrading the safety features, franchised bus operators have also been enhancing the facilities inside bus compartment and the environmental performance of their fleets in keeping with the times. For instance, with the gradual replacement of buses by each operator, all EURO I buses were phased out last year while all EURO II buses are expected to retire by 2019. Meanwhile, except for some NLB buses which are

constrained by topographical conditions of their routes, the buses of all franchised buses will be low-floor models by the end of this year for the convenience of passengers with impaired mobility and wheelchair passengers. Some new buses procured by individual operators recently also come with charging facilities for mobile electronic devices and free Wi-Fi access, with a view to providing better services to passengers.

Annex

Number of breakdown of buses of individual franchisees
in the past five years

<i>Franchise</i>	<i>Number of franchised buses as at 31 December 2016</i>	<i>Average number of breakdown of buses per million vehicle-kilometre</i>				
		<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>
KMB	3 916	21.1	22.4	22.3	21.2	17.4
CTB(F1)	767	44.2	43.9	41.3	37.1	31.6
CTB(F2)	179	21.9	23.2	19.9	18.9	21.3
NWFB	691	57.0	58.4	59.1	55.2	52.6
LW	242	17.7	18.4	21.4	19.7	20.8
NLB	121	11.1	9.1	10.1	8.2	12.6

Note:

A breakdown refers to an incident (other than a traffic accident) in which passengers have to alight from a bus because its mechanical parts cannot function properly, and that the passengers cannot reach their destination by the same bus. Different franchises have different operating areas and routeings. Generally speaking, the overall performance of buses will be affected if the bus routes travel on roads with more uneven terrain or uphill/downhill sections.

- KMB - The Kowloon Motor Bus Company (1933) Limited
- CTB(F1) - Citybus Limited (Franchise for Hong Kong Island and Cross-Harbour Bus Network)
- CTB(F2) - Citybus Limited (Franchise for the Airport and North Lantau Bus Network)
- NWFB - New World First Bus Services Limited
- LW - Long Win Bus Company Limited
- NLB - New Lantao Bus Company (1973) Limited

Use of marking schemes for tender evaluation in respect of government outsourced service contracts

13. **DR FERNANDO CHEUNG** (in Chinese): *President, in May 2016, the Government revised the guidelines on the use of marking schemes for tender evaluation in respect of government contracts that relied heavily on deployment of non-skilled workers. Under the guidelines, if departments opt to use a marking scheme for tender evaluation, the part on technical evaluation should by default include, for consideration, the tenderers' proposed wage rates and working hours for non-skilled workers. However, there are views that as the technical aspect only carries a weighting of 30% to 40% in the overall score, "wage rates" and "working hours" have minimal effects on the tendering result. At present, the four major procuring departments of service contracts in the Government are Food and Environmental Hygiene Department, Government Property Agency, Leisure and Cultural Services Department and Housing Department. In this connection, will the Government inform this Council:*

- (1) *of the respective weightings for the technical aspect and the price aspect in the overall score in the marking scheme currently adopted by each of the aforesaid departments, and the respective weightings for "wage rates", "working hours" and other criteria (please specify) in the technical aspect in the overall score (set out the information in the table below); and*

Government department	Technical aspect (%)				Price aspect (%)
	Wage rates	Working hours	Other criteria	Total	
<i>Food and Environmental Hygiene Department</i>					
<i>Government Property Agency</i>					
<i>Leisure and Cultural Services Department</i>					
<i>Housing Department</i>					

- (2) *in respect of the two criteria of "wage rates" and "working hours" respectively, of (i) the score conversion table adopted, and (ii) the minimum score that must be obtained by the successful tenderer as set, by each of the aforesaid departments?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, the Government revised the guidelines on the use of marking schemes ("revised guidelines") for contracts that rely heavily on deployment of non-skilled workers in May 2016. If departments opt to adopt a marking scheme for tender evaluation, the technical evaluation should by default include assessment criteria on both the proposed wage rates and working hours for non-skilled workers, unless otherwise agreed by the relevant tender board/committee.

Since procuring departments have to take into account operational needs and actual circumstances when making procurement, in line with the original guidelines, the revised guidelines will not impose any fixed weighting on individual assessment criteria, so as to provide flexibility for departments to cater for their actual needs when making procurement.

Based on the information provided by the four major procuring departments (namely the Food and Environmental Hygiene Department ("FEHD"), Government Property Agency ("GPA"), Housing Department ("HD") and Leisure and Cultural Services Department ("LCSD")), our reply to each part of the question is as follows:

- (1) The marking schemes adopted for different procurement items may vary. Generally speaking, in respect of the marking schemes adopted by the above four major procuring departments for contracts that rely heavily on deployment of non-skilled workers, the information on the mid-point of the maximum marks for various technical assessment criteria and the technical to price weighting is tabulated below:

<i>Government department</i>	<i>Technical marks (full marks: 100)</i>			<i>Technical to price weighting (%)</i>
	<i>Wage rates</i>	<i>Working hours</i>	<i>Other assessment criteria^{Note}</i>	
FEHD	7.5	4.5	88	30:70
GPA	12	6	82	40:60

<i>Government department</i>	<i>Technical marks (full marks: 100)</i>			<i>Technical to price weighting (%)</i>
	<i>Wage rates</i>	<i>Working hours</i>	<i>Other assessment criteria^{Note}</i>	
LCSD	10	3	87	30:70
HD	10.6	10	80	45:55 to 30:70

Note:

Other assessment criteria are determined by procuring departments having regard to their operational needs, which normally include tenderers' past performance records, operational/management plans, contingency plans, etc

The existing procurement system allows flexibility for procuring departments to draw up technical assessment criteria and their maximum marks having regard to the procuring departments' operational needs for approval by the relevant tender board/committee. Procuring departments may also propose to the relevant tender board/committee a weighting exceeding 40% for the technical score. On the other hand, departments will also review from time to time the marking schemes adopted to duly reflect the prevailing market conditions and actual operational needs. For example, FEHD is reviewing its marking scheme for relevant contracts with a view to progressively adjusting the weighting of wage rates in the overall score to encourage tenderers to provide better benefits to their non-skilled workers.

- (2) Please refer to the Annex for the information required in part (2) of the question.

Annex

Summary of information on assessment criteria regarding wage rates and working hours for marking schemes adopted by major procuring departments

Food and Environmental Hygiene Department ("FEHD")

FEHD has prescribed the statutory minimum wage rate ("SMW rate") plus the rest day pay rate as the minimum requirement for the assessment of wage rates, and the successful tenderer is required to pay their non-skilled workers at not less

than the relevant rates. When evaluating tenders, if a tenderer proposes wage rates which are equivalent to the minimum requirement, its tender will receive no mark under the relevant assessment criterion. The tender with the highest proposed wage rates will get the full mark under the criterion, and the remaining tenders will get marks which are proportional to their proposed wage rates.

FEHD has not set any minimum requirement or passing mark for the working hours of non-skilled workers. If the working hours proposed by a tenderer are equivalent to those specified in the tender documents, the full mark will be given. If the proposed working hours are higher than those specified in the tender documents, no mark will be given. If a tenderer fails to obtain the overall passing mark in the technical assessment, its tender will not be considered.

Leisure and Cultural Services Department ("LCSD")

LCSD will prescribe different marks for different levels of wage rates and working hours in its marking schemes. When LCSD evaluates tenders, it will give marks to tenderers corresponding to what prescribed level the proposed wage rates and working hours have attained. In brief, if the wage rates proposed by a tenderer attain a higher level, its tender will obtain a higher mark under that assessment criterion. If the working hours proposed by a tenderer attain the level required in the tender documents, its tender will also obtain a mark for that assessment criterion.

LCSD requires tenderers to propose wages at not less than the SMW rate plus the rest day pay rate and meet the working hour requirements as stated in the tender documents. If the wage rates proposed by a tenderer do not meet the minimum requirements, its tender will not be considered. If the working hours proposed by a tenderer fail to meet the relevant level, no mark will be given under that assessment criterion. If a tenderer fails to obtain the overall passing mark in the technical assessment, its tender will not be considered.

Government Property Agency ("GPA")

GPA's property management services contracts ("PMSCs") require contractors to pay their non-skilled workers at not less than the SMW rate (plus paid rest days). PMSCs also stipulate the daily working hours for non-skilled workers and the shift hours for security guards. For tenders which meet the relevant essential requirements, those proposing higher monthly wage rates for non-skilled workers

and lower maximum working hours for cleansing workers will be given higher marks in these two assessment criteria. No passing marks are set for these two assessment items. If a tenderer fails to obtain the overall passing mark in the technical assessment, its tender will not be considered.

Housing Department ("HD")

HD adopts marking schemes to evaluate tenders for property services/cleansing service/security service contracts. In the relevant tender documents, HD sets SMW rate (plus paid rest days) as the minimum requirement for the assessment of wage rates. HD also sets the maximum daily working hours for cleansing workers. In giving scores, the best performers in these two aspects will be awarded the highest mark in the respective items while the remaining tenderers will get lower marks commensurate with their performance. All tenderers are required to meet the minimum requirements for wage rates and working hours stipulated in the tender documents. Tenders which do not meet the minimum requirements will not be considered.

Moreover, in some property management contracts, HD will prescribe different marks for different levels of wage rates for cleansing/security workers. Tenderers will obtain the corresponding marks when their proposed wage rates attain the relevant prescribed levels. All tenderers are required to meet the minimum requirements for wage rates and working hours stipulated in the tender documents. Tenders which do not meet the minimum requirements will not be considered.

Establishing an insurance claims database to assist in combating fraudulent insurance claims

14. **MR CHAN KIN-POR** (in Chinese): *President, after making reference to the relevant practices in countries such as the United Kingdom, the United States and Singapore, the Hong Kong Federation of Insurers ("HKFI") has decided to establish an insurance claims database to collect and analyse claims data with a view to identifying fraudulent insurance claims at an early stage. HKFI will, at the initial stage, focus on collecting claims data on three categories of insurance, namely vehicle, medical and accident insurance, and will commence data collection in the second half of this year. Moreover, HKFI intends to employ the*

latest information technology to establish a database with a high degree of efficiency and a high level of security. In this connection, will the Government inform this Council:

- (1) of the number of reports, received by the Police in each of the past three years, on suspected fraudulent insurance claims, and the number of prosecutions instituted against the persons concerned, together with a breakdown by category of insurance involved;*
- (2) whether the authorities will render assistance to the insurance industry in employing the latest information technology (such as the blockchain technology) to establish the aforesaid database; if so, of the details; if not, the reasons for that; and*
- (3) as the statutory functions of the Insurance Authority ("IA") include the promotion of the sustainable development of the insurance market and the enhancement of the competitiveness of Hong Kong's insurance industry in the global insurance market, whether the authorities know how IA will assist Hong Kong's insurance industry in combating fraudulent insurance claims?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, our response to the various parts of the question is as follows.

- (1) The relevant information is set out at Annex.
- (2) The Government has been encouraging the industry to develop and apply financial technology. We understand that The Hong Kong Federation of Insurers ("HKFI") will establish a centralized Insurance Claims Database for the Prevention of Fraud. Big data analytics technology will be used to analyse and examine the data collected so as to enable the industry to detect patterns of fraudulent insurance claims and take early preventive measures where appropriate. HKFI has completed the proof-of-concept exercise for the relevant technology and is finalizing the implementation details with a view to commencing the operation of the database as soon as possible. The Government and the Insurance Authority ("IA") welcome the establishment of the database as it will help combat

insurance fraud, thereby protecting the interests of policy holders. The Government and IA will maintain dialogue with HKFI and the insurance industry, monitor the establishment of the database closely, and provide assistance and support as appropriate.

- (3) Fraud is a crime. Insurance fraud can cause insurance companies to suffer unnecessary underwriting loss, drive up premiums, and ultimately affect consumers and undermine the sustainable development of the insurance industry. The insurance sector has an important gate-keeping role in the fight against insurance fraud. The establishment of internal control and insurance intermediaries management systems enable insurance companies to identify and report insurance fraud at an early stage.

IA has taken over the regulatory functions of the former Office of the Commissioner of Insurance with effect from 26 June 2017. IA will continue to work closely with the Commercial Crime Bureau of the Police and maintain close liaison with the insurance industry, so as to keep track of the trend of insurance-related crimes for timely implementation of corresponding preventive measures and collaboration in combating fraudulent insurance claims. Moreover, IA will, through publicity and public education, enhance public understanding of insurance fraud and the severity of the crime.

Annex

The number of reports, received by the Police in each of the past three years, on suspected fraudulent insurance claims, and the number of prosecutions instituted against the persons concerned are as follows:

<i>Year</i>	<i>Number of reports</i>	<i>Number of prosecutions</i>
2014	7	1
2015	4	0
2016	8	1

The Police does not have a breakdown by category of insurance in respect of the above cases.

Collection of Tong Fai by schools to support educational expenses

15. **MR IP KIN-YUEN** (in Chinese): *President, since 2008-2009, the Government has implemented 12 years' free education in public sector primary and secondary schools. According to the Guidelines on Collection of Tong Fai issued by the Education Bureau ("EDB"), the Bureau has no objection for aided secondary, special and caput schools to collect Tong Fai from their senior secondary students to support educational expenses. Where the Tong Fai to be collected from students does not exceed \$320 per person per annum, the schools concerned are only needed to notify EDB in writing; otherwise, they are required to obtain permission from EDB. Besides, the Code of Aid for Aided Schools stipulates that aided schools must obtain the permission of the Permanent Secretary for Education to collect Tong Fai from students of primary classes and secondary one to three classes. Some parents have pointed out that some schools collect from their students Tong Fai at a rate as high as several thousand dollars per person per annum, making the 12 years' free education unworthy of its name. In this connection, will the Government inform this Council, in the past five school years:*

- (1) *of the total number of applications received by EDB for collection of Tong Fai, with a breakdown by finance type of school and amount of Tong Fai; the respective numbers of such applications that were approved and rejected, and a breakdown of the number of approved cases by amount of Tong Fai;*
- (2) *whether EDB required schools which applied for permission to collect Tong Fai from students at a rate exceeding \$320 per person per annum to provide specific justifications for their applications, as well as the proposed uses of and utilization plans for Tong Fai; whether EDB required schools which had been permitted to collect such Tong Fai to submit statements of income and expenditure related to Tong Fai after the end of the school year concerned; if so, of the details; if not, the reasons for that; and*
- (3) *whether EDB took the initiative to understand the reasons (e.g. repair works for school premises, provision of additional facilities, income falling short of expenditure, etc.) why various schools collected Tong Fai, and assisted those schools in obtaining the funds needed through other means, so as to alleviate the economic pressure on students and parents?*

SECRETARY FOR EDUCATION (in Chinese): President, the Education Bureau has no objection for aided secondary, special and caput schools to collect Tong Fai from the senior secondary students to meet the school-based needs and support special educational expenses. As for the levels from Primary One to Secondary Three, no Tong Fai can be charged from the students of the levels concerned except with the permission of the Education Bureau. Therefore, if schools wish to collect Tong Fai from the senior secondary students exceeding the approved ceiling (i.e. \$300 for the 2012-2013 school year, \$310 for the 2013-2014 and 2014-2015 school years, and \$320 as from the 2015-2016 school year per student per annum) or collect Tong Fai from Primary One to Secondary Three students, they should submit applications to the Education Bureau for approval. The Education Bureau has issued circular and guidelines to remind schools of the procedures and points to note in respect of the collection of Tong Fai.

Our reply to the questions raised by Mr IP Kin-yuen is as follows:

- (1) The Education Bureau received a total of 18 applications for the collection of Tong Fai from 11 aided secondary schools in the past five years (i.e. from the 2012-2013 to 2016-2017 school years). Relevant information is as follows:

<i>Amount of Tong Fai (per student per annum)</i>	<i>Number of Approved Applications</i>	<i>Number of Rejected Applications</i>
Above \$1,000	4	1
\$500 to \$1,000	2	1
Below \$500	9	1

- (2) When submitting applications relating to the collection of Tong Fai, schools are required to provide the Education Bureau with detailed information including the amount of proposed Tong Fai, the purpose for collection of Tong Fai with detailed breakdown, the utilization plans, the actual enrolment of the current school year and estimated enrolment of the next school year, the balance of Tong Fai Account, if any, etc. Schools are also required to confirm that they have made known to parents the planned use of the proposed Tong Fai and obtained consent from the parents, and such collection has been endorsed by the School Management Committee/Incorporated Management Committee. Furthermore, schools are required to declare in the applications that needy parents can be exempted from paying Tong Fai. All along, public sector schools are required to

submit the audited accounts to the Education Bureau, including the income and related expenditure of Tong Fai, which show their annual income and expenditure. Schools should also give a financial summary, including the annual income and expenditure of Tong Fai, in their annual school reports uploaded onto their school websites.

- (3) With the consent from the parents and approval from the Education Bureau, individual schools are allowed to make use of Tong Fai to provide above-standard facilities and additional support for students. As stated in paragraph (2), the Education Bureau will request schools to provide justifications for collection of Tong Fai to prove that they have genuine needs and use it for specific purposes. If the schools have financial difficulties, the Education Bureau will provide them with advice and appropriate support. The Education Bureau will consider and process each application on its own merits with due regard to its justifications. The Education Bureau will ensure that Tong Fai is collected by schools in a reasonable and transparent manner, parents' concerns are suitably followed up and addressed, and the needy parents and students would not be adversely affected.

Statistics on employees' salaries

16. **MR KWOK WAI-KEUNG** (in Chinese): *President, will the Government inform this Council of the following annual statistics on employees' salaries from 2012 to 2016 (using the first quarter of 2004 as the base period):*

- (1) *regarding each and all of the selected industry sections listed in Table 1, the following information on middle-level managerial and professional employees:*
 - (i) *the Nominal Salary Index (A),*
 - (ii) *the Real Salary Index (A),*
 - (iii) *the Nominal Salary Index (B),*
 - (iv) *the Real Salary Index (B), and*
 - (v) *the number of employed persons; and*

Table 1

<i>Selected industry section</i>		2012	2013	2014	2015	2016
<i>Manufacturing, electricity and gas supply</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					
<i>Building and construction and related trades</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					
<i>Import/export, wholesale and retail trades</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					
<i>Transportation, storage, communications and travel agencies</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					
<i>Financing and insurance</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					
<i>All selected industry sections</i>	<i>(i)</i>					
	<i>(ii)</i>					
	<i>(iii)</i>					
	<i>(iv)</i>					
	<i>(v)</i>					

(2) *the following information regarding each and all of the selected industry sections listed in Table 2:*

- (i) the Nominal Index of Payroll per Person Engaged,*
- (ii) the Real Index of Payroll per Person Engaged, and*
- (iii) the number of employed persons?*

Table 2

<i>Selected industry section</i>		2012	2013	2014	2015	2016
<i>Manufacturing</i>	(i)					
	(ii)					
	(iii)					
<i>Sewerage, waste management and remediation activities</i>	(i)					
	(ii)					
	(iii)					
<i>Import/export and wholesale trades</i>	(i)					
	(ii)					
	(iii)					
<i>Retail trade</i>	(i)					
	(ii)					
	(iii)					
<i>Transportation, storage, postal and courier services</i>	(i)					
	(ii)					
	(iii)					
<i>Accommodation and food service activities</i>	(i)					
	(ii)					
	(iii)					
<i>Information and communications</i>	(i)					
	(ii)					
	(iii)					
<i>Financial and insurance activities</i>	(i)					
	(ii)					
	(iii)					
<i>Real estate activities</i>	(i)					
	(ii)					
	(iii)					
<i>Professional and business services</i>	(i)					
	(ii)					
	(iii)					
<i>Social and personal services</i>	(i)					
	(ii)					
	(iii)					
<i>All selected industry sections</i>	(i)					
	(ii)					
	(iii)					

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

- (1) The nominal salary indices (A) ("NSI(A)"), real salary indices (A) ("RSI(A)"), nominal salary indices (B) ("NSI(B)"), real salary indices (B) ("RSI(B)"), and number of employed persons ("NEP") for middle-level managerial and professional employees in each and all of the selected industry sections in Hong Kong from 2012 to 2016 are set out in Table 1.

Table 1

Nominal and real salary indices (A)⁽¹⁾⁽²⁾, nominal and real salary indices (B)⁽¹⁾⁽²⁾, and NEP⁽³⁾ for middle-level managerial and professional employees in each and all of the selected industry sections

(June 2004=100⁽⁴⁾)

<i>Selected industry section</i>		<i>June 2012</i>	<i>June 2013</i>	<i>June 2014</i>	<i>June 2015</i>	<i>June 2016</i>
Manufacturing, electricity and gas supply	NSI(A)	115.0	117.6	122.1	127.0	132.5
	RSI(A)	92.6	91.2	91.6	93.5	95.4
	NSI(B)	122.9	128.5	134.5	142.5	149.5
	RSI(B)	98.9	99.6	100.9	104.9	107.6
	NEP ⁽⁵⁾	30 400	28 700	31 700	28 400	29 500
Building, construction and related trades	NSI(A)	132.0	139.5	148.0	156.7	165.1
	RSI(A)	106.2	108.2	111.0	115.3	118.9
	NSI(B)	150.5	166.4	179.2	193.2	204.7
	RSI(B)	121.1	129.0	134.4	142.2	147.3
	NEP ⁽⁶⁾	31 700	29 200	32 100	34 100	35 700
Import/export, wholesale and retail trades	NSI(A)	119.9	125.1	130.1	135.9	140.9
	RSI(A)	96.5	97.0	97.6	100.0	101.4
	NSI(B)	129.5	136.2	142.1	149.0	156.4
	RSI(B)	104.2	105.6	106.6	109.7	112.6
	NEP	195 700	166 100	161 400	177 100	172 200
Transportation, storage, communications and travel agencies	NSI(A)	113.8	117.2	123.1	129.0	135.1
	RSI(A)	91.5	90.9	92.3	94.9	97.3
	NSI(B)	130.3	137.8	146.5	155.0	164.9
	RSI(B)	104.8	106.8	109.8	114.1	118.7
	NEP ⁽⁷⁾	81 600	88 500	83 200	96 100	98 200

<i>Selected industry section</i>		<i>June 2012</i>	<i>June 2013</i>	<i>June 2014</i>	<i>June 2015</i>	<i>June 2016</i>
Financing and insurance	NSI(A)	129.0	132.3	137.1	143.8	148.6
	RSI(A)	103.8	102.6	102.8	105.8	106.9
	NSI(B)	144.0	150.6	157.7	166.3	173.8
	RSI(B)	115.9	116.8	118.3	122.4	125.1
	NEP	91 900	94 400	91 700	97 900	96 200
All selected industry sections	NSI(A)	122.6	127.3	132.8	139.2	144.7
	RSI(A)	98.6	98.7	99.6	102.4	104.2
	NSI(B)	135.9	144.1	151.7	160.4	168.8
	RSI(B)	109.4	111.7	113.8	118.1	121.5
	NEP ⁽⁸⁾	431 200	406 800	400 000	433 700	431 700

Notes:

- (1) Salary indices reflect changes in basic wage, and other regular and guaranteed allowances and bonuses.
- (2) Real salary indices are obtained by deflating nominal salary indices by the Consumer Price Index (C).
- (3) Figures refer to NEP engaged in occupations of managers, administrators and professionals in the second quarter of the respective years. NEP includes persons aged 15 and over who have been at work for pay or profit during the seven days before enumeration or who have had formal job attachment. Apart from employees, employers, self-employed persons, unpaid family workers and persons who were on leave/holiday during the seven days before enumeration are also included. Government employees are, however, excluded.
- (4) As the reference periods of the salary indices are June of the respective years, June 2004 is adopted as the base period for the salary indices shown in the table.
- (5) Figures refer to NEP in the manufacturing industry.
- (6) Figures refer to NEP in the construction industry.
- (7) Figures refer to NEP in the transportation, storage, postal and courier services, and information and communications industry.
- (8) NEP in individual selected industry sections may not add up to the total due to rounding.

Source: Survey of Salaries and Employee Benefits—Managerial and Professional Employees (Excluding Top Management) and General Household Survey, Census and Statistics Department

- (2) The nominal indices of payroll per person engaged ("NPI"), real indices of payroll per person engaged ("RPI"), and NEP in each and all of the selected industry sections from 2012 to 2016 are set out in Table 2.

Table 2

Nominal and real indices of payroll per person engaged⁽¹⁾⁽²⁾, and NEP⁽³⁾ in each and all of the selected industry sections

(First Quarter, 2004=100)

<i>Selected industry section</i>		<i>Fourth Quarter 2012</i>	<i>Fourth Quarter 2013</i>	<i>Fourth Quarter 2014</i>	<i>Fourth Quarter 2015</i>	<i>Fourth Quarter 2016</i>
Manufacturing	NPI	111.6	114.7	122.2	127.3	131.3
	RPI	88.7	87.4	88.5	90.3	91.9
	NEP	131 200	115 200	123 100	116 100	116 800
Sewerage, waste management and remediation activities	NPI	176.1	182.0	190.9	202.3	209.0
	RPI	139.9	138.6	138.4	143.4	146.3
	NEP ⁽⁶⁾	4 000	4 200	2 900	3 900	6 100
Import/export and wholesale trades	NPI	127.5	131.5	134.8	138.8	142.4
	RPI	101.3	100.1	97.7	98.4	99.7
	NEP	559 800	529 400	490 500	477 700	457 000
Retail trade	NPI	148.5	158.6	163.4	168.7	173.6
	RPI	118.0	120.8	118.4	119.6	121.6
	NEP	322 800	340 900	341 800	334 100	333 800
Transportation, storage, postal and courier services	NPI	125.8	132.0	135.1	140.3	145.1
	RPI	99.9	100.6	97.9	99.5	101.6
	NEP	305 500	307 800	328 900	309 400	309 200
Accommodation ⁽⁴⁾ and food service activities	NPI	126.4	135.1	141.5	149.8	157.4
	RPI	100.4	102.9	102.5	106.2	110.2
	NEP	263 100	274 500	288 100	283 600	286 400
Information and communications	NPI	115.7	123.0	129.1	132.2	137.5
	RPI	91.9	93.7	93.6	93.7	96.2
	NEP	118 400	123 500	126 900	130 600	130 300

<i>Selected industry section</i>		<i>Fourth Quarter 2012</i>	<i>Fourth Quarter 2013</i>	<i>Fourth Quarter 2014</i>	<i>Fourth Quarter 2015</i>	<i>Fourth Quarter 2016</i>
Financial and insurance activities	NPI	147.1	152.7	158.8	164.3	170.2
	RPI	116.8	116.3	115.1	116.5	119.2
	NEP	227 400	232 100	241 800	242 800	248 400
Real estate activities	NPI	120.9	126.7	133.6	140.4	146.6
	RPI	96.0	96.5	96.8	99.5	102.6
	NEP	145 300	135 800	147 100	140 500	143 200
Professional and business services	NPI	126.9	136.6	146.1	155.5	162.6
	RPI	100.8	104.0	105.9	110.2	113.8
	NEP	285 800	310 800	312 300	338 600	345 500
Social and personal services	NPI	113.3	117.5	118.6	124.7	128.8
	RPI	90.0	89.5	85.9	88.4	90.2
	NEP	544 000	577 300	577 900	591 400	573 900
All selected industry sections ⁽⁵⁾	NPI	126.2	133.0	138.2	144.1	149.5
	RPI	100.3	101.3	100.1	102.1	104.7
	NEP	2 917 900	2 963 700	2 991 300	2 982 100	2 962 100

Notes:

- (1) Indices of payroll per person engaged reflect changes in basic wage, regular and guaranteed allowances and bonuses, and other irregular payments to workers such as discretionary bonuses and overtime allowances.
- (2) RPI are obtained by deflating NPI by the Composite Consumer Price Index.
- (3) NEP includes persons aged 15 and over who have been at work for pay or profit during the seven days before enumeration or who have had formal job attachment. Apart from employees, employers, self-employed persons, unpaid family workers and persons who were on leave/holiday during the seven days before enumeration are also included. Government employees are, however, excluded.
- (4) Accommodation services cover hotels, guesthouses, boarding houses and other establishments providing short term accommodation.
- (5) Refers to all industry sections covered by the payroll enquiry of the Labour Earnings Survey, including the mining and quarrying industry and the electricity and gas supply industry, the statistics of which are not separately shown.
- (6) Includes NEP in water supply activities.

Source: Labour Earnings Survey and General Household Survey, Census and Statistics Department

Manpower shortage of the healthcare professions

17. **MS ALICE MAK** (in Chinese): *President, the Report of Strategic Review on Healthcare Manpower Planning and Professional Development released earlier by the Government has pointed out that the problem of manpower shortage of the healthcare professions in Hong Kong is aggravating. For example, it is projected that by 2030, there will be shortfalls of over 1 000 doctors and 1 600 nurses. There have been public comments that with the problem of population ageing in Hong Kong worsening, it is imperative for the authorities to expeditiously adopt effective measures to increase the manpower of the healthcare professions, so as to avoid a collapse of the healthcare system. In this connection, will the Government inform this Council:*

- (1) *whether it knows the respective numbers of vacancies of doctors, nurses and various allied health professionals in various hospital clusters under the Hospital Authority ("HA") in each of the past five years;*
- (2) *whether it knows (i) the measures adopted by HA to address the manpower shortages of various healthcare professions, (ii) the difficulties encountered by HA in implementing such measures, and (iii) if HA assessed the effectiveness of such measures, in the past five years; if HA made such an assessment, of the outcome;*
- (3) *whether it knows the number of local medical graduates and, among them, the number employed by HA, in each of the past five years;*
- (4) *whether it will consider substantially increasing the resources allocated to the local medical schools for boosting the number of undergraduate places in the medical discipline, so as to ensure that there will be an adequate number of doctors to cope with service demand; if so, of the details; if not, the reasons for that; and*
- (5) *whether it will consider mapping out a long-term development strategy for primary healthcare services and alleviate the pressure on the healthcare system by reducing the number of patients at source through measures such as improving the triage system for patients in the public healthcare system and strengthening community care services; if so, of the details and timetable; if not, the reasons for that?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to the five questions raised by Ms Alice MAK is as follows:

- (1) The Hospital Authority ("HA") has been proactively conducting recruitment to fill the vacancies of health care professionals and increase manpower to meet service demand. The number of vacancies may vary because of service development, natural wastage and turnover and manpower supply.

The shortage of doctors, nurses and allied health staff in HA from 2012-2013 to 2016-2017 is set out in the table below:

<i>Year</i>	<i>2012- 2013</i>	<i>2013- 2014</i>	<i>2014- 2015</i>	<i>2015- 2016</i>	<i>2016- 2017</i>
Doctor	250	310	340	300	300
Nurse	800	600	500	780	600
Allied health professionals	220	160	200	60	0

HA deploys manpower flexibly among hospital clusters and departments from time to time having regard to service demand, and hence HA does not keep information on manpower shortage by hospital cluster and department.

- (2) Taking into account the manpower shortage of health care professionals and the development needs of health care services, HA has implemented a series of measures to increase manpower.

As a general measure, HA has raised the retirement age of new recruits from 60 to 65 since 1 June 2015. In order to retain experienced health care professionals for the purposes of training and knowledge transfer, alleviating manpower pressure, and meeting service needs, HA implemented the Special Retired and Rehire Scheme ("SRRS") in 2015-2016 to rehire doctors, nurses, allied health professionals and supporting grades staff reaching their normal retirement age or leaving the service upon completion of contract in 2015-2016 and 2016-2017. As at end June 2017, HA had arranged to rehire 61 doctors, 46 nurses, eight allied health professionals and 884 supporting staff after their retirement in 2015-2016 and 2016-2017. Considering that there is an imminent

demand for experienced health care professionals and supporting staff due to service development, HA continues to implement SRRS in 2017-2018 and is conducting recruitment exercise to rehire suitable retirees to meet its service needs.

Regarding doctors, locally trained medical graduates are the most important source of doctors serving in the public sector. HA employs the vast majority of local medical graduates as Resident Trainees. In 2018-2019, 420 medical graduates will complete internship training, an increase by 100 as compared with 320 in 2017-2018. It is expected that the manpower shortage of doctors will then be alleviated.

Although HA has employed most of the local medical graduates and other qualified doctors, there was still a shortage of about 300 doctors as at end 2016. To address manpower shortage in the short term, HA has employed non-locally trained doctors with limited registration to practise in Hong Kong. In view of the restriction under the Medical Registration Ordinance, the Medical Council of Hong Kong can only approve limited registration for a period of up to one year. This would deter some non-locally trained doctors from applying despite their wish to practise in Hong Kong. At present, only 15 non-locally trained doctors with limited registration are employed as Service Residents by HA to work in the departments of anaesthesiology, emergency medicine, family medicine, internal medicine, obstetrics and gynaecology, paediatrics and radiology in public hospitals, to relieve the manpower pressure of the specialties concerned. In addition, two doctors with limited registration have been employed to work in cardiothoracic anaesthesia and pathology and clinical biochemistry departments since 1997 and 1998 respectively.

In order to retain talent, HA has made sustained efforts to improve the working conditions of doctors. Additional Associate Consultant posts have been created in all specialties besides those for normal replacement and planned new services to enhance promotion opportunities of specialists. Better remuneration packages are also provided. For example, pregnant doctors are exempted from overnight duties, arrangements for full-pay examination leave and

examination fee reimbursement are improved, the fixed-rate honorarium is increased and the Special Honorarium Scheme is enhanced.

As for nurses, hospitals will continue to recruit full-time and part-time nurses to increase the flexibility in staff deployment, thereby easing the workload of front-line nurses. HA plans to recruit 2 130 nurses in 2017-2018 to alleviate manpower shortage, maintain current services and roll out service improvement measures. HA will continue to implement measures for the retention of nursing staff and review the effectiveness of the above measures. It will also formulate more staff attraction and retention measures when necessary.

To retain nurses, HA has implemented measures to enhance career advancement opportunities for experienced nurses. A total of 106 additional Nurse Consultant posts have been created to promote the development of the nursing profession. During the past three years, about 1 400 nurses were promoted. In addition, the Institute of Advanced Nursing Studies of HA offers 26 nursing specialist training courses per year so that nurses can pursue further studies after graduation. Subsidies are also provided each year for over 100 experienced nurses to undergo further studies and training overseas.

Under the preceptorship programme, experienced nurses are recruited to serve as preceptors and provide guidance for newly recruited nurses in an actual clinical setting, thereby familiarizing them with ward procedures and environment as well as alleviating the work pressure of other experienced nursing staff in coaching new nurses. HA also provides simulation training for newly recruited nurses to enhance their first aid and emergency handling skills.

Moreover, HA has installed 6 000 additional electrically-operated beds and over 500 ceiling hoist systems to facilitate the lifting and transfer of patients. This helps simplify the burdensome work process of ward staff and improve the work environment and facilities, thereby relieving the work pressure of front-line nurses.

Additional ward clerks and ward assistants are recruited to assist in clerical work and patient care, with a view to easing the workload of nurses.

As for allied health professionals, measures taken by HA in the past few years include strengthening allied health teams, enhancing the training and development of allied health professionals, implementing an overseas degree course subsidy scheme for individual grades where local training places are insufficient to meet manpower needs (e.g. podiatrists), re-engineering work processes and recruiting additional patient care assistants.

HA will continue to monitor the manpower situation in public hospitals and make suitable arrangements for manpower planning and deployment to cope with service needs.

- (3) In the past five years (from 2012 to 2016), the average number of doctors who possessed qualifications awarded by the two medical schools and newly granted full registration was about 280 each year. From 2011-2012 to 2015-2016, the average number of doctors with full registration who graduated from the two local medical schools and joined HA was about 258 each year. Detailed figures are set out at Annex.
- (4) In view of an ageing population and the general shortage of health care manpower in the past years, the Government has substantially increased the number of University Grants Committee-funded places for doctors over the past 10 years from 250 in the 2005-2006 academic year to 320 in the 2009-2010 academic year and 420 in the 2012-2013 academic year, and further to 470 in the 2016-2017 academic year.

According to the Report of Strategic Review on Healthcare Manpower Planning and Professional Development, with ageing population and increasing demand for health care services, it is projected that there will be manpower shortage of doctors in the short to medium term. Local graduates are the predominant source of doctors serving in the public sector. The Government will, having regard to the supply of and demand for doctors, consider further increasing the medical training places.

- (5) The Government has been committed to the promotion of primary care. The Primary Care Development in Hong Kong: Strategy Document published in 2010 sets out the major strategies and pathways of action that will help the Government deliver high quality primary care in Hong Kong. One of the major strategies is to support professional development and quality improvement. Reference frameworks for primary care are formulated for the care of diabetes and hypertension (the two most common chronic diseases), and the care for children and the elderly in primary care settings. These frameworks aim to provide suitable reference for health care professionals in primary care settings so as to facilitate the provision of continuous, comprehensive and evidence-based care in the community. The reference frameworks also intend to empower patients and their carers and raise public awareness of the importance of proper prevention and management of chronic diseases, thereby performing health promotion and disease prevention work among different population groups.

With regard to the triage system for patients, the Department of Health ("DH") suggests that members of the public should choose an appropriate family doctor according to their needs so as to obtain comprehensive and continuous health care services and minimize the risk of unexpected doctor visits.

The subdirectories of doctors and dentists under the Primary Care Directory were launched in 2011 while that of Chinese medicine practitioners was launched in 2012. The Primary Care Directory is equipped with a search function which facilitates public search for the required information. Posters and leaflets on the Primary Care Directory are available at the waiting area of the Accident and Emergency ("A&E") Departments in public hospitals under HA for public information. Access to the mobile website of the Primary Care Directory with QR code is available at the waiting area of some A&E departments to facilitate public search for family doctors and encourage patients not in urgent need of medical treatment and with mild conditions to turn to family doctors for medical consultation. DH will continue to promote the Primary Care Directory to the public on a regular basis through different channels including mass transit carriers, smartphones and Internet platforms to help them find appropriate family doctors.

On the enhancement of community care, HA provides a wide range of services in the community through general outpatient ("GOP") clinics, community geriatric assessment teams ("CGATs"), Community Nursing Service, and the General Outpatient Clinic Public-Private Partnership Programme ("GOPC PPP"). As for GOP services, HA is committed to providing community-based primary care services. Patients under the care of GOP clinics can be broadly divided into two main categories, namely chronic disease patients with stable conditions (e.g. diabetes mellitus, hypertension), and episodic disease patients with relatively mild symptoms (e.g. influenza, colds and gastroenteritis). In line with the Government's policy to enhance primary care services, HA has implemented different measures, including the enhancement of primary care support to patients with chronic diseases (e.g. diabetes mellitus and hypertension). The projects launched, including the Risk Factor Assessment and Management Programme, Nurse and Allied Health Clinics, and Patient Empowerment Programme, aim at supporting patients to stay in the community and reduce unnecessary hospitalization. Besides, the capacity of GOP clinics has been increased through various measures to cope with service demand and reduce the burden at hospital level. These measures will be continued if resources are available.

CGATs provide comprehensive multidisciplinary treatment and care services for frail residents in Residential Care Homes for the Elderly ("RCHEs") through regular visits. The target patients are primarily frail residents with complex health problems, poor functional and mobility status. The services provided by CGATs include medical consultation, nursing assessment and care, as well as community rehabilitation service by allied health professionals. Moreover, CGATs provide carer training to enhance their capability in taking care of elderly patients living in RCHEs. Community care services mainly cover comprehensive and continuous home nursing care for discharged patients. Through home visits, community nurses administer appropriate nursing care to patients and at the same time, imbue patients and their carers with knowledge of health promotion and disease prevention to facilitate recovery of patients in their home environment.

Besides, under GOPC PPP, which was launched in mid-2014 in Kwun Tong, Wong Tai Sin and Tuen Mun, patients of HA GOP clinics with specific chronic diseases and in stable clinical condition are given a choice to receive treatment provided by private doctors. The programme was subsequently rolled out in 13 more districts and will be further extended to cover all the 18 districts in 2018-2019.

On the other hand, DH has endeavoured over the years to encourage, through a life-course and setting-based approach, people to live a healthy lifestyle, including promotion of a balanced and healthy diet with regular exercise, call for avoidance of smoking and alcohol, and support for breastfeeding, with a view to reducing the risk of contracting infectious disease, preventing spread of diseases from their sources and reducing the number of patients.

Hong Kong is facing a challenge of continuously ageing population and changes in health risks, which have brought about increasing burden of non-communicable diseases ("NCD"). In 2008, DH launched a strategic framework, namely "A Strategic Framework for Prevention and Control of Non-communicable Diseases", which set out the directions on the control and prevention of NCD. A high-level steering committee chaired by the Secretary for Food and Health was established to oversee the development and progress of implementation of the strategy. Three working groups were formed under the steering committee and three action plans on the relevant themes were published in 2010, 2011 and 2015 respectively to promote healthy diet and engagement in physical activities, reduce alcohol-related harm and strengthen the prevention of unintentional injuries. DH has also partnered with various sectors of the community to prevent and control NCD.

The Family Health Service of DH provides a comprehensive range of health promotion and disease prevention services for children from birth to five years old and women at or below 64 years of age. Child health services comprise immunization, growth and developmental surveillance as well as health education for parents. Services for women include antenatal and postnatal care, family planning, cervical screening and women health services. DH promotes the "StartSmart@school.hk" Campaign among preschool children while promoting the EatSmart@school.hk Campaign among nurseries, kindergartens and primary and secondary schools.

The Student Health Service introduced by DH aims to safeguard both the physical and psychological health of school children through health promotion and disease prevention services. Currently, there are 12 Student Health Service Centres and three Special Assessment Centres in the territory providing annual health assessment services appropriate to the age and development of enrolled primary and secondary students. These services include physical examination, screening for health problems related to vision, hearing and psychological health and behaviour, individual health counselling and health education. Students found to have health problems upon examination at Student Health Service Centres will be referred to the special assessment centres or specialist clinics of HA for detailed assessment and follow-up. In the 2015-2016 academic year, a total of 629 000 primary and secondary students enrolled in the Student Health Service. DH will continue to provide health promotion and disease prevention services for students.

DH has also launched various promotion programmes in different settings, including the "Joyful@Healthy Workplace Programme" in workplaces, the "EatSmart@restaurant.hk" Campaign in restaurants, and the "I'm So Smart" Community Health Promotion Programme in the community.

In addition, DH implements cancer screening programmes which have been proven to be effective in achieving better prognosis through early detection and treatment. For examples, a territory-wide Cervical Screening Programme was launched in 2004 in collaboration with public and private health care providers. With the support of the Community Care Fund, a three-year pilot scheme will be launched in December 2017 to subsidize eligible low-income women to receive cervical cancer screening and preventive education. On top of the above, the Colorectal Cancer Screening Pilot Programme was launched in September 2016 to provide subsidized colorectal cancer screening tests for asymptomatic Hong Kong residents born in the years 1946 to 1955 in phases over a period of three years for the prevention of colorectal cancer.

Number of doctors newly granted full registration and those who joined HA

	2012	2013	2014	2015	2016
Number of doctors with full registration who graduated from the two local medical schools	246	250	258	326	319

Note:

For the period from 1 January to 31 December of the year.

	2011- 2012	2012- 2013	2013- 2014	2014- 2015	2015- 2016
Number of doctors newly granted full registration who were graduates from the two local medical schools and joined HA (to serve as Resident Trainees)	240	241	243	257	311

Notes:

- (1) For the period from 1 April of the year to 31 March of the following year.
- (2) HA conducts recruitment of Resident Trainees from January to June every year. In general, successful applicants assume duty in July of that year or January of the following year.

The charging arrangement based on the weight of waste under the Municipal Solid Waste Charging Scheme

18. **MR FRANKIE YICK** (in Chinese): *President, the Municipal Solid Waste Charging Scheme ("the Charging Scheme") will be implemented in the second half of 2019 at the earliest. A charging arrangement based on the weight of waste under the Charging Scheme will apply mainly to the situation in which private waste collectors ("PWCs") transport the waste they collect from their clients (i.e. waste producers) directly to refuse transfer stations ("RTSs") or landfills. When disposing of waste, PWCs will be required to pay, using payment accounts, a gate fee which will be based on the weight of waste ranging from \$365 to \$395 per tonne. In addition, both PWCs and their clients may register as payment account holders and they will need to reach on their own*

agreements on the apportionment of the gate fee. However, some PWCs have indicated that although the current gate fees range from \$30 to \$110 per tonne only, there are still from time to time clients defaulting on reimbursing them the advance payments for the gate fees. Quite a number of PWCs have indicated that they cannot afford the huge amount of gate fees. They are of the view that such charging arrangement is unfair and goes against the "polluter pays" principle. In this connection, will the Government inform this Council:

- (1) of the current number of PWCs, the respective total numbers of refuse collection vehicles under such PWCs and the workers employed by them, as well as the respective current daily weights of domestic waste and industrial and commercial ("I&C") waste handled by PWCs;*
- (2) of the average daily weight of waste transported by PWCs to various RTSs and landfills in the past three years and its percentage in the total weight of solid waste;*
- (3) whether the authorities will assist PWCs in discussing with their clients to work out feasible arrangements for apportioning gate fees; whether the authorities will consider stipulating that only waste producers may register as payment account holders, so as to reduce the operating risks of PWCs; if so, of the details; if not, the reasons for that; and*
- (4) whether the authorities will consider revising the charging arrangements under the Charging Scheme to require that producers of I&C waste or domestic waste, regardless of the means through which the waste is disposed of, must all put the waste in pre-paid designated garbage bags or designated containers, so as to obviate the need for PWCs to pay the gate fees; if so, of the details; if not, the reasons for that?*

SECRETARY FOR THE ENVIRONMENT (in Chinese): President,

- (1) Currently, private waste collectors ("PWCs") are required to register with the Environmental Protection Department ("EPD") for disposing of waste at EPD's refuse transfer stations ("RTSs"). As at

July 2017, the number of PWCs who have registered with EPD for using RTSs is 845, and the number of waste collection vehicles registered under their names is about 1 900. In addition, based on the information collected by EPD at the landfills, the number of private waste collection vehicles that have not registered for using RTSs and delivered municipal solid waste ("MSW") directly to landfills for disposal in 2016 is about 1 800. EPD does not have the statistics on the number of workers employed by PWCs.

Based on the waste intake records of EPD, the average quantity of domestic waste collected by PWCs and delivered to various waste disposal facilities (including RTSs and landfills) in 2016 were 1 177 tonnes per day ("tpd"). As for commercial and industrial waste, there were on average 3 955 tpd.

- (2) The average daily quantity of MSW collected by PWCs and delivered to RTSs and landfills, and the corresponding percentage of the total quantity of MSW received in the past three years are as follows:

Year	2014		2015		2016	
	Average daily quantity (tpd)	Percentage of MSW received	Average daily quantity (tpd)	Percentage of MSW received	Average daily quantity (tpd)	Percentage of MSW received
MSW collected by PWCs and delivered to waste disposal facilities	4 555	46%	4 868	48%	5 132	49%

- (3) Following the framework proposal for the implementation of MSW charging as proposed by the Council for Sustainable Development, PWCs are required to register as account holders and pay the "gate fee" for the disposal of MSW at RTSs and landfills. PWCs should

work out with their clients on how to apportion the MSW charges on the basis of the latter's waste load. We have all along been liaising with the PWCs on the proposed "gate fee" arrangement and appreciate that they are very concerned about the issues that may arise from the arrangement including cash flow, apportionment of charges and bad debt, etc. Having regard to their views, we propose that a hybrid mechanism be adopted to allow both PWCs and waste producers to register as account holders for paying the "gate fee". This provides flexibility for the PWCs to work out with their clients a mutually agreed payment arrangement. To facilitate the PWCs to work out with their clients apportionment arrangements for MSW charges based on the quantity of waste, the Government will prepare relevant Best Practice Guides, which include practicable apportionment methods, for reference by the trade. We will keep liaising with the relevant stakeholders to explore suitable arrangements as appropriate.

- (4) The PWCs are currently collecting different types of MSW, some of which are not suitable for wrapping into designated bags or containers due to their size, weight or nature etc., such as furniture and wood boards used in exhibitions. This notwithstanding, having regard to the concerns raised by the trade and their suggestions as well as the objective to provide more direct financial incentive to the waste producers for promoting waste reduction and recycling, we are actively reviewing whether the scope of application of designated garbage bags can be expanded. We are also discussing with the trade and conducting a trial run with them in exploring the feasibility of the proposal.

Cladding material used on buildings

19. **MR ANDREW WAN** (in Chinese): *President, in the middle of last month, a fire broke out in Grenfell Tower, a residential building in London, the United Kingdom, killing at least 80 people. It has been reported that the use of aluminium panels of an American brand Reynobond with a combustible polyethylene core ("RPE aluminium panels") as the cladding material of that building was probably one of the causes for the rapid spread of the fire. However, the use of aluminium panels of that make as cladding material for*

buildings had been banned in the United States and Germany several years ago. On the other hand, it has been reported that aluminium panels of the same brand have been used as the cladding material for Wing On Centre in Sheung Wan. In this connection, will the Government inform this Council:

- (1) as Regulation 39 (Cladding) of the Building (Construction) Regulations (Cap. 123 sub.leg. B) provides that cladding of buildings is to be constructed entirely of non-combustible materials, whether the Government has examined if the use of RPE aluminium panels as cladding material for buildings in Hong Kong complies with that provision; of the number of building works approved by the Buildings Department in each of the past five years involving the use of aluminium panels of that make as cladding material;*
- (2) whether, since the occurrence of the aforesaid fire, the authorities have (i) inspected if the cladding material used on Wing On Centre is entirely non-combustible, and (ii) assessed the fire safety risk of Wing On Centre; if so, of the outcome; if not, the reasons for that; and*
- (3) whether it knows the current number of buildings in Hong Kong with RPE aluminium panels having been used as cladding material; whether the authorities will assess the fire safety risks of such buildings?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, according to the information currently held by the Buildings Department ("BD"), the Grenfell Tower in London, the United Kingdom used a model of Reynobond's aluminium composite panels. The United Kingdom authorities are now conducting a public inquiry on the Grenfell Tower Fire, there is no conclusion on whether the use of such model of aluminium composite panels was a major cause of the fire.

In consultation with BD, the Development Bureau provides a consolidated reply as follows:

- (1) In considering the use of construction materials, including whether the use of aluminium composite panels complies with section 39 of the Building (Construction) Regulations, BD would consider the

case holistically including but not limited to the testing results of the construction materials and building design. The standard of fire safety in a building works is generally premised on a number of considerations, including building materials, installation methods of materials, building design and fire safety installations and equipment, etc., instead of merely on the building materials. That said, for prudence' sake, BD is now reviewing its record with a view to ascertaining how aluminium composite panels are used in building works in Hong Kong.

- (2) According to the information currently held by BD and that provided by the supplier of Reynobond, among all buildings in Hong Kong, only the Wing On Centre, Sheung Wan is using the same brand and model of panel as the Grenfell Tower.

Approval was given by BD in 1994 to the use of 4 mm-thick Reynobond panels in the alteration and addition works of the Wing On Centre. The decision was made after considering the design of the building and its cladding, as well as the test data, including fire resistance, submitted in the application. The data showed that the cladding panel achieved relatively good ratings in terms of controlling flame-spread and smoke-development under the American ASTM E84 standard.

According to the preliminary information currently held by BD, a 150 mm-thick layer of combustible thermal insulation materials was installed between the Reynobond panels and external walls of Grenfell Tower. As for the case of Wing On Centre, the Reynobond panels were installed on the external concrete wall without any insulation materials in between. In other words, there are obvious differences between the Wing On Centre and the Grenfell Tower.

Despite this, the owner of the Wing On Centre has appointed an authorized person and a fire engineering consultant to assess the materials and design of the cladding, and promised to submit the preliminary report to BD by the end of July.

- (3) As mentioned in the part (1) reply above, BD is now reviewing its record with a view to ascertaining how aluminium composite panels are used in building works in Hong Kong. At the same time, BD is liaising with the relevant British enforcement authorities and the manufacturer of Reynobond for further details of the incident, including the detailed information of the cladding and the installation method of the panels. BD will continue to pay close attention to the finding of the public inquiry conducted by the United Kingdom. BD will, subject to these concrete information and the investigation result of the United Kingdom authorities, consider if it is necessary to take further follow-up action with respect to the Wing On Centre and other cases of using other brands of composite aluminium panels.

Parking spaces in public hospitals

20. **DR PIERRE CHAN** (in Chinese): *President, some staff members of and visitors to public hospitals have relayed to me that the parking spaces in public hospitals (including the North Lantau Hospital and Tin Shui Wai Hospital which were completed in recent years) are always in short supply, thus causing inconvenience to them. In this connection, will the Government inform this Council:*

- (1) *whether it knows the current numbers of hospital beds and parking spaces in various public hospitals (and, among them, the numbers of parking spaces for visitors), and set out such information in a table by name of hospital;*
- (2) *given that the public hospital development plan in the coming decade put forward by the Government in last year's Policy Address includes the redevelopment/expansion of 11 public hospitals, whether there will be changes in the numbers of parking spaces in each of such hospitals before and after the redevelopment/expansion projects; if so, of the details (set out such information in a table);*
- (3) *whether it knows if the Hospital Authority ("HA") received in each of the past five years any complaint from staff members of or visitors to public hospitals about the shortage of parking spaces in the hospitals; if HA did, how HA followed up such complaints;*

- (4) *as it is stipulated in the Hong Kong Planning Standards and Guidelines that parking spaces in hospitals should be provided according to the ratio of one parking space per 3 to 12 hospital beds, of the date on which such standard was last revised; and*
- (5) *of the regulations, government policies or guidelines, apart from the standard mentioned in (4), that govern the number of parking spaces in public hospitals?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply to the various parts of the question raised by Dr Pierre CHAN is as follows:

- (1) The numbers of hospital beds and parking spaces (with breakdown on the number of visitor parking spaces) in public hospitals are listed at the Annex.
- (2) The expected change in the number of parking spaces in five of the projects under the ten-year hospital development plan ("HDP") is as follows:

<i>Project</i>	<i>Expected change in the number of parking spaces</i>
Expansion of Haven of Hope Hospital	an increase by about 45
Extension of Operating Theatre Block for Tuen Mun Hospital	no change
Redevelopment of Kwai Chung Hospital	an increase by about 140
New Acute Hospital at Kai Tak Development Area	an increase by about 900
Redevelopment of Prince of Wales Hospital, Phase 2 (Stage 1)	an increase by about 100

As these projects are still at the preliminary stage, the estimated changes are subject to future adjustments.

Regarding the remaining projects under HDP, the estimated changes in the number of parking spaces are not yet available as the projects are still at the planning stage. The planning and related arrangements for parking spaces will be made in accordance with the Hong Kong Planning Standards and Guidelines ("HKPSG") and the internal operational guidelines of the Hospital Authority ("HA"),

taking into account factors such as geographic environment, flow of people and public transport services available in the district concerned.

- (3) In the past five years, HA received a total of 22 complaints relating to inadequate parking spaces in public hospitals. A breakdown by year is given below:

<i>Year</i>	<i>Number of complaints received by HA relating to inadequate parking spaces in public hospitals</i>
2012	1
2013	2
2014	2
2015	6
2016	11

Among the complaints, about 20% were lodged by staff and about 80% by visitors. For the allocation of parking spaces to staff, hospitals have been issuing parking permits to staff taking into account such factors as their operational needs and commuting distances to work. As to the number of parking spaces, allocation is made having regard to the operational needs of staff and departments. All hospitals will review their arrangements for issuing the parking permits and the utilization of parking spaces on a regular basis to ensure optimal allocation and utilization of the spaces. Hospitals have also stepped up security patrols to ensure that there is no abuse or prolonged occupation of the parking spaces. Under exceptional circumstances (e.g. closure of some parking spaces in Queen Mary Hospital due to redevelopment), hospitals will consider installing electric double car stackers where practicable in order to meet the pressing demand for parking spaces.

- (4) and (5)

The current standards and guidelines for parking facilities in hospitals set out in Chapter 8 of HKPSG were last revised in 2003. In that exercise, the Transport Department modified the standard size of hospitals' lay-bys for public light buses or maxicabs, and reaffirmed that the standard provision ratio of one car parking space to 3-12 beds in hospitals was still appropriate. The relevant standards and guidelines have remained in force since then.

In addition to HKPSG, there is also an operations circular issued by HA on the provision of visitor parking spaces in public hospitals, in which guidelines are given on the number, location, management and fees and charges of visitor parking spaces in its hospitals and specialist outpatient clinics.

Annex

Numbers of Hospital Beds and Parking Spaces in Public Hospitals

Cluster	Hospital/Institution	Number of hospital beds as at 31 March 2017*	Number of parking spaces as at June 2017	
			Total	Visitor
HKE	Cheshire Home, Chung Hom Kok	240	23	1
	Pamela Youde Nethersole Eastern Hospital	1 739	496	26
	Ruttonjee and Tang Shiu Kin Hospitals	621	156	23
	St. John Hospital	87	0	0
	Tung Wah Eastern Hospital	265	43	2
	Wong Chuk Hang Hospital	160	37	For visitors and staff
HKE overall		3 112	755	52**
HKW	The Duchess of Kent Children's Hospital at Sandy Bay	133	36	4
	Tung Wah Group of Hospitals Fung Yiu King Hospital	272	9	1
	Grantham Hospital	388	134	18
	MacLehose Medical Rehabilitation Centre	110	76	7
	Queen Mary Hospital	1 706	429	35
	Tung Wah Hospital	532	41	0
	Tsan Yuk Hospital	1	11	1
HKW overall		3 142	736	66

Cluster	Hospital/Institution	Number of hospital beds as at 31 March 2017*	Number of parking spaces as at June 2017	
			Total	Visitor
KC	Hong Kong Buddhist Hospital	324	40	2 (Persons with disabilities)
	Hong Kong Eye Hospital	45	40	2
	Kowloon Hospital	1 321	261	46
	Queen Elizabeth Hospital	1 906	660	39
KC overall		3 596	1 001	89
KE	Haven of Hope Hospital	461	111	13
	Tseung Kwan O Hospital	667	248	27
	United Christian Hospital	1 415	245	15
KE overall		2 543	604	55
KW	Caritas Medical Centre	1 206	245	14
	Kwai Chung Hospital	920	114	1
	Kwong Wah Hospital	1 186	0	0
	North Lantau Hospital	40	70	8
	Our Lady of Maryknoll Hospital	236	50	2
	Princess Margaret Hospital	1 733	384	16
	Tung Wah Group of Hospitals Wong Tai Sin Hospital	531	39	2
	Yan Chai Hospital	800	130	3
KW overall		6 652	1 032	46
NTE	Alice Ho Miu Ling Nethersole Hospital	533	223	3
	Bradbury Hospice	26	9	1
	North District Hospital	603	338	56
	Prince of Wales Hospital	1 682	549	23
	Cheshire Home, Shatin	304	34	6
	Shatin Hospital	572	134	10
	Tai Po Hospital	993	175	32
NTE overall		4 713	1 462	131

Cluster	Hospital/Institution	Number of hospital beds as at 31 March 2017*	Number of parking spaces as at June 2017	
			Total	Visitor
NTW	Pok Oi Hospital	757	212	9
	Castle Peak Hospital	1 156	259	13
	Siu Lam Hospital	520		
	Tuen Mun Hospital	1 935	675	72
	Tin Shui Wai Hospital	-	107	5
NTW overall		4 368	1 253	99
HA overall		28 126	6 843	538

Notes:

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

** Parking spaces for shared use by visitors and staff in Wong Chuk Hang Hospital are excluded.

Measures to support the development of high-end manufacturing industries

21. **MR JIMMY NG** (in Chinese): *President, some owners of small and medium enterprises ("SMEs") engaging in high-end manufacturing industries have earlier relayed to me that as industrial lands in Hong Kong have been in short supply in recent years, which has resulted in a persistent surge in the level of rents, and coupled with the lack of support from the Government, those enterprises have difficulties in carrying on their business in Hong Kong and "re-industrialization" of Hong Kong has been hindered. In this connection, will the Government inform this Council:*

- (1) *given that in an effort to complement the Government's policy to promote "re-industrialization", the Hong Kong Science and Technology Parks Corporation will select suitable premises from the*

surrendered factories in the three existing Industrial Estates and refurbish them for leasing to the technology industry, of the following information in relation to such measure:

- (i) the definition of "technology industry" adopted by the authorities,*
 - (ii) the types of technology industry which may apply to rent the refurbished premises,*
 - (iii) the number of factories reposessed so far, and the total land area of such factories,*
 - (iv) the anticipated number of enterprises which will move in in September this year (with a breakdown by the industry to which they belong), and*
 - (v) the anticipated number of SMEs engaging in high-end manufacturing industries which may move in; and*
- (2) as it has been reported that the first building to be developed by the Government under the "Hong Kong-Shenzhen Innovation and Technology Park" project in the Lok Ma Chau Loop will be completed seven years later at the earliest, whether the authorities have any short and medium term measures in place to support SMEs engaging in high-end manufacturing industries to carry on business in Hong Kong, so as to enhance the competitiveness of those enterprises; if so, of the details; if not, the reasons for that?*

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese):

President, our reply to the two parts of the question is as follows:

- (1) Under the prevailing industrial estate ("IE") policy, the Hong Kong Science and Technology Parks Corporation ("HKSTPC") will give priority to admitting innovation and technology ("I&T") industries. Given the rapid advancement of technology, flexibility would be exercised by HKSTPC in the vetting of applications for admission to IEs. In the meantime, HKSTPC has proposed to focus its resources on industries which are the most beneficial to the development of

Hong Kong and can complement the development of its three over-arching technology platforms (namely smart city, healthy ageing and robotics), such as biomedical technology, precision engineering, new materials, information and communications technology, etc.

To date, HKSTPC has successfully repossessed nine IE sites with an area of about 9 hectares. There are existing buildings on five of these sites. The first refurbishment project carried out by HKSTPC involves a five-storey building which provides a gross floor area ("GFA") of about 8 500 sq m in the Tai Po IE ("TPIE"). HKSTPC is now vetting the admission applications, the applicants of which are mainly involved in industries including precision engineering and new materials, etc. It is anticipated that tenants can begin to move in from the fourth quarter of 2017 to early next year. HKSTPC is actively examining the feasibility of redeveloping another premises to be surrendered in TPIE. It is hoped that a GFA of approximately 18 600 sq m can be provided in 2019 for admission applications by more enterprises.

- (2) Land is a precious resource in Hong Kong. All economic activities, including the I&T industry, have a very keen demand for land. The Government will offer appropriate support in regard to land supply. In the long run, when planning for new development areas, we will maintain close contact with relevant departments to reserve land for I&T development. The Government is now planning to expand Yuen Long IE ("YLIE") on a site of about 16 hectares in the Wang Chau area to the southwest of YLIE. We have also provisionally identified a site of about 56 hectares near the Liantang/Heung Yuen Wai Boundary Control Point for the long-term development of IEs. HKSTPC is now carrying out a preliminary planning study on this.

In the short run, HKSTPC will continue to identify suitable IE premises from the surrendered land and refurbish them for leasing to technology companies. Meanwhile, HKSTPC is developing a Data Technology Hub and an Advanced Manufacturing Centre at the Tseung Kwan O IE. The two projects are expected to be completed in 2020 and 2021-2022 respectively, providing a total GFA of about 135 600 sq m. These measures will help address the industry's need for land over the short and medium term.

Handling of torture claims and non-refoulement claims

22. **DR ELIZABETH QUAT** (in Chinese): *President, regarding the torture claims or non-refoulement claims lodged under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("claims"), will the Government inform this Council:*

- (1) *of the number of new claims in the first half of this year (with a breakdown by source country of claimants) and the top four countries from which the claimants originated;*
- (2) *of the current number of claims pending and, among such claims, the number of cases in which the claimants have lodged an appeal against the rejection of their claims; the manpower deployed and the expenses incurred by the Immigration Department ("ImmD") for handling appeal cases in each of the past three years; the number of cases the handling of which that ImmD expects to complete in the second half of this year;*
- (3) *of the new measures in place to further expedite the screening of claims, and the relevant details;*
- (4) *as the Government stated earlier that it would conduct a review on the Immigration Ordinance (Cap. 115), including a study on tightening the various timeframes in the screening procedures, of the details and progress of the review; whether it will shorten the deadlines for submission of applications and documentary proofs by claimants; if so, of the details; if not, the reasons for that;*
- (5) *given that some claimants, upon the authorities' rejection of their claims and dismissal of their appeals, have (i) applied to the United Nations High Commissioner for Refugees Sub-office in Hong Kong for screening of refugee status, or (ii) lodged judicial reviews, so as to continue staying in Hong Kong, of the respective current numbers of these two types of cases; of the average and the longest length of stay of such claimants in Hong Kong, and the public expenditure incurred in respect of such claimants, in the past three years;*

- (6) *as quite a number of claimants entered Hong Kong illegally, of the (i) number, (ii) details and (iii) effectiveness, of the joint operations mounted by the Government and the Mainland authorities since January last year to combat the smuggling of illegal immigrants;*
- (7) *as it has been reported that some claimants borrowed or purchased Hong Kong identity cards from their fellow countrymen and used them for applying for loans or taking up illegal employment, of the measures that the Government has put in place to combat such activities; given that the recognizance forms (commonly known as "going-out passes") that ImmD currently issues to claimants may become worn-out easily, making it difficult to verify the identities of the holders, whether the Government will consider issuing to claimants identity documents which are more durable and secured; if so, of the details; if not, the reasons for that;*
- (8) *as ImmD has, since January this year, implemented an online pre-arrival registration for Indian nationals as a measure to prevent the screening mechanism for claims from being abused, of the effectiveness of the measure; whether the Government will consider extending this measure to cover other major source countries of claimants; if so, of the details; if not, the reasons for that;*
- (9) *as it has been reported that some claimants' real intention for coming to Hong Kong is to seek medical treatment, of the attendance of claimants for public healthcare services, as well as the number of those claimants in need of regular follow-up consultations and the relevant details (including the types of illnesses they suffered), in each of the past three years; if such information is unavailable, whether it will collect such information;*
- (10) *of (i) the respective numbers of claimants who were repatriated voluntarily and involuntarily, (ii) their average length of stay in Hong Kong before repatriation, and (iii) the manpower and public expenditure involved in repatriating such claimants, in each of the past three years; whether such expenditure has been on the rise in recent years; how the Government handles cases in which the claimants are uncooperative in the course of repatriation; and*

- (11) *whether the Government will consider afresh setting up reception centres for claimants; if so, of the details; if not, the reasons for that and whether it has other measures in place to completely prevent the screening mechanism for claims from being abused?*

SECRETARY FOR SECURITY (in Chinese): President, the unified screening mechanism ("USM") was implemented in March 2014 to screen non-refoulement claims on all applicable grounds, including, i.e. apart from risks of torture, also risks of cruel, inhuman or degrading treatment or punishment, etc. under the Hong Kong Bill of Rights Ordinance (Cap. 383) and risks of persecution, to decide whether the claimant may be removed.

Since early 2016, the Government has been conducting a comprehensive review of the strategy of handling non-refoulement claims from various dimensions including pre-arrival control, screening procedures, detention, and enforcement and removal.

My reply to the various parts of Dr Elizabeth QUAT's question is as follows:

- (1) to (3)

In the first half of 2017, the Immigration Department ("ImmD") received 1 128 non-refoulement claims, a decrease of 55% and 41% respectively as compared with the monthly averages of 2015 and 2016. Most of the claimants originated from South-Asian and Southeast-Asian countries such as India (21%), Pakistan (21%), Bangladesh (13%) and Vietnam (12%).

During the same period, ImmD determined 2 033 claims; another 871 claims were withdrawn. As at end June 2017, there were 8 205 claims pending determination by ImmD, a decrease of 25% and 18% respectively since end 2015 (10 922 pending claims) and end 2016 (9 981 pending claims).

Since the commencement of USM, 8 355 claims were rejected by ImmD, out of which 7 619 lodged an appeal to the Torture Claims Appeal Board ("TCAB"). As at end June 2017, 4 522 appeals were pending determination by TCAB.

In the past three years, the number of TCAB members, the number of posts in TCAB's Secretariat and expenses incurred are tabulated below:

<i>Financial year</i>	<i>No. of members (As at year end)</i>	<i>No. of posts in Secretariat (As at year end)</i>	<i>Expenditure (\$ Million)</i>
2014-2015	19	11	13.8
2015-2016	28	12	26.1
2016-2017	73 [#]	19	44.8

Note:

Since 30 June 2017, the number of members is 90.

ImmD has streamlined its internal administrative procedures and reviewed on how to optimize the use of available resources. Subject to a commensurate increase in the capacity of providing publicly-funded legal assistance ("PFLA"), the number of claims determined can be increased to 5 000 or more per year. However, the Duty Lawyer Service ("DLS") can only refer 3 200 claims to its duty lawyers each year now. In this regard, the Government will soon implement a new Pilot Scheme to refer some claims to qualified lawyers directly to provide PFLA to more claimants. The Pilot Scheme allows us to test out a more flexible mode of operation and to explore how PFLA can be provided to claimants in the most effective manner. The Pilot Scheme will be operated in parallel with DLS' existing scheme. The Government will review the Pilot Scheme one year after its commencement and consider the best long-term arrangement.

- (4) The Government is reviewing provisions under the Immigration Ordinance (Cap. 115) ("the Ordinance") concerning the screening procedures for non-refoulement claims and related matters. We will draw reference from the operational experience of USM, as well as relevant overseas laws and practices. For screening and appeal procedures, we will examine whether it is necessary to clarify procedural steps or circumstances that are not covered by the existing provisions (e.g. claimants employing various delaying tactics, including not attending screening interviews for various reasons, repeatedly seeking time extension purportedly to submit

additional supporting documents, submitting voluminous documents irrelevant to their claims, etc.); to enhance ImmD/TCAB's powers for handling various delaying tactics more effectively; to strengthen existing provisions on claimants' duties; and to set out the consequences of failing to proceed with the screening procedures according to ImmD/TCAB's directions and the law. We will also consider tightening time frames for various screening procedures (including submission of claim forms and filing of appeals to TCAB). We will report to the Legislative Council on legislative proposals in due course.

- (5) Upon commencement of USM, the Office of the United Nations High Commissioner for Refugees has ceased to accept and handle refugee claims in Hong Kong.

As regards judicial review, according to Rule 3 of Order 53 under the Rules of the High Court (Cap. 4A), an application for leave to apply for judicial review must be made *ex parte*. Generally speaking, ImmD or TCAB is not a party to the legal proceedings before leave is granted by the court. We do not have the statistics sought.

- (6) Since early 2016, law enforcement agencies including the Police and ImmD have been working with Mainland authorities to step up efforts to combat syndicates which arrange the passage of non-ethnic Chinese illegal immigrants ("NECIIs") into Hong Kong. Since then, six joint operations have been conducted, successfully cracking down a number of cross-boundary criminal syndicates, including neutralizing a forgery syndicate active in the Mainland and in Hong Kong. A total of over 300 suspects, including over 90 core syndicate members, were arrested in the Mainland and in Hong Kong. Meanwhile, border control and immigration authorities of relevant Mainland provinces intercepted a total of more than 40 000 foreign illegal immigrants and cracked down on 21 organized human smuggling syndicates, involving over 3 200 suspects in 260 cases of attempted smuggling into Hong Kong. Since the commencement of relevant operations, the number of NECIIs in Hong Kong has been decreasing.

In February 2017, the Mainland and Hong Kong Governments held the fourth "Joint task force with Guangdong on combating smuggling of illegal immigrants across the Hong Kong-Guangdong boundary" in Hong Kong. It was agreed that relevant provinces and regions (Guangdong, Guangxi, Yunnan, Macao and Hong Kong) would continue the dedicated joint anti-smuggling operations until mid-2019 to strengthen collaborations on investigation, intelligence exchange and law enforcement, so as to target and crack down on illicit activities by syndicates.

- (7) A recognizance form (commonly known as "Form No. 8") issued under section 36(1) of the Ordinance is a proof that the holder is a person, being a person who is liable to be detained under the Ordinance, has been released on recognizance in lieu of detention, in such amount with such number of sureties and subject to such conditions as ImmD may reasonably require or impose. The recognizance form is not an identity document.

Non-refoulement claimants are persons who entered and/or remained in Hong Kong illegally; such immigration status of theirs would not change, regardless of the results of their claims. They are not Hong Kong residents; and ImmD will not issue any form of identity documents to them.

The Registration of Persons Ordinance (Cap. 177) stipulates that any person who without lawful authority or reasonable excuse uses, or has in his custody or possession an identity of another person, or transfers an identity card to another person commits an offence and is liable on conviction on indictment to a fine at level 6 (HK\$100,000) and to imprisonment for 10 years. ImmD will continue to step up enforcement actions and strengthen relevant intelligence gathering and exchange to combat these illegal activities.

- (8) The pre-arrival registration ("PAR") requirement for Indian nationals was implemented in January 2017. Since then to end June 2017, the average number of Indian visitors overstaying after arrival in Hong Kong was 10 per month, a 72% decrease over the fourth quarter of 2016 (monthly average of 36 Indian overstayers). The

Government will continue to closely monitor the trend of overstaying visitors and fine-tune PAR as appropriate or consider whether it is necessary to extend PAR to other countries.

- (9) Non-refoulement claimants are not Hong Kong residents. When they use medical services provided by public hospitals, they are required to pay for the medical expenses chargeable for "non-eligible persons". Non-refoulement claimants with financial difficulties who could not afford such expenses can apply for a medical fee waiver with the Medical Social Services Units of public hospitals and clinics or with the Integrated Family Services Centres under the Social Welfare Department. Medical social workers/social workers will assess the patient's financial and social situation on a discretionary basis. In case non-refoulement claimants require urgent medical services, they may seek medical treatment from the Accident and Emergency services at public hospitals under the Hospital Authority ("HA") first, and then apply for the medical fee waiver with the relevant units afterwards. In the past three years, the number of outpatient cases and inpatient attendances in public hospitals with fee waiver for non-refoulement claimants are set out below:

	2014	2015	2016
Inpatient cases with fee waiver	954	1 421	1 826
Outpatient attendances with fee waiver	10 792	15 685	17 555

Separately, doctors will usually determine the need for follow-up appointments based on individual patients' clinical situation. At present, HA does not maintain statistics on individual patients' follow-up appointments and breakdown on disease types.

- (10) Since commencement of USM and up to end May 2017, 1 753 rejected claimants have departed or are pending removal arrangements. ImmD will remove rejected claimants as soon as practicable. Relevant steps include applying to the consulate of relevant countries-of-origin in Hong Kong or in the Mainland for travel documents for rejected claimants not holding valid travel documents, liaising and coordinating with airlines, etc. ImmD does not maintain statistics on their length of presence in Hong Kong before removal.

For those who resist being removed, ImmD will first explain the case in detail to them and request their cooperation during removal arrangements. If they remain resistant to be removed, ImmD will, under the powers conferred by the Ordinance, conduct repatriation by force, including coordinating with relevant consulates in Hong Kong and with airlines. Where necessary, ImmD will consider assigning a suitable number of officers to escort removees in flight during repatriation operations by force.

In the past three years, manpower deployed and expenses incurred by ImmD on removing NEC persons (including rejected claimants) are tabulated below:

<i>Financial year</i>	<i>No. of posts relating to removal</i>	<i>Expenditure relating to removal (\$ Million)</i>
2014-2015	183	5.25
2015-2016	183	6.34
2016-2017	183	6.64
2017-2018 (Estimate)	218	7.93

As ImmD and TCAB expedite screening of claims and hearing of appeals, we expect that more rejected claimants will have to be removed. ImmD has commenced a review on the removal procedures, including discussing with major source countries (e.g. Vietnam, Pakistan) on how to expedite the removal process, and created 35 posts in 2017-2018, so as to ensure the timely removal of rejected claimants.

- (11) The Director of Immigration is empowered under the Ordinance to detain certain persons (including claimants) under various circumstances. In 2014, the Court of Final Appeal ruled in a judicial review case that ImmD's detention power is subject to the common law *Hardial Singh* principles. Under those principles, ImmD cannot continue to detain a person if it cannot complete the removal procedures (including the screening procedures) within a reasonable time.

We will examine the suggestion of "closed camp" and "detention centre" made by some members of the public. As regards ImmD's detention power, we will study whether we need to amend the relevant provisions so that ImmD may detain various persons (including claimants) in light of actual circumstances. We are also considering different measures from the legal, public security and resources perspectives, including using existing or recommissioning vacant prisons or penal institutions to detain illegal immigrants, and providing more effective operational support to detention facilities.

GOVERNMENT BILLS

First Reading of Government Bill

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

(Mr HUI Chi-fung stood up and indicated that he wished to raise a point of order)

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

MR HUI CHI-FUNG (in Cantonese): Under Rule 16(1) and Rule 16(2) of the Rules of Procedure ("RoP"), a motion that the Council do now adjourn may be moved without notice between two items of business by a Member for the purpose of discussing a specific issue of urgent public importance. Now I make such a request in accordance with RoP 16(1) and RoP 16(2), and the wording of the motion is as follows: "That the Council do now adjourn for the purpose of discussing matters relating to Mr LIU Xiaobo's terminal liver cancer and medical parole." I hope the Deputy President can make a ruling.

DEPUTY PRESIDENT (in Cantonese): Mr HUI Chi-fung wished to move a motion for adjournment under RoP 16(2). I should need some time to deal with his request. I now suspend the meeting.

2:28 pm

Meeting suspended.

3:09 pm

Council then resumed.

(THE PRESIDENT resumed the Chair)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, you have made a request of moving a motion for adjournment at this meeting in respect of matters relating to Mr LIU Xiaobo's terminal liver cancer and medical parole. I am not satisfied that the matters on which you wished to debate meet the requirements of RoP 16(2). Hence, your request is not allowed.

Government Bill: First Reading.

(Mr HUI Chi-fung stood up)

MR HUI CHI-FUNG (in Cantonese): President, point of order.

PRESIDENT (in Cantonese): Mr HUI, what is your point of order?

MR HUI CHI-FUNG (in Cantonese): You have to make a ruling. As RoP requires that you consider whether the issue is of urgent importance, can you explain why it is still not of urgent importance when a man's life is ending and yet no other time within this legislative session is available for discussion on the matters?

PRESIDENT (in Cantonese): I have already made my ruling, Mr HUI Chi-fung. According to RoP 44, the President's decision is final. Members are not supposed to comment on the President's ruling at the meeting.

(Ms Claudia MO indicated that she wished to raise a point of order)

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

MS CLAUDIA MO (in Cantonese): President, I move a motion for adjournment in accordance with RoP 16(2), and the wording of my motion is as follows: "That the Council do now adjourn for the purpose of discussing matters relating to the inhumane treatment given to Mr LIU Xiaobo and the fear of his becoming a martyr anytime."

PRESIDENT (in Cantonese): Ms MO, the contents of the motion for adjournment that you wished to move is broadly similar to that of Mr HUI Chi-fung's, so your request of moving the motion is also not allowed. Sit down, please.

Government Bill: First Reading.

(Mr LEUNG Kwok-hung stood up and indicated that he wished to raise a point of order)

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

MR LEUNG KWOK-HUNG (in Cantonese): President, may I ... the wording of the motion is as follows: "This Council considers that the Chinese Communist Government should not grant medical parole to Mr LIU Xiaobo."

PRESIDENT (in Cantonese): Please sit down, Mr LEUNG Kwok-hung. Now that I have made my ruling, I hope that Members will not abuse the mechanism under RoP 16(2).

(Some Members remained standing)

PRESIDENT (in Cantonese): Will Members please sit down. No debate on the President's ruling is allowed. Any Member's refusal to comply with my order will be regarded as grossly disorderly conduct for which I may order the Member concerned to withdraw immediately from this Chamber under RoP 45(2).

(Dr Fernando CHEUNG indicated that he wished to raise a point of order)

DR FERNANDO CHEUNG (in Cantonese): Your ruling shall not be subjected to challenge, President, but it is incumbent upon you to explain your ruling. Will you please explain why Mr HUI Chi-fung is not allowed to move a motion for adjournment ...

PRESIDENT (in Cantonese): I have already made it very clear that the President's decision is final. Members are not supposed to comment on the President's ruling at the meeting.

(Some Members spoke loudly)

PRESIDENT (in Cantonese): I do not need to explain my ruling at the meeting. I will give reasons later in writing if necessary. All my rulings are just and equitable.

(Dr Fernando CHEUNG indicated that he wished to raise a point of order)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, do you still have other questions?

DR FERNANDO CHEUNG (in Cantonese): I also wish to move a motion for adjournment in accordance with RoP 16(2), and the wording of my motions is as follows: "That the Council do now adjourn and since LIU Xiaobo is the first and only Chinese awarded the Nobel Peace Prize, he is a fighter for human rights and democracy, his life is coming to an end, and this meeting is the last one in the current legislative session of this Council, this Council expresses deep respect for the contributions and sacrifice made by LIU Xiaobo and his wife LIU Xia towards the promotion of democracy in China, and expresses grief at the oppression and pains suffered by them over all these years." This is the wording of the motion for adjournment moved by me.

PRESIDENT (in Cantonese): I now suspend the meeting in order to consider the motion that Dr Fernando CHEUNG wishes to move.

3:14 pm

Meeting suspended.

3:44 pm

Council then resumed.

PRESIDENT (in Cantonese): Under RoP 16(1), the wording of a motion for adjournment shall be couched in neutral terms, and I consider that the wording of Dr Fernando CHEUNG's motion fails to comply with this requirement. I have already ruled just now that permission will not be given even if Members keep on moving motions for adjournment in respect of matters relating to Mr LIU Xiaobo. Please do not abuse the mechanism of moving motions for adjournment and waste the meeting time of this Council. The Legislative Council meeting is not the only platform for the debate on matters relating to Mr LIU Xiaobo. Members may also seek other avenues to voice their views. I have already made my ruling.

(Dr Fernando CHEUNG stood up and indicated that he wished to make a point of order)

PRESIDENT (in Cantonese): Dr Fernando CHEUNG, what is your question?

DR FERNANDO CHEUNG (in Cantonese): President, will you please point out the wording in my motion which is considered not neutral?

PRESIDENT (in Cantonese): I will not point out the wording in question here as I have already made my ruling.

(Mr KWONG Chun-yu stood up and indicated that he wished to make a point of order)

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

MR KWONG CHUN-YU (in Cantonese): Now I move a motion for adjournment: "That the Council do now adjourn for the purpose of discussing the international community's concern over Mr LIU Xiaobo's critical health conditions and the international European Parliament's passage of a resolution which urges that China should immediately release Nobel Peace Laureate 2010 LIU Xiaobo and his wife LIU Xia, who is under house arrest, and allow LIU Xiaobo to receive any medical treatment he wishes."

PRESIDENT (in Cantonese): I have already made it very clear just now that I will not give permission to the moving of the motion.

Government Bill: First Reading.

(Some Members remained standing and spoke loudly)

PRESIDENT (in Cantonese): As I have said just now, a Member's act of continuously ignoring my ruling will be regarded as grossly disorderly conduct for which I may order the Member concerned to withdraw from this meeting

under RoP 45(2). Besides, should any Member act in a way that renders it impossible to carry on with the proceedings, I may announce that the meeting be adjourned. Will Members please sit down?

(Mr LEUNG Yiu-chung stood up and indicated that he wished to make a point of order)

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, what is your point of order?

MR LEUNG YIU-CHUNG (in Cantonese): President, in accordance with Rules 16(1) and (2) of the Rules of Procedure, I wish to move a motion that this Council do now adjourn, and the wording of the motion is: "LIU Xia, the wife of Chinese veteran democracy fighter LIU Xiaobo, has not received any reply regarding her request to the Chinese Government for allowing LIU Xiaobo to go abroad for medical treatment on humanitarian grounds, so that her husband can receive appropriate medical treatment of his terminal liver cancer, which was disclosed only recently. Owing to the urgency of life and death, this Council expresses its grave concern."

PRESIDENT (in Cantonese): I reiterate that I will not approve the holding of an adjournment debate in this Council on the case of Mr LIU Xiaobo. Will Members please do not waste any more Council meeting time on the matter. Mr LEUNG Yiu-chung, please sit down. Will Members please refrain from raising any more point of order on the ruling I have made.

(Mr HUI Chi-fung stood up and indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, what point of order do you wish to raise?

MR HUI CHI-FUNG (in Cantonese): President, in accordance with Rule 39 of the Rules of Procedure ... as a Member, you have not made yourself clear just now and I wish to seek an elucidation from you, since I have the right to do so under Rule 39 of the Rules of Procedure. I hope you would make an elucidation

of your ruling just now, and explain why you considered that my motion was not proposed in neutral wording. What are the justifications for ruling that my motion did not seek to discuss an issue of great urgency?

PRESIDENT (in Cantonese): Mr HUI Chi-fung, I have indicated twice that I had already made a ruling. Under Rule 44 of the Rules of Procedure, the decision of the President shall be final, and Members shall not comment on the President's decision at the meeting. Please sit down.

(Mr KWONG Chun-yu indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr KWONG Chun-yu, what point of order do you wish to raise?

MR KWONG CHUN-YU (in Cantonese): President, we request under Rule 16(2) that this Council do now adjourn, and my motion is proposed on the basis of the resolution passed by the European Parliament. President, I earnestly request you to point out which part of my motion wording is not neutral, so as to save you from becoming an international laughingstock.

PRESIDENT (in Cantonese): Mr KWONG, I am not saying that the wording of your motion is not neutral. I have already made my ruling, and my ruling is that the adjournment motions Members seek to move on matters relating to Mr LIU Xiaobo do not meet the requirement of Rule 16(2) of the Rules of Procedure.

MR KWONG CHUN-YU (in Cantonese): President, I am referring to the resolution passed by the European Parliament ...

PRESIDENT (in Cantonese): I will say it once again. I have already made my ruling. Mr KWONG Chun-yu, please sit down.

Government Bill: First Reading.

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) BILL 2017

CLERK (in Cantonese): Road Tunnels (Government) (Amendment) Bill 2017.

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

(Mr Andrew WAN stood up and indicated his intention to raise a point of order)

PRESIDENT (in Cantonese): Mr Andrew WAN, what is your point of order?

MR ANDREW WAN (in Cantonese): President, in response to your view just now, I wish to propose under Rule 16(1) of the Rules of Procedure that this Council do now adjourn to debate the Mainland Government's failure to allow a seriously ill Chinese citizen to go abroad for medical treatment when foreign medical experts have already made arrangements for his receipt of medical treatment overseas at any time and the keeping of him in the country, where he is denied humane care.

PRESIDENT (in Cantonese): I have already made it clear just now that I will not permit any related motions. I know some Members have been trying to continuously move motions for adjournment. But I have already made an overall ruling on this subject and I will not permit at this stage Members to move a motion for adjournment on matters relating to Mr LIU Xiaobo.

Second Reading of Government Bills

PRESIDENT (in Cantonese): Government Bill: Second Reading. Secretary for Transport and Housing.

(Mr HUI Chi-fung indicated his intention to raise a point of order)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, if you keep on abusing the procedure of raising a point of order, I will regard your action as a disorderly conduct.

MR HUI CHI-FUNG (in Cantonese): I am citing Rule 39 of the Rules of Procedure ... I am not challenging your ruling, nor am I asking you to explain to us. Since you said just now that Members were abusing the system, I am only asking you tell us who are abusing the system of moving adjournment motions. Members or you? I hope you can point out who have been doing so.

PRESIDENT (in Cantonese): Mr HUI, I have already made my ruling. Please sit down.

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): My point of order cannot be refuted. It is a point of order concerning the Basic Law. I think a quorum is not present now.

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)

ROAD TUNNELS (GOVERNMENT) (AMENDMENT) BILL 2017

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I move the Second Reading of the Road Tunnels (Government) (Amendment) Bill 2017 ("the Bill").

Upon the expiry of its 30-year Build-Operate-Transfer ("BOT") franchise on 11 July next year, the Tate's Cairn Tunnel Company Limited will hand over the Tate's Cairn Tunnel ("TCT") to the Government. We need to provide the necessary legal backing for TCT to operate and be managed as a government tunnel and subsume TCT under the legal framework of the Road Tunnels (Government) Ordinance (Cap. 368) ("the Ordinance") and its subsidiary legislation.

The Bill seeks to add TCT into the list of applicable tunnels under the Ordinance and amend the Road Tunnels (Government) Regulations (Cap. 368A), including incorporating the existing tolls chargeable for using TCT, adding TCT to the schedules of removal fee and permit fee for vehicles passing through government tunnels, and allowing the continued use of certain traffic signs at TCT.

The Bill also seeks to repeal the Tate's Cairn Tunnel Ordinance (Cap. 393), which is the governing legislation of TCT as a BOT tunnel, and its subsidiary legislation. However, the Bill also provides for the necessary savings and transitional arrangements to ensure that the repeal of the Tate's Cairn Tunnel Ordinance and its subsidiary legislation will not affect the Government in pursuing any actions against TCT-related matters.

At present, the Tate's Cairn Tunnel By-laws provide an exemption, if permitted, from prohibition against vehicles conveying dangerous goods of Categories 2 and 5 under emergency situations. The Bill will retain this exemption and extend it to all government tunnels, including the Cross-Harbour Tunnel ("CHT") and the Eastern Harbour Crossing ("EHC"). When these dangerous goods, including medical oxygen, liquefied petroleum gas, diesel fuel and petroleum, cannot be supplied to Hong Kong Island through seaway by vehicular ferries under inclement weather or due to other reasons, the Government can opt for using CHT or EHC to transport these dangerous goods to Hong Kong Island rather than using the Western Harbour Crossing ("WHC"), which requires the prior agreement of the WHC franchisee. This will greatly enhance the Government's ability to respond to unforeseen incidents and emergencies. I must stress that the Commissioner for Transport will only grant this exemption under emergency situations with any necessary conditions after consultation with relevant government departments. And the government departments concerned and contractors operating the tunnels will closely supervise the execution of the permission.

The Transport and Housing Bureau consulted the Panel on Transport ("the Panel") of the Legislative Council on 19 May 2017 on the proposed legislative amendments. The Panel did not raise any objection to the legislative proposals on subsuming TCT under the legal framework of the Ordinance.

Some Panel members were concerned about the time frame within which the Government would adjust the toll level of TCT to achieve a better traffic distribution among TCT, the Lion Rock Tunnel ("LRT") and the Eagle's Nest Tunnel and Sha Tin Heights Tunnel ("Route 8K"). Some members requested in a Panel meeting that the Government should bring the toll level of TCT in line with those of LRT and Route 8K upon taking over TCT, instead of awaiting the outcome of the toll rationalization study.

I understand members' concern. However, due to the geographical locations of the three road harbour crossings (namely CHT, EHC and WHC) and the three land tunnels between Kowloon and Sha Tin (namely TCT, LRT and Route 8K), drivers will naturally pair the use of the road harbour crossings with the three land tunnels. A preliminary analysis of the Transport Department also shows that the traffic distribution among the three road harbour crossings will impact on the usage of the three land tunnels. Hence, the Government must consider all factors in a holistic manner and formulate the toll adjustment proposals for rationalizing the traffic distribution among the six tunnels. The Government has initiated a study on the rationalization of traffic distribution among the six tunnels and a review on the TCT toll level will be incorporated in the study. As undertaken earlier, the Government will put the toll adjustment proposals for discussion at the Panel within the 2017-2018 legislative year. In the meantime, the Government will not be adjusting the toll level of TCT upon its takeover of the tunnel.

The Bill is instrumental to the normal operation of TCT upon the expiry of its franchise. I urge for Members' support of the Bill.

President, I so submit.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the Road Tunnels (Government) (Amendment) Bill 2017 be read the Second time.

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

Resumption of Second Reading Debate on Government Bill

PRESIDENT (in Cantonese): We now resume the Second Reading debate on Apology Bill.

APOLOGY BILL**Resumption of debate on Second Reading which was moved on 8 February 2017**

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

(Mr LEUNG Kwok-hung indicated his request for 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): Mr Holden CHOW, please speak.

MR HOLDEN CHOW (in Cantonese): President, I submit the Bills Committee's report in my capacity as Chairman of the Bills Committee. The Apology Bill ("the Bill") mainly seeks to clarify the legal consequences of making an apology in civil proceedings, so as to champion and encourage the making of timely apologies among parties to civil disputes, and in turn promote the reaching of settlement.

The Bills Committee held six meetings with the Administration and received views from deputations and individuals on the Bill at one of these meetings. Members of the Bills Committee, deputations and individuals agreed to the policy objective of the Bill and supported the enactment of the apology legislation.

In the course of deliberation, members of the Bills Committee supported the protection of statements of fact contained in an apology. Yet they expressed two major concerns about clause 8(2) of the Bill in respect of the admission of statements of fact as evidence in exceptional cases at the decision maker's discretion. First, the Bill defines a decision maker as a court, a tribunal, an arbitrator or any body or individual having the authority to hear, receive and examine evidence in the applicable proceedings, but members were concerned about the competence of decision makers who were not legally trained persons to exercise the discretion under clause 8(2). Second, members were also concerned about the uncertainties that might arise from the admission of statements of fact as evidence in exceptional cases at the decision maker's discretion, as this might discourage people from making apologies and thus defeat the purpose of the Bill.

On members' first concern as to whether decision makers could properly exercise the discretion, the Administration explained that the discretion would only be invoked in limited circumstances. For example, discretion would only be exercised when the statements of fact contained in an apology were the only evidence in the proceedings. Non-judicial proceedings where there could be serious consequences were usually chaired by legally qualified persons or attended by legal advisers to the tribunals. Any party who was aggrieved by the exercise of the discretion might seek assistance from courts or appeal tribunals. Therefore, there was sufficient safeguard. Conferring the discretion solely on the court would have costs and time implication as the question of whether the discretion should be exercised would have to be separately litigated in the court. The Administration undertook to monitor and review the operation of clause 8(2) in the light of any relevant court decision.

The second concern of members related to the decision maker's discretion to admit statements of fact as evidence. The Administration explained that absolute protection of statements of fact might prejudice a claimant's right to a fair hearing contrary to Article 10 of the Hong Kong Bill of Rights and Article 39 of the Basic Law, and as such, might be struck down by the court. It was not uncommon for the courts or other tribunals to be conferred such a discretionary power to ensure that the claimants have access to justice. The Mediation Ordinance (Cap. 620) was such an example. To alleviate members' concerns and after taking into account members' views, the Administration proposed a Committee stage amendment ("CSA") to clause 8(2) to provide that when there was an exceptional case (for example, where there was no other evidence available for determining an issue), the decision maker might exercise a

discretion to admit a statement of fact as evidence, but only if the decision maker was satisfied that it was just and equitable to do so, having regard to the public interest or the interests of the administration of justice. The Bills Committee considered the proposed CSA acceptable.

Moreover, as to the scope of application of the Bill, the Legal Adviser to the Bills Committee enquired whether the proceedings of the Legislative Council were applicable proceedings for the purposes of the Bill. The Administration clarified that in its review of apology legislation in over 50 overseas jurisdictions, it did not note any express provision extending the application of the apology legislation to parliamentary proceedings. While the Administration considered the Bill did not apply to Legislative Council proceedings, given the broad definition of "applicable proceedings" under the Bill and the possible doubts as to whether proceedings of Legislative Council and its committees, panels and subcommittees would fall within that definition, the Administration proposed a CSA to the Schedule to exclude specifically the Legislative Council's proceedings from the application of the Bill for the avoidance of doubt. The Legal Service Division ("LSD") opined that disapplication of the Bill to proceedings of Legislative Council and its committees, panels and subcommittees would mean that subject to the Rules of Procedure, Members would continue to be able to refer to a person's apology, and take such apology into account, in making speeches, asking questions, moving and debating motions, and writing reports for the purposes of the above proceedings. All Members were informed of the proposed arrangement and no objection had been received from Members. The Bills Committee also had no objection to the proposed CSA.

To assist the public to better understand the enacted statutory provisions, the Bills Committee advised the Administration to consider drawing up guidelines with reference to examples or real-life scenarios for interpreting and giving effect to the provisions. The Administration assured that a series of education and publicity activities would be launched before the commencement of the enacted Ordinance to enhance public awareness on the Ordinance.

The Bills Committee approved of the two proposed CSAs to be moved by the Administration. LSD advised that no difficulties had been identified in relation to the legal and drafting aspects of the proposed CSAs. The Bills Committee would not move any CSAs in its name.

President, I now give my personal views on the Bill as follows. President, I am very grateful to all those Bills Committee members who participated in the scrutiny of the Bill for their valuable opinions. I believe the passage of the Bill will be beneficial to our society. As Members can observe, there have been several phenomena in society in recent years. One of them relates to medical incidents. Many victims of medical incidents or family members have told us that the hospitals or doctors involved in such incidents are invariably reluctant to make any apologies. The root cause of this is that all along, any acts or actions of apology or gestures made by medical staff previously were, to some extent, likely conceived or construed as an admission or involvement of legal liability.

Nevertheless, President, in the public hearing held by the Bills Committee, we have clearly heard the aspiration of the deputations of patients' groups who represent victims or their relatives. We are aware of their wish that the hospitals concerned can apologize to them to give them some kind of spiritual consolation, or as a means to facilitate a swifter settlement.

President, in the course of enacting this legislation, we have also drawn reference from examples of foreign places. In some overseas jurisdictions, the implementation of apology legislation could really facilitate the settlement of many legal proceedings and civil proceedings. I believe that will have a positive impact on society.

President, as I have mentioned in my capacity as Chairman of the Bills Committee, in the scrutiny of the Bill, the Bills Committee had indeed a heated debate on clause 8(2) in respect of whether a discretion should be conferred on courts to admit statements of fact contained in an apology as evidence in court proceedings to prove the legal liability of a certain party.

President, I am also aware of the concern of some members that the gate will be left wide open and thus uncertainties will easily arise if we allow the decision maker to exercise discretion. The discretion will strike fear into apology makers that the statements of fact accompanying their apologies will be used in court proceedings to prove their legal liabilities. Due to that reason, many considered that no discretionary power should be given, otherwise, uncertainties may arise and people involved will be discouraged from making any apologies at all.

However, President, I am glad that members have finally reached a consensus to allow the exercise of the discretion. However, this discretion is rather limited. As we have considered in the Bill Committee meetings, the rationale to have a limited discretion is that the denial of the exercise of any discretion to completely disallow the use of statements of fact accompanying all apologies in courts may contravene the Hong Kong Bill of Rights Ordinance or the Basic Law.

If the Bill fails to fully comply with the Basic Law or the Hong Kong Bill of Rights Ordinance, it may be struck down by the court in future. In other words, if the Bill is ruled null and void by the court for contravening the Basic Law or the Hong Kong Bill of Rights Ordinance, this will lead to the situation where the court may draw reference from overseas, including some jurisdictions which allow the exercise of the very loose discretion, and thus gives rise to greater uncertainty. In addition, the Court may refer to legal precedents in other jurisdictions when dealing with local cases in future.

In view that this situation will cause greater uncertainty and having weighed the pros and cons, Bills Committee members had reached a consensus. We considered the discretionary power necessary and the provision of such a power essential for complying with the Basic Law or the Hong Kong Bill of Rights Ordinance. However, we have to emphasize that the power should be exercised with strict limitations. An example in the Bill is only if there is no evidence available for determining an issue other than the statements of fact contained in an apology, the court may consider exercising the discretion. That is an example.

President, it is worth noting that the Administration has accepted some views given by Bills Committee members and proposed a CSA to clause 8(2). The drafting of the original clause was slightly revised to take members' views on board and meet the principle of the vesting of the discretionary power.

President, I am thankful for having the opportunity to have chaired the Bills Committee. I wish to thank all Bills Committee members here again for raising a lot of brilliant ideas and eventually reaching a consensus despite their different political affiliations, thus enabling Members to vote on the Bill today at the last meeting of the Legislative Council.

President, I so submit.

MR KENNETH LEUNG (in Cantonese): President, I am a member of the Bills Committee ...

(Mr LEUNG Kwok-hung stood up to indicate his wish to request a headcount)

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

(When 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.

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

MR KENNETH LEUNG (in Cantonese): President, as a member of the Bills Committee, I wish to express my views on the Apology Bill ("the Bill") and my support of the resumption of Second Reading of the Bill.

President, the Blue Bill concerned is just 20 pages long, but totally six meetings were held for its scrutiny. Besides, government officials must take great pains to brief and lobby Bills Committee members before the scrutiny work could be completed eventually. We can thus see that the legal principles behind the Bill are rather complex and difficult. This Monday, I stood in for Mr Dennis KWOK as the Chairman of a meeting on scrutinizing the Statute Law (Miscellaneous Provisions) Bill 2017. This bill is about 200 pages long, but we managed to complete the scrutiny in one single meeting only. In contrast, the legal principles behind the Bill are more complex and difficult. So, here, I wish tell Hong Kong people why we should enact and support the Bill.

To begin with, the Bill seeks to promote and encourage the making of apology by both parties or a party in a dispute, so as to prevent the escalation of the dispute, facilitate the making of an amicable resolution, and in turn reduce the incidence of unnecessary civil litigations or rulings and promote social harmony.

Actually, the Government already held two rounds of massive public consultation before introducing the Bill for enactment. The first round was held in June 2015 and the second round in February 2016.

Although what these two rounds of consultation elicited was mostly the responses from various professional bodies and chambers of commerce, I should still say that they were very thorough in scope. During these two rounds of consultation, the Administration put a number of fundamental questions to these organizations. These questions are: "Is it necessary to enact the Bill in Hong Kong?", "If yes, should the Bill cover simple apologies or full apologies?" and "Should statements of facts be included?" The Bill covers both civil litigations and non-criminal proceedings, and one question asked in the consultation in 2015 was precisely about the admissibility or otherwise of apology-related issues as evidence in civil proceedings. Therefore, we can say that these two rounds of consultation were very extensive and comprehensive in scope.

The Bill contains 11 main clauses, but we actually need to look at three to four of them only. The first clause we need to look at is clause 4 on "Meaning of apology". An apology is not just about saying "I am sorry" or "I am in the wrong". In clause 4, the definition of "apology" covers more than the apology itself and also includes an express or implied admission of a person's fault or liability in connection with certain matters, and a statement of fact in connection with those matters. A statement of fact can make an apology complete and more sincere. For example, in an ordinary traffic accident or a medical incident, if one side makes an apology simply by saying "I am in the wrong", the victim may feel that the apology is not entirely sincere and heartfelt. Hence, there is a point to include a statement of fact. But the Bill does not provide for the depth of a statement of fact. And, in this regard, I do not think it is appropriate to lay down too many specifications.

Another point I want to raise is about clause 6 of the Bill on "Meaning of applicable proceedings". Mr Holden CHOW, Chairman of the Bills Committee, has already mentioned that with the meaning given in the Bill, Legislative Council proceedings are not "applicable proceedings". As the Legislative Council is an independent organ, I concur that it is inappropriate to apply the Bill to Legislative Council proceedings. The Schedule to the Bill also sets out some proceedings that are not "applicable proceedings". For example, the death inquiry procedures under the Coroners Ordinance, which we are all familiar with, are not covered by the Bill.

Of course, the most controversial issue is whether the contents of an apology, including the apology itself and the statement of fact or any partial representation of fact, are admissible as evidence in civil litigations or other disciplinary proceedings? In this connection, I remember that the Bills Committee actually spent three to four meetings on deliberating the issue, and I myself also discussed the matter with colleagues in the Department of Justice for more than an hour. My initial stance that the contents of an apology should not be used as evidence in court under any circumstances. This was my understanding at the very beginning and my position on the issue before I was lobbied by the Government. However, after discussing the issue thoroughly with government officials for more than an hour and studying the apology legislation in many other countries, I now think that we may give the idea a try in Hong Kong.

We have studied the approaches of different countries or jurisdictions, including Canada, the United States, the United Kingdom, Scotland and Australia. These places adopt different stances regarding the admissibility of the contents of an apology as evidence in court. Some of them provide in the law that such contents must not be used as evidence in court under any circumstances. But the legislation of others provide that such contents may be used as evidence in court under certain special circumstances.

I have asked the Legal Adviser to the Bills Committee about the availability of relevant precedent cases. But I was told that the history of implementing apology legislation in all these jurisdictions is not very long. Therefore, after weighing the pros and cons, I think that Hong Kong should first pass the Bill, because it is only in this way that we can find out what legal and practical problems may arise when enforcing the legislation. If we do not pass the Bill, our understanding of the whole issue will remain purely academic, and no one will benefit.

Hence, after careful consideration, I support clause 8 of the Bill and the amendments to be moved by the Government to this clause. Why? In many common law jurisdictions, apology legislation is a kind of legislation founded on relatively new legal principles, and I have also heard Secretary for Justice Rimsky YUEN say recently at a radio interview that Hong Kong plays a very important role in the legal development of common law jurisdictions. Judges of the Hong Kong Court of Final Appeal, Non-permanent Judges in particular, are recruited from many common law jurisdictions, and are internationally renowned for their

high professional standards. Given Hong Kong's important role in the legal development of common law jurisdictions, I agree that Hong Kong should adopt a more progressive approach, especially a more open-minded attitude in enacting new legislation or interpreting legal principles, so that Hong Kong can become an example of other common law jurisdictions. This will be very helpful to safeguarding "one country, two systems" and upholding the principle of judicial independence.

Another major provision of the Bill which must be mentioned is clause 9, which provides that an apology does not constitute an acknowledgment within the meaning of the Limitation Ordinance. Under the Limitation Ordinance, legal actions must be taken in respect of a dispute case within a certain number of years or a certain period of time (such as within seven years or 10 years), otherwise it will be taken as if nothing has ever happened. However, it is provided under clause 9 of the Bill that an apology does not constitute an acknowledgment within the meaning of the Ordinance in connection with the matter concerned.

Moreover, clause 10 of the Bill also provides that an apology does not constitute an acknowledgment of liability under a contract of insurance or indemnity. In other words, an apology made by a person does not affect any insurance compensation that the person is entitled to. For example, in a traffic accident involving a third party, if car insurance has been taken out and I utter the expression "I am sorry" to that third party, my entitlement to compensation under the relevant contract of insurance will not be thus affected.

Therefore, generally speaking, I consider the Bill worth supporting both from a social perspective and from a more macro angle of developing Hong Kong into a role model of other common law jurisdictions. President, I will speak again later on the amendments moved by the Government to clause 8.

With these remarks, President, I support the resumption of Second Reading of the Bill.

MR LEUNG KWOK-HUNG (in Cantonese): The number of Members present in the Chamber now does not comply with the requirement under Article 75 of the Basic Law.

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)

MR LEUNG YIU-CHUNG (in Cantonese): President, speaking of the Apology Bill ("the Bill") introduced by the Government, I think the legislative intent of promoting the making of apologies to facilitate the resolution of disputes is worth supporting. The Bill admittedly has many limitations, but it can already cover public organizations and government departments, and I believe this will facilitate their admission of mistakes and making of apologies to the public. However, I must emphasize that the Bill must never be used as a means of denying responsibility. The admission of mistakes does not mean the end of everything and all actions. Thorough investigation and follow-up actions are still very important.

Government departments have all along been very reluctant to offer apologies to the public even though they have made mistakes, and the situation is particularly serious in the handling of complaints about medical incidents. In most cases, although life and death is obviously involved, the Hospital Authority and the doctors in question still flatly refuse to apologize, and will at most undertake to conduct investigation and follow-up accordingly. However, such cold and apathetic promises cannot possibly soothe the victims of medical blunders battered by serious ill-effects and people whose family members die in such incidents. Furthermore, disregarding whether any legal actions are to be taken to pursue justice, I do not think any victims can be soothed if the one in the wrong shows no sincerity when making an apology.

We cannot rule out the possibility that some departmental staff may refuse to apologize because they really believe that they have done nothing wrong. But we also observe that one major reason for their reluctance to apologize actually stems from their worry that any acts of apology may be used as evidence against them in court in the future. Hence, they are unwilling to apologize to the public even though they know perfectly well that they are in the wrong. To tackle such reluctance to apologize for clear mistakes, the Government now introduces the Bill to rid government departments of their worry about any ensuing liability in the future and thus encourage them to apologize to the affected people.

Some people may question if making an apology is really useful, and they also wonder if an apology can be of any meaning at all. On my part, I think an apology can still be of some meaning despite its limited effect. Actually, I have received many requests for assistance regarding medical incidents. Some of these involve serious mistakes but others are just minor ones. Some affected patients or their family members may not always want to take any legal actions, nor do they always demand any monetary compensation. The reason is that if they do so, they must invariably undergo tiring and onerous legal and litigation proceedings. All this will not only waste time but also reopen their old wounds, thus plunging them into physical and mental exhaustion. Hence, in some cases I have handled, especially those involving less serious medical blunders, the complainants only wanted to hear a heart-felt apology from the hospitals or health care personnel concerned, in order to do themselves justice. They also hoped that an apology could bring forth improvement and prevent the occurrence of similar unfortunate incidents. But at present, hospitals and health care personnel are afraid to do so.

The Office of the Ombudsman ("the Ombudsman") is another example. Although the Ombudsman is an independent statutory organization responsible for monitoring government administration, the only power it possesses when dealing with the maladministration of government departments and public bodies is to launch investigation and put forward improvement recommendations. In many cases, there is clear evidence, but the Government is still reluctant to admit its mistakes, and will only say that it will continue to investigate, review and follow up the cases, much to the discontent of the public. Moreover, statistics show that of all the 2 907 cases received by the Ombudsman last year, only 248 cases ended with the offer of an apology to the complainant. And, in 230 cases, an apology was made only after the intervention of the Ombudsman. Overall, last year, there were only 18 cases in which government departments volunteered an apology to the complainant. And, what is so very discouraging is that such cases only accounted for about 1% of the total figure.

I think the underlying reason for this must be the Government's worry that offering an apology will lead to legal liabilities. But the Ombudsman has in fact pointed out that very often, unfairly treated complainants will insist on lodging a complaint just because they feel aggrieved by government maladministration. But despite their grievance, they do not always want to seek compensation. And, since bringing their cases to court is no easy task, many complainants do not

have any such intention anyway. Therefore, if the department concerned can make an apology of its own accord, a big problem can thus be turned into a small one and a small one into nothing. In this way, protracted disputes can be avoided and problems can be resolved very easily.

The Bill encourages the making of apologies by ridding the apologizing party of any legal liabilities. I think one very important point here is that the making of an apology can thus serve as a means of resolving a dispute, alleviating the negative emotions, such as anxiety and anger, felt by the victims or the people affected. But the Bill has many limitations, such as the voluntary and non-compulsory nature of making apologies. This means that if no one wants to make an apology, nothing can be done. What are we going to do then? In fact, nothing can be done under the proposed Bill.

In the case the Ombudsman, which I mentioned earlier, only some 200 (less than 10%) of the 3 000 complaints received annually end with the making of an apology. That being the case, we can well imagine that even though the enactment of the Bill may bring a slight increase in the number of apologies, it is still doubtful whether the staff of government departments will be willing to apologize to the affected persons.

Hence, I really think that the Government must foster a culture within itself, one which is marked by a readiness to assume responsibility and apologize to the public. If not, simply one single piece of legislation may not be able to achieve much effect. I think the Government must reform its way of doing things and corporate culture.

President, I also wish to point out that legal considerations are not the only reason for the reluctance of private organizations, public bodies and government departments to make apologies. There is another reason, the fear of losing face. They all regard making an apology as an acknowledgment of fault and an act of yielding. This mentality is very common with government departments, and one example is the maritime disaster off Lamma Island in 2012.

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

The Report of the Commission of Inquiry on this incident reveals that the sunken Lamma IV were not equipped with any watertight doors, and the facilities on the vessel simply did not match those shown on the vessel design plan. All this is concrete evidence of the Marine Department's improper supervision, and the general public and family members of the victims were outraged. But the then Director of Marine Francis LIU simply refused to make an apology to the injured and the family members of the deceased until seven months after the incident. A report of the Ombudsman has actually pointed out that only a handful of government departments or public bodies under complaint were willing to apologize voluntarily, because besides worrying about potential civil or criminal liabilities in the future, they also fear the impairment of their public images. This is a very important point, and is also the reason why I think the Government should reform its corporate culture.

Another example that has caused public outrage is the lead-in-drinking-water incident. The incident was obviously caused by the mistakes of the Housing Department and the Water Supplies Department in the course of supervision, and large numbers of public housing residents were affected. But the Government did not make any apology after the incident and the release of the investigation findings. Carrie LAM, the then Chief Secretary for Administration, only said that the Government was deeply disturbed by the incident, and that heads of departments had been asked to learn a lesson. She openly refused to apologize and her arrogance simply made people feel that she was not at all apologetic.

All these examples are exasperating. But this is not the end of the story. As we observe these days, the problems of power abuse and misuse of force are equally serious with the Police Force, and the relationship between the Police Force and the public has plunged straight to the very bottom. But in many cases, the Commissioner of Police simply refuses to apologize to the public and sometimes even makes us think that he wants to harbour his subordinates. For this reason, the public cannot help questioning whether the proposed legislation can really achieve the desired effects after its enactment.

Deputy President, the incidents mentioned above obviously have nothing to do with any legal concerns. Rather, the problem is with the Government's administrative attitude. If government officials are not prepared to shoulder responsibility and admit their mistakes, the proposed legislation cannot possibly

achieve any real effect even though it rid apologies of legal liabilities. These incidents mostly happened during the time of LEUNG Chun-ying. His arrogance and presumptuous attitude are well known to us all, so one may wonder whether the stance of his team was in fact influenced by his personal style.

I hope this was the case, and I also hope that the situation will change in the time to come, because Carrie LAM has now replaced him as the Chief Executive. Since she talks about her intention to foster harmony and the Bill is to be enacted, I hope the present Government can say good-bye to the previous Government's undesirable practice of stubbornly refusing to admit mistakes. I hope the present Government can acknowledge its mistakes, shoulder responsibility, and keep the public fully informed at all times. It is only when this happens that the present legislative exercise can become meaningful and worthwhile.

Deputy President, finally, I must make it a point to clarify one question. I think many people have a similar worry, wondering whether the Bill will be reduced to a means of denying responsibility. It is really paradoxical that a willingness to admit mistakes does not necessarily imply a willingness to assume legal responsibility, but having said that, I still consider the willingness to admit mistakes very important. This can at least demonstrate that the party giving an apology is willing to assume responsibility for the mistakes made and is also willing to express sympathy to members of the public, thereby facilitating the settlement of disputes.

But the admission of mistakes is never the end of the story. We must never think that a problem can thus drag on without any further actions, thorough investigation and follow-up measures. In my opinion, it is still important to investigate thoroughly, pursue and follow up the matter concerned, because the admission of mistakes is just the first step, and it will still be necessary to correct the mistakes and hold people accountable. As a matter of fact, we hope that there similar incidents will not occur after the admission of mistakes. Hence, it will still be necessary to pursue, thoroughly investigate and hold people responsible for dispute cases, and the Bill must never be used as a means of denying responsibility.

Deputy President, I so submit.

DR CHIANG LAI-WAN (in Cantonese): Deputy President, this Council will have a Second Reading debate on the Apology Bill ("the Bill") which has long been in the pipeline, and we will proceed to the Committee stage and the Third Reading then.

I trust that the Bill will likely be passed at this meeting, but I still have reservations about clause 8(2) of the Bill because I find it contradictory to the legislative intent. I have also repeatedly commented on clause 8(2) during the scrutiny of the Bill by the Bills Committee on Apology Bill ("the Bills Committee"). While I appreciate the Law Officer for making certain amendments, those amendments still fail to address my doubts. Thus, I must grasp this last chance to point out the flaws in the Bill, out of concern that the legislation may have counter effects against its legislative intent.

First, I have to point out that, though the Apology Ordinance merely looks like a simple piece of legislation, the scope and influence are extensive as it will apply to all the laws relating to civil proceedings. For example, when two cars collide on the road, whose fault is it? Or when two persons bump against each other and one of them gets hurt, how should we make the judgment? After all, both of them may be responsible for this. Or, say, when someone is burned by hot water in a restaurant, is the person holding the pot necessarily at fault? And, suppose a patient dies in a hospital, and the doctor expresses regret and offers condolences to the families, the doctor may then have to bear the consequence. It is because, according to clause 8(2), in a situation similar to this one where there is insufficient evidence to prove the rights and wrongs, as long as one party tries to settle the dispute or express condolences to the other party by apologizing, and that the apology contains a statement of fact, then the statement may be admitted by the judge or the decision maker as evidence.

According to the simple definition given in the apology law, an apology is not equal to an admission of fault, and is not admissible as evidence in legal proceedings. This aims to protect the apology maker from being held liable for making an apology, so as to encourage the person at fault to express regret for the mistake, thereby settling more disputes in society. Therefore, I think that the inclusion of clause 8(2) will defeat the legislative intent.

We should ask in the first place: Why do we need an apology law? As we all know, in cases of misfortunes in the past, some people would refuse to apologize even if they were at fault, fearing that they would thus be held accountable, or even subject to compensation claims, as they worried that issuing an apology would be regarded as an admission of fault, and the other party would

then bring the case to court. So, some people never showed their regret despite knowing well that they did make a mistake. Such a situation will only infuriate the aggrieved party further, rendering them more insistent on seeking justice by resorting to litigation. Take the Lamma Island marine disaster as an example. While officials lacked the courage to show their regret, the families of the deceased are still embroiled in anger and grievances. Some of them even vowed to spend their whole life seeking justice for the deceased.

We seek to enact the Apology Ordinance with a good intention, which is meant to encourage people to boldly make apologies as a sincere apology can relieve the emotion and calm both parties down, so that they can rationally work out a solution. But then, when one apologizes, would it be suffice by merely saying "sorry"? In the consultation paper on the apology legislation, the Government cited the definition in *The Shorter Oxford English Dictionary*, "a frank acknowledgment of fault or failure, given by way of reparation; an explanation that no offence was intended, with regret for any given or taken". In other words, making an apology is not simply saying "sorry". Indeed, it involves a number of elements.

According to the book *The Five Languages of Apology: How to Experience Healing in All Your Relationships* written by Gary CHAPMAN and Jennifer M. THOMAS, there are different ways of apologizing, depending on the circumstances and the attitudes of the concerned parties towards the matter. That said, an apology basically comprises five major elements: First, expressing regret; second, accepting responsibility; third, making restitution; fourth, genuinely repenting; and fifth, requesting forgiveness. The "statement of fact" mentioned in clause 8(2) has something to do with all the above elements. Regrettably though, the Bill will protect only the first of the five elements above, meaning that a person will not be held liable for only saying "sorry" or expressing regret. Such words will not be admissible. Nevertheless, if a person explains a little bit more in an attempt to comfort the other party while making an apology, the judge or the decision maker may exercise discretion to admit a statement of fact contained in his words of apology as evidence. In the light of this, I consider such a provision inconsistent with the legislative intent of the Bill. It is in fact redundant and unnecessary. As a result of this clause, people will just stop at saying "sorry" at best when a certain incident occurs and will not bother to say anything more. Given this kind of insincere apology, how can we expect that the apology maker will be so easily forgiven? If this is the case, what is the point of having this Apology Ordinance?

Deputy President, during the consultation on the Bill, the vast majority of professional organizations (such as the Hong Kong Academy of Medicine, The Hong Kong Association of Banks, the Hospital Authority, the Office of The Ombudsman, the Social Welfare Department and the Hong Kong Productivity Council) and myself supported the passage of the Bill. Meanwhile, they also required that individuals be protected under the legislation in respect of any statements of fact made. Among those organizations, some even opposed granting discretionary power to the decision maker or the judge in admitting a statement of fact as evidence.

Deputy President, a member of the medical profession called me yesterday, requesting that I must state clearly at today's meeting the pros and cons of the proposed provision, claiming that I may even cite the recent case of Ms TANG, a hospitalized patient, to illustrate how unacceptable it is to the families of the patient concerned if the hospital fails to lucidly account for the patient's conditions. If we retain clause 8(2) in the Bill and allow the judge to exercise discretion to admit the statement of fact as evidence, doctors will have misgivings when making any remarks. Doctors may be economical with the truth when they have misgivings. If so, how can this be acceptable to patients' families? As in Ms TANG's case, her daughter was gravely dissatisfied with the apology made by the hospital because she believed the hospital did not completely explain the incident and sufficiently illustrate the facts.

Recently, I have received a complaint from a member of the public. According to the complainant, his father was hospitalized recently for sickness. He talked to his father on the phone the following day at noon, informing his father that he would make a visit at the hospital after work that day. Feeling fine and expecting a discharge a couple of days later, the complainant's father told him that he needed not visit. However, before he got off work that day, he received a call from the hospital telling him that his father was dying. Eventually, his father passed away that night. Of Course, his whole family felt great sorrow at his father's sudden death. As the patient was gone, it was natural for the family of the deceased to seek more information concerning the death, but the hospital was reluctant to provide details and told them to wait for the report. One can readily understand how helpless the families were. This was not the end of the story though. Two days later, the hospital refused to allow the families obtain the body for funeral, claiming that the body had to go through an autopsy and an inquest by the Coroner's Court to determine the cause of death before it could be returned to the families. When the families asked how long they had to wait, the hospital could merely replied equivocally.

Deputy President, suffering with bereavement, the mother of the complainant naturally expected that her deceased husband would be buried and at rest sooner rather than later. Yet it turned out that she could not even know when they would be able to obtain the body. Moreover, they had to face the autopsy of the body for examination. Deputy President, can you feel the pain of the families? Most paradoxically, the families have not ever intended to hold anyone responsible or seek compensation. They only wanted to know a bit more. Is this too much a request? By now, I believe Members will know why doctors were so tight-lipped. They did so to protect themselves, fearing that their words might be admitted as evidence, subjecting them to compensation claims.

The Bill is simply a job half-done as it seeks to protect someone who makes a statement of fact on one hand, but gives the judge or the decision maker the discretion to admit a statement of fact as evidence on the other. Is this not self-contradictory then? Well, I know the Department of Justice will surely tell us that only when there is no other evidence available for determining an issue can the judge or the decision maker exercise a discretion. Nevertheless, can a discretion be exercised if there is insufficient evidence? The Department of Justice will say that the judge shall exercise his discretion in accordance with the principle of justice. That said, among the cases adjudicated by a judge, which one is not done for the sake of justice? As long as there is litigation, there is an issue of justice in question. Because of justice, the protection offered to people making a statement of fact under the Bill will be gone.

Deputy President, I had a number of meetings about the Bill with the Law Officer who tried very hard to explain the provisions, pointing out that the discretion will only be applicable under exceptional circumstances. Nevertheless, the fact remains that the judge or the decision maker will have the discretionary power to decide whether to admit a statement of fact as evidence. Many members of the legal sector have told me that they will not advise their clients to make any apologies as long as they reckon that doing so may incur liability.

Deputy President, I hope the Department of Justice will give more consideration to this issue. Not a place in the world has ever incorporated the element of "statement of fact" into an apology law, yet Hong Kong's Department of Justice has the courage to be the first in the world to incorporate the element of "statement of fact" into the apology legislation. I really appreciate the legislation's original intent to protect a person who makes an apology containing a statement of fact against future liability. As such, please withdraw clause 8(2).

This is the right decision instead, which will optimize the Apology Ordinance and really encourage people to apologize sincerely in the event of a dispute. This will, I believe, help bring about greater social harmony while facilitating the effective implementation of the Apology Ordinance.

I so submit. Thank you, Deputy President.

MR ALVIN YEUNG (in Cantonese): Deputy President, our colleagues are fully engaged in the debate of the Apology Bill ("the Bill") and I do appreciate this. Though I may not see eye to eye with Dr CHIANG Lai-wan, I do understand some of the worries she just expressed in her speech. I believe that the Secretary for Justice will responsibly clarify the relevant worries in a while. I will now speak, also with reference to clause 8(2), giving out certain views which hopefully help provoke further discussion.

Deputy President, the Bill expressly makes a distinction between an apology and an admission of responsibility, thereby providing a legal foundation for encouraging government departments and citizens to convey regret after an incident has happened. We consider this very important. As a matter of fact, under the present day legal framework, people are certainly confused in some ways whether and how an apology and an admission of responsibility are related. Every now and then, we see many people involved in incidents worry if the apologies they may make will be taken as part of the evidence or an important element in the admission of fault in legal proceedings or by disciplinary tribunals. Under the advice of legal counsels, they very often withdraw from making apologies despite their wish to do so. And such legal advice is made reasonably and fairly from the perspective of protecting the clients. These cases do occur from time to time.

Actually, after reviewing the cases, we find that the court has not provided in any civil or criminal cases ultimate legal guidelines or specific principles with regard to the definition of "apology" as reference. A case from which we can draw reference is a Court of Final Appeal case, *LAU Ka Yee Michael v HKSAR*. This is a criminal case involving an apology. The Court has made a determination which, however, may not be the most unequivocal legal guideline. Let us take a look at the case concerning LAU Ka Yee Michael and discuss it briefly below.

It is a case in which LAU Ka Yee Michael was charged with indecent assaults against a boy. In a meeting between the defendant and the victim, the following statement of facts was reported in the Court's judgment: (I quote) "I asked both parties ... to tell their side of the story. [The appellant] first of all pleaded to [the complainant] and asked him to forgive him, and he said that he knew it was wrong. He also mentioned that when he himself was small, he had also been sexually abused by somebody. The fourth matter was that he hoped that [the complainant] could stop the article from being published in the Apple Daily. These were the four main messages coming out of the mouth of [the appellant] that night."

Deputy President, the judge at the Court of Final Appeal considered that first, the Court must decide whether the defendant was admitting the charge on him or simply expressing regret in the above meeting. The Court's consideration is also put down in paragraph 52 of the judgment: "In the case of crime, an apology will constitute an admission if it is a statement against the interests of the author of the statement."

But then, Deputy President, this judgment is only an observation made by the Court on this particular case and certainly cannot be regarded as a legal guideline. And the court, notwithstanding the Court of Final Appeal, must painstakingly, systematically and analytically examine the cases one by one. Is this what our society wants to see? Of course not.

As a matter of fact, former Ombudsman Alan LAI suggested as early as in 2013 that the Government considered formulating an apology legislation, so as to encourage government departments to apologize to affected citizens without having had to worry about the resultant legal responsibilities. If government departments display the determination to prevent the recurrence of faults and apologize sincerely, they may probably be able to relieve the resentment of the aggrieved parties. Much to our regret, however, when government departments do apologize to the public for a fault, they have always done it with extreme reluctance. One of the very important reasons is that they would not like to see the apology used as unfavourable evidence against the Government in court.

Actually, no matter whether the incident involves the Government or happens between private parties, an apology can herald an amicable peacemaking process between the two. Indeed, what the court deals with are responsibility and damages. But many a time, interactions between individuals follow not the mentality of lawyers and going to court is not the first idea occur to them. As a

matter of fact, we more often than not would encourage and promote the two parties to resolve disputes. Take a look around the world, apology legislation has been enacted in common law jurisdictions such as the United Kingdom, the United States, Canada and Australia, providing assurance that an apology will not be used as evidence in court. According to researches and experience in these areas (and especially those in the United States), making an apology can effectively bring an early settlement to disputes.

Apology legislation also goes hand in hand with social trends and developments. In 2009, Hong Kong underwent a revamp in judicial system: the Civil Justice Reform, under which the use of alternative dispute resolution is encouraged. Deputy President, in the last-term Government, the Secretary has probably spared no effort to promote the use of alternative dispute resolution to settle legal issues effectively, encouraging both parties to proceedings to stop short of taking their disputes to court for resolution as far as possible. The most important purpose is of course to save time, minimize cost and prevent the clients from paying high costs in proceedings. Mediation is usually the first legal alternative dispute resolution that people come across after an incident happened. That is to say, a third party mediator encourages or assists the two parties to reach resolution before they decide to start court proceedings. To this end, two relevant bills were passed in the Legislative Council last month to encourage and allow third party funding of mediation. This is also a positive development.

Deputy President, a point of contention today, as also touched upon by Dr CHIANG just now, is on "full apology" or clause 8(2) which we will discuss later today. The Bill proposed by the Government this time is about "full apology", an apology with admission of legal fault or responsibility, such as "I am sorry for a mistake I made in a certain case." It is not a plain and partial apology, a simple "sorry". Deputy President, the Civic Party agrees that a "full apology" will be regarded by the listener (that is the victim) as a higher agreement made on higher moral ground and hence is conducive to resolving disputes. We therefore support "full apology". Deputy President, I also agree that if a relevant statement of facts is included in the apology, the legislation will have greater clarity, the incident will be clearer and easier to be understood, and the listener will know the subject of the apology.

Of course, I also understand the legitimate doubt that the public may have. But I agree in principle the stipulation under clause 8(2), that is the court or disciplinary tribunal may exercise discretion to admit the relevant apology as evidence in the proceedings, under an exceptional circumstance as stated in the

provision. Deputy President, the provision under the original Bill mentions only a particular applicability: where there is no other evidence available for determining the fault, the legal responsibility or other issues under dispute. I do not think it is necessary to list all the applicable circumstances as we trust the judge responsible for the case will surely act in accordance with principle and listen to the statements made by both sides of the proceedings before making a decision on the admittance of the apology as evidence. This approach is in agreement with the established practice in Hong Kong where the two sides are allowed to argue and make their cases on court. To me, this is an adequate approach. And in reality, the above situation is an uncommon one. Therefore, I do not think this will bring any confusion to the public.

As mentioned just now, I understand colleagues' worry that the one single case provided by the Bill might not be adequate as a guideline. I will support the Government's amendment proposal which adds another condition on top of having no evidence for determining an issue under dispute: the decision maker is satisfied that it is just and equitable to do so, having regard to the public interest or the interests of the administration of justice. In my opinion, this will provide further flexibility to the provision and bring clarity to the matter. Therefore, we consider the amendment reasonable.

Another amendment proposed by the Government this time clarifies that the Bill is inapplicable to the proceedings of the Legislative Council, its committees, panels and subcommittees. The Government also informs all Members of this arrangement. The meetings of the Legislative Council are indeed different from court proceedings. On top of carrying legal responsibilities, we are accountable to the public from time to time. I agree that the Bill should not be applied to the Council for the time being. And while the Bill has no bearings on us, we also agree to the present approach of informing individual Members of the amendment. I would like to stress that in the future, if the relevant legislation affects the operation of this Council or the powers of Members, I hope that the Department of Justice will handle this with caution and uphold the highest principle of safeguarding the autonomy of the Legislative Council. Under all circumstances in future, I hope that the Department of Justice will consult each and every Member of the Legislative Council when need arises.

Finally, Deputy President, the implementation of the Bill is relatively simple and it will not impose a heavy load on existing legal proceedings. The Secretary will probably confirm this point in a moment. Furthermore, I am also

sure the implementation of the Bill will not cause much confusion to the public or fellow legal practitioners, and the Department of Justice will also prevent such a scenario from happening. Therefore, I hope the Government can put in place the relevant legislation as soon as possible, after the passage of the Bill. I also hope the Secretary can consider conducting related studies or collecting relevant data after the Bill's implementation, with a view to examining whether the legislation can encourage the public and especially public bodies to apologize in respect of the incidents, so as to avoid seeking court proceedings. If the Bill is passed later, such an arrangement can help us monitor the effectiveness of the legislation and recognize our decision today. I so submit.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, I speak in support of the Apology Bill ("the Bill"). The Bill was already discussed thoroughly in the Panel on Administration of Justice and Legal Services ("the Panel") of the last Legislative Council. We all think that a piece of apology legislation can help settle civil disputes and prevent conflicts from escalating; and it can also help resolve common disputes (such as medical incidents) without spending huge expenses on litigation. I remember we attended a large international conference, and the Secretary for Justice was there too. I remember deeply that some international scholars and experts shared their experience at the conference, saying that an apology system could help bring the two sides in a medical incident to a settlement.

Moreover, not only public medical institutions or the Hospital Authority but also universities may have to handle dispute cases, and they need apology legislation. Many of these disputes originate from emotional arguments and end up in litigations, but all that they want is just an apology. The same is true for public institutions. When a large public institution dismisses an employee or terminates a contract with him, the two sides may say or do things impulsively. Without an apology system, the employee may have difficulties in finding a new job.

For instance, we often handle cases of disputes for owners' corporations. Disputes between individual owners and property management companies or large property developers often originate from an emotional argument which gradually deteriorates into a loss-loss situation because there is not any mechanism to facilitate the making of an apology. I thus think that an apology system is a desirable option and should be encouraged. There was a film in

1992 or 1993 called *The Story of Qiu Ju*. It depicts a village woman who refuses compensation and insists on finding justice for a minor incident. In fact, all she wants is just an apology.

There was less controversy when the Bill was discussed in the last Legislative Council than when it was formally considered at the Bills Committee. I remember that the Administration proposed a few directions for further exploration at the last meeting of the Panel. One of the directions is whether the decision maker should be given the power of discretion. That is only a possible option, not a compulsory proposal. Another direction is that there should be no discretion. I remember that many members at that time preferred not giving any discretion.

Many points raised during the making of the Bill are worth mentioning. First, we all think that apology legislation should not be exclusively applicable to judicial or other proceedings. The reason is that besides judicial bodies or tribunals, many other investigation proceedings may have to use it. Hence, it is best to use the term "decision maker"; and second, apology legislation should also be applicable to the Government. I think this is a very good point and we welcome it. To the victims who, in their opinion, have all along been unfairly treated, an apology is something where they can find solace and relief apart from compensation.

As some Members have mentioned now, clause 8(2) of the original Bill submitted to the Bills Committee provides that in cases where there is no other evidence available for a decision maker to determine an issue, the decision maker may exercise discretion to admit the content of an apology as evidence, or the only evidence, but only if he is satisfied that by so doing, public interest or the interests of the administration of justice can be served.

To be fair, Hong Kong is not the only place which chooses this direction. Our direction is similar to that of Australia. Apology legislation in Australia has an even bigger scope than in the United States. In the United States, apology legislation mainly covers medical incidents or professional disputes, while in Australia it also covers most civil disputes and making apologies can be regarded as admission of fault. So, Hong Kong is not the first place to discuss this direction, but the question is which country's approach we should adopt.

In Canada, apology legislation clearly provides that making apologies is not admitting fault. The same is true for United Kingdom. Ireland is the most specific in this regard. Its apology legislation specifically provides that an

apology made cannot be admitted or ruled as evidence of anything relevant to the determination of liability, nor can it be used in any other way to the prejudice of the apology maker; and it covers all apologies and the statements of facts conveyed in the apologies. Hence, each common law jurisdiction handles this subject differently.

What about Hong Kong? Different members of the Bills Committee, heads of departments or organizations and employers of large institutions certainly do not want decision makers or courts to have the discretionary power to admit statements of facts in apologies as evidence if the decision makers think that doing so can serve public interest and facilitate the administration of justice.

I attended the hearing on that day and I was particularly impressed by one of the depositions there. I believe they represent patients and underprivileged people who do not have the money to take disputes to court. If I remember correctly, the person is Mr TSOI Yiu-cheong. He said if the Bill did not provide discretion, they would have reservation about this long-awaited Bill.

His remark made me review the subject again. Many of us come from the legal sector. Of course, from the perspective of a lawyer, we certainly know that if decision makers have discretion, we may advise our big clients, i.e. those who might become an apology maker, to be extra careful and not to make any unnecessary gestures because their apologies might be admitted as evidence in exceptional cases. I think this is a reflex of a lawyer.

Hence, I would like to make an appeal here, or at least to my fellow Members of the legal profession. When we make a proposal for our apology maker, perhaps we can take a wider perspective and see whether our proposal will cause further harm to the aggrieved party and whether the proposal can console the family members of the victim. At least, the proposal should not make them feel that our client is unwilling to make an apology.

This is common in labour cases. Some people hold a strange view. I heard some people representing the labour sector question the usage of the Bill. They worry that the complainants will be persuaded to accept less favourable terms if they reach a settlement, saying that it is pointless to accept the apology because they need the money. I can understand their point, but I do not think the two arguments are in conflict. If complainants have been unfairly treated, an apology made is better than none.

As for whether the terms of a settlement will become less favourable, this should be left to the person who facilitates the settlement or the lawyers of the parties to handle. Making an apology should not become a factor that makes the settlement terms less favourable. Even if there is not any apology legislation or no apology is made, some people who are tender-hearted will still be persuaded to accept less favourable terms. This is nothing to be surprised at. The lawyer or the person helping the complainant should remind the complainant.

So, considering from different perspectives ...

(Mr James TO indicated his request for a headcount)

DEPUTY PRESIDENT (in Cantonese): Dr Priscilla LEUNG, please hold. Mr James TO 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): Dr Priscilla LEUNG, please continue with your speech.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, I am glad that Mr James TO has helped me to summon more Members back to listen to me, but I am about to finish.

Secretary for Justice, basically, I believe if the Bill provides discretion, i.e. adding clause 8(2), will have its advantage. However, there is no needle with both ends pointed. We will have to come to terms with the fact that sincere apologies will become less and defendants may make apologies because of legal advice. I hope that this will not happen in the future. Actually, the Administration will have to carry out publicity on the Bill. It is hoped that with the introduction of the Bill, there will be less civil disputes, and disputed parties who do not have the financial means but wish to fight for an explanation from the other party can be saved from the painful judicial proceedings.

Deputy President, I so submit.

MR JAMES TO (in Cantonese): Deputy President, I am one of those who have relatively more comments on the apology legislation, especially on the absolute immunity and protection in respect of statements of fact.

Deputy President, I understand that the objective of the proposed Apology Bill ("the Bill") is to promote the resolution of disputes or removal of animosities. It aims to have unnecessary anger or dispute removed or resolved. However, even if a piece of legislation we intend to enact is generally believed to be of good intention, we still have to exercise extreme caution and give it sufficient consideration. In many cases, people (including the Government) refuse to make apology as they are afraid of the potential legal liability. Some typical examples in the past are catastrophes or major blunders. I would like to put aside incidents which involve the Government first, and take a severe industrial accident two days ago as an example. We all know that three workers were died in the Hung Hom industrial accident. As we can see, CLP Power and the contractor company Kum Shing came out right after the accident to defend that they have already played their roles properly and taken sufficient safety precautions. The families of the deceased workers, however, found this remark unforgiveable. To them, the employers are rubbing salt into their wounds by saying that industrial safety equipment was in place and safety precaution measures were taken.

Indeed, I do not believe that the contractor or CLP Power dare not apologize to the affected families because of the absence of any apology legislation. Whether or not they make apologies is not simply a matter of responsibility (i.e. their being afraid of the civil liability). It may be because they truly believe that they have already taken all safety precautions. The point is sometime they might have taken most of the precaution measures, but a slight overlook might then cause the accident. Besides, an investigation into the accident will take several months to complete. The contractor, though appears to be the possible culprit, did think it has apparently taken most, if not all, precaution measures. It thus refused to apologize before the full picture of the incident is available. Hence, is it true that one refuses to make an apology simply because he knows he has committed mistakes and is well aware of the exact areas he is not doing well. For fear of the legal consequences of admitting the fact, he thus refuses to apologize. I think it is a very delicate issue which we have to look into and strike a balance.

I would like to take medical incidents as examples. Have there been cases where doctors knew right away that they had made mistakes. They then exactly pointed out and admitted their faults and made apologies to resolve the incidents. Yes, there have been such cases, and we can definitely find some examples. However, how about if the apology legislation inclines to the granting of absolute immunity for statements of fact, thus disabling us to refer to such factual information? The absolute immunity is not included in the proposed Bill, though. Still, if this were the case, we can imagine that if we give some comfort or make an apology or even admitting our faults to someone who is in the most distressing and painful state, this may lead to an excessive apology, as some colleague have described just now. Perhaps, I point it out directly. This kind of apology may hypnotize or numb the affected families, luring them to give up pursuing the complete truth and justice.

I think there have been many cases like this. Why? We have to bear in mind that when we talk about apology, it may not necessarily be made by the person who committed the mistake. In the hospital setting, it may not necessarily be doctors who apologize personally. Such apology may be made by the medical superintendent of the hospital or its staff member who is responsible for patient and family relations. I do not mean to say they would definitely make an exaggerated apology deliberately. However, we have to bear in mind that they are very experienced in handling these cases. They are well aware that in broad principle, they only need to apologize to patients' families and tell them some unconfirmed facts as what these families need most is such apologies and comfort to make them feel better. So, for those who are fully experienced in handling apologies, they may take advantage of this opportunity. We have to bear in mind that I do not mean to say they are incredibly bad for doing so. Nor do I mean that they do this consciously in order to mislead the families into giving up their plan to pursue the responsibility. They may not necessarily do so, and not all of them will have such intention. However, in many cases, when there are dedicated personnel to handle apologies, a proper balance may be upset. When affected families are recovered from their sorrow, or when they have already undergone the pain badly in need of comfort and emotional relief, what they want most is not necessarily compensation. Sometime, when they calm down, they are more eager to look for justice. I have handled many cases like this. Those families will react differently in different stages.

(THE PRESIDENT resumed the Chair)

However, what will be the consequences if many families no longer seek the truth or even compensation after someone has made an apology to them following the passage of the Bill? Now the Secretary for Justice says it is time to bury the feeling of enmity and calls for the resolution of dispute as far as possible. It is understandable. It is acceptable if such families already have a solid grasp of the facts and well understand the legal consequences and the truth. After having considered their own situation, the families decide to let go the incident to move on; and to let go the sorrow to start a new page. If after thorough consideration, the families decide not to pursue the truth even though they are able to do so, and they decide to assume the facts conveyed in the apology are the truth fact ... sometimes it is the psychological reaction of some people. I have nothing to say if it is the choice of the families. It is an acceptable way of resolving disputes.

However, according to our experience gained from the handling of plenty of complaint cases, families will enter the second stage emotionally after going through the deepest of grief, as the incident eventually sinks in after a period of six or nine months. Some psychologists have even told me that when they discuss afresh the incidents fully with the families, the latter will no longer cry throughout the meetings. Rather, they have turned their grief into an impetus, a force driving them to seek the truth for their deceased family members. Truth seeking is often conducive to pushing ahead with social reform as it keeps officials on the alert and serves as a warning to those at fault. When they are more vigilant and strive to go better jobs, society can make progress. Truth seeking is thus a goad, an encouragement, and an alert.

However, following the passage of the Bill, for cases in different contexts and of different scenarios, including some most tragic and extreme cases ... to put it frankly, if government departments are involved in such cases, they can still be dealt with by the setting up of investigation committees and self-improvement is possible. The Legislative Council may even make inquiries into them. The problem is, as in the case of a medical incident, the situation cannot be improved if such an incident is not pursued further. I use the steroid treatment as an example. When patients of hepatitis are put on steroid treatment, corresponding drug prescription is necessary to prevent the possible acute liver failure. A medical incident involving such a medication error occurred four to five years

ago. It was precisely because of the making of an apology and the families' acceptance of the apology that the case was not pursued further. The incident was settled quietly, not having wide media coverage and not drawing particular attention from the public. The hospital concerned did have thought of ways to improve itself, such as the installation of a pop-up warning window which doctors have to override before they can continue with the drug prescription. However, as the incident quieted down, the hospital concerned did not have any impetus or was not under pressure to carry out reform. The incident ended up with the families' acceptance of the apology. It appeared that the incident was resolved. To the Secretary for Justice, the hatred was successfully removed as the families would no longer be mad at the hospital. The doctor who marginally committed the mistake would not live so miserably with feelings of guilty and ashamed. This should have been a credit. However, four lives were sacrificed in the following five years. This situation should have been further improved originally.

Therefore, sometimes, we cannot seek to resolve issues merely by way of civil remedies. Rather, the disclosure of facts of such incidents can draw the attention of the public and put heavy pressure on hospitals. Of course, someone will say these incidents will come to an end after hospitals pay compensation and families accept them. But actually it is not the case. We have to bear in mind that even though hospitals may be willing to pay handsome compensation, families concerned may insist on pursuing the cases. This will then be followed by a number of investigations by hospital committees, and the submission of documents and facts to the Government. Perhaps, there may be press conferences. In the end, the relevant Secretary may order the Hospital Authority and hospitals to reform the specific medication. Therefore, I do believe that justice is not restricted to one particular case. Rather, if we put pressure on such cases and denounce them, we can make use of this kind of dynamic force, so to speak, and the real-life cases to promote reforms of various scales. To me, the maritime disaster is one of the examples.

DR YIU CHUNG-YIM (in Cantonese): President, first of all, I wish to say that I am a member of the Bills Committee. Just now, a number of Members have expressed their views on the Apology Bill ("the Bill"), especially on clause 8(2). But none of them could provide the evidence to prove how apology legislation will affect lawsuits or claims after its introduction.

Will there be less or more lawsuits or claims after apology legislation is introduced? In fact, it is impossible to logically deduce the answer because apology legislation will bring about two effects. On the one hand, parties to disputes may be encouraged to take a statement of fact conveyed in an apology as a new piece of information and use it as new evidence for admission of fault. They will thus believe that they have a higher chance of making a successful claim and have more incentive to initiate a lawsuit or make a claim.

However, another argument is also valid. Very often, parties to disputes just want an apology to vent their anger. So, if one of the parties is willing to apologize to allay their anger and do them justice, they will not pursue the matter any further or make a claim. So, both arguments are valid. But what about their effects? This requires scientific validation, rather than theoretical deduction, to find out the answer.

Some colleagues say emphatically that clause 8(2), which gives decision makers to exercise discretion, will defeat the legislative intent of the Bill since an apology maker will be concerned that a decision maker might exercise discretion under clause 8(2) to admit a statement of fact conveyed in his apology as evidence. Some colleagues even want to delete the part on discretion proposed in clause 8(2), saying that many countries do not provide for any discretion in their apology legislation. But in terms of logical deduction, they fail to say how claims or lawsuits will be affected if discretion is, or is not, provided in clause 8(2).

Apology legislation is yet to be introduced in Hong Kong, so it is impossible to put this into scientific validation. Fortunately, three scholars from the United States recently conducted a relatively large-scale study on this subject. They are Benjamin McMICHAEL, Lawrence VAN HORN and Kip VISCUSI. They published a document in 2016 titled *Sorry is Never Enough: The Effect of State Apology Laws on Medical Malpractice Liability Risk*. The title clearly states that making an apology is not enough. Their study looks into the liability risk that has been brought by medical malpractices since the introduction of State apology laws. Their study is based on 3 517 related lawsuits taken between 2004 and 2011 in 35 States before and after the introduction of State apology laws, in order to examine whether related lawsuits and claims have reduced, or increased, after the introduction of State apology laws. In the United States, State apology laws do not give decision makers the discretion as proposed in clause 8(2) of the Bill in Hong Kong.

Let us talk about the study result first and come back to the detailed statistics later. The study finds that "Apology laws are intuitively appealing, but empirically unfounded". A more detailed conclusion is, I quote, "In general, the results are not consistent with the intended effect of apology laws, as these laws do not generally reduce either the total number of claims or the number of claims that result in a lawsuit. Apology laws have no statistically significant effect on the probability that surgeons experience either a non-suit claim or a lawsuit."

The study finds that of the 3 517 lawsuits, only 2.6% of the doctors faced lawsuits for their alleged malpractices; of this 2.6%, 65.4% ultimately sought a court ruling; and of this 65.4% which have sought a court ruling, 51.4% were awarded compensation, while the other 34.6% which have settled the lawsuits without seeking a court ruling, 7.1% involved compensation. The three scholars provide additional information on this subject which is scientifically validated. And the information provides some food for thought on the apology legislation we intend to introduce to Hong Kong today, especially on whether the discretion provided in clause 8(2) should be included.

Let us first take a look at how the three scholars explain their study results in the United States. They hold that the patients' family will obtain some unknown information from the apology made; and the statement of fact in the apology will give them the feeling that some people have done something wrong. So, although apology laws in the United States do not contain similar discretion as provided under clause 8(2) of the Bill in Hong Kong, patients or their families still have the motive to find admissible evidence from the new information provided in the apology.

Therefore, the three scholars hold that providing for the discretion, like clause 8(2), is not helpful in reducing the number of lawsuits or claims. The new factual information conveyed in an apology will provide the incentive for patients or their families to find evidence for the decision maker to make a ruling. Hence, even if clause 8(2) is repealed in this Bill in Hong Kong, the Bill still cannot achieve the aim of minimizing lawsuits or claims.

Unlike their argument, I repeatedly suggested in meetings of the Bills Committee that the wording of the clause should be amended, replacing "having regard to all the relevant circumstances" with "having regard to the public interest or the interests of the administration of justice", so that a decision maker may exercise discretion only if he is satisfied that it is just and equitable to do so. I would like to take this opportunity to thank the Administration for listening to the

view of the Bills Committee. The present amendment manages to strike a significant balance, such that clause 8(2) can only be used under exceptional cases, and another important point is that we do not want the Bill to hinder the administration of justice and protection of public interest.

Of course, the original intent of apology legislation is to separate apologies from liabilities. But still we cannot place the Bill above major public interests. The amended clause 8(2) will strike an important balance, so that apologies and liabilities can be separated in general circumstances; and in exceptional circumstances, a decision maker may exercise discretion to admit a statement of fact conveyed in an apology as evidence for determining an issue, provided he considers that it is just and equitable to do so, having regard to the public interest and the interests of the administration of justice.

I will later, perhaps at the Third Reading of the Bill or when the debate comes to clause 8(2), discuss in greater detail the present Chinese and English versions of clause 8(2) which are not equivalent because the wording in the English version is "just and equitable" but in the Chinese version, the corresponding wording is "屬公平之舉".

What I mainly wish to point out in this speech the recent study conducted in the United States which shows that apology legislation is not scientifically proven to be effective in reducing the number of lawsuits and claims. Besides, United States do not provide for discretion in their apology laws as we do in clause 8(2) of the Bill, but this does not help them to reduce the number of lawsuits or claims. The number has not increased either. I thus have repeatedly stressed just now that although the Bill seeks to separate apologies from liabilities, but it should also balance between the two so as not to override major public interests and undermine the administration of justice. Hence, I support the amendment to clause 8(2) of the Bill as proposed by the Government.

I so submit.

MS ALICE MAK (in Cantonese): President, making an apology is difficult for many persons as this involves losing face and admitting a mistake. It is sometimes not easy to get someone confessing one's fault and apologizing sincerely. If a professional sector is involved, it is even more difficult to get an apology. For example, terms and conditions of insurance policies normally

restrict professionals from giving any apologies lest the contents of apologies will serve as evidence for compensation claims. Therefore, it is almost impossible to have professionals apologizing for work-related issues, because they may no longer be covered by insurance after apologizing.

In this case, it is difficult for professionals to apologize for some accidents even if they wish to do so. In fact, such a phenomenon is a result of the absence of an apology law in Hong Kong. When the person intending to give an apology is not protected under the law, the person aggrieved can have no option but to lodge a claim by legal means, leading to a really lengthy process which prolongs both sides' pain. Of the numerous medical incidents handled by me before, the people who sought my assistance did not necessarily demand significant compensation, nor did they want the doctors concerned to be deprived of their professional qualifications. Usually, what they wished was simply the truth and a sincere apology. After a serious medical incident has happened, the three words of apology, "I am sorry", are what the families wish to have.

Therefore, we support the legislation for an apology law. Mr James TO has queried just now if enacting an apology law will really get the families satisfied after receiving an apology, and make them stop fighting for compensation. He has also questioned if the law will create some so-called professional apology makers, or even affect the improvement in the systems of medical institutions. However, as Members may have noticed, Dr YIU Chung-yim's speech earlier has exactly proved that Mr James TO may have worried too much. It is because, on the contrary, Dr YIU has told us that having an apology law does not mean that the people will stop lodging legal claims after getting an apology. I believe the families or the people affected will understand that an apology can bring them relief, but this does not indicate that they should withdraw any other legal actions.

In fact, many other counties have enacted apology laws, such as the United Kingdom, the United States, Canada and Australia. The laws have explicitly clarified the legal consequences of an apology. This effectively encourages people to offer apologies, thereby allowing different parties to settle the conflicts and conciliate. Moreover, many studies and foreign cases have indicated that if a certain party is willing to apologize, the disputes can be resolved earlier and better.

Today's scrutiny of the Apology Bill ("the Bill") of course aims to achieve such a result. The Bill states that a person making an apology does not mean that he admits his fault or that he is legally liable; and the apology cannot be a factor of consideration to the prejudice of the apology maker when determining fault, liability or any other issue of dispute. The Bill protects a person who wish to apologize so that others cannot make use of the evidence of the apology to sue the apology maker. As I have pointed out just now when mentioning the numerous medical incidents handled by me in the past, during the meetings between the doctors and families concerned arranged by us, the doctors in question did explain to the families that they omitted certain information, and that the blood test report in the drawer was only found after the patient passed away. Unfortunately, the patient is gone now. In this case, the families demanded an apology from the doctors concerned. However, the doctors would not apologize. Owing to the factors mentioned above, they would just illustrate the procedures done and explained the whole incident to the families. So, the protection under the law can serve to facilitate an apology, giving the families a little bit of relief in the mind at the most difficult moment.

The Bill's original intent is to protect the apology makers, of course. However, from the very beginning of the discussion to this moment when the Bill is going to be enacted, a major point of controversy remains unresolved, that is, clause 8(2) of the Bill. Many Members have mentioned this just now. The clause states that the court can decide whether to admit a statement of fact contained in an apology as evidence against the apology maker if no other evidence is available. This arrangement is indeed controversial. The original intent of the Bill is to ensure that a statement of fact contained in an apology will not be used as evidence for charging the apology maker. However, this clause states that the court can judge if the contents of an apology are admissible. There is a contradiction on the surface. That said, we have to think carefully. Say if there is truly no other evidence except the statement of fact contained in an apology, and that the law confers the power to the court for making such discretion, this arrangement in fact offers a balance of protection to the aggrieved side. Moreover, Hong Kong people fully trust the judicial system all along. We believe the court can make a fair judgment.

This law is not only applicable to civil proceedings but also disciplinary procedures, such as the disciplinary procedures of the Medical Council of Hong Kong. Furthermore, the Bill is binding to the Government too. In the past, even if the Government was clearly at fault, it refused to apologize to the people. Enacting an apology law will encourage the Government to bravely give

apologies. Of course, some may say that this will make to Government easily susceptible to calls for apologies. That said, we also wish that this law can at least bring an apology, thereby some relief, to the aggrieved persons during their most painful and difficult moments.

The Hong Kong Federation of Trade Unions supports the passage of the Bill.

President, I so submit.

MS CLAUDIA MO (in Cantonese): The Apology Bill ("the Bill") is a deeply contradictory piece of legislation, but I think it is still better to have the legislation in place than nothing. We should rather keep an eye on how it is implemented in Hong Kong.

Generally speaking, should we make an apology? In particular, should the media which always receive lawyers' letters apologize in response to such letters issued from so-called celebrities or the Government after they threaten to take legal action for defamation or inaccurate reports. You know, the media do sometimes make mistakes. In that case, should an apology be made? In general, we make an apology as we hope to improve the situation. However, in past cases, including similar experiences of my friends in the media sector, we should not apologize lightly because making an apology is tantamount to the admission of fault. If you are really sued for compensation, the claimant simply does not need to argue if you have done anything wrong or prove your fault. Your apology is essentially a proof that you are at fault. Nevertheless, with the Government introducing this apology legislation, will apology makers be free of any liability after passage of the Bill?

People in general mistakenly think that this will be the case. They believe that a mere apology can help bring an end to a dispute. In other words, everything will be settled after an apology is made. All parties involved will feel better then, and they exchange handshakes and pat each other on the shoulder as if nothing has ever happened. If people no longer consider making mistakes a big deal as their faults can simply be remedied by an apology or by saying "I am sorry, Sir", what will become of our society? As I have mentioned, the legislation itself is contradictory. Actually, what is the ultimate meaning of making an apology, or to what extent does the apology legislation cover? Indeed, the liability involved is not easy to deal with.

I am a member of this Bills Committee. The Bill contains only a few pages, but we have a hard time studying this thin booklet. We have to pay extra efforts to examine clauses in the Bill in order to understand them. As Ms Alice MAK has mentioned just now, the contents of an apology is subject to decisions of a court. Well, we can still rest assured if such decisions are only made by a court, and are thus dealt with by a judge. Yet, if we give a careful look at the provision, it is the "decision maker" who will make such decisions. A decision maker is not necessarily a court judge as a body corporate can also take up such a role. We must examine clearly the legal interpretation of a "decision maker". In the Bill, a decision maker "in relation to applicable proceedings, means the person (whether a court, a tribunal, an arbitrator or any other body or individual) having the authority to hear, receive and examine evidence in the proceedings." We are all concerned about the definition of a decision maker, so during the scrutiny of the Bill, we had spent quite a long while debating this point. It is hard to imagine that a chairman of an incorporated owners' corporation will take up the role of decision maker if something happens to the corporation? The Government pointed out in the reply that it was believed that in general, incorporated owners' corporations should have their own legal advisers. I am, however, skeptical about this.

Another point I want to raise is when the Government introduced the Bill, its drafting was quite loose. Actually, I have been curious to know if the Bill is applicable to the Legislative Council. My speeches made at meetings of the Legislative Council are now protected by the Legislative Council (Powers and Privileges) Ordinance ("P&P"). In the future, will I need to apologize here for what I have said? In other words, will the Bill apply to the Legislative Council? The answer is no because Members' speeches made at meetings of the Legislative Councils are protected by P&P. It seems that Members have a transcendent status. Yet, we will lose this transcendence and the protection of P&P as well if the apology legislation is suddenly implemented in this Council. The situation will become very chaotic then. Well, subsequently, the Government proposed a Committee stage amendment to stipulate that the apology legislation is not applicable to the Legislative Council.

I heard someone say that the inapplicability of the apology legislation to the Legislative Council was just temporary. I am not sure if I have missed something. Or is it my illusion? It sounds as though the legislation will not apply to the Legislative Council only for the time being, and it may cover the legislature in the future. Therefore, the Government will study the issues of

applicability properly. Yet, I do not see any need to conduct such a study because I think the apology legislation should never be applicable to the Legislative Council, including this Council, such Committees as the House Committee, Finance Committees, etc, or Panels. To me, the apology legislation must not be applicable to Council meetings. For meetings of the Committees and Panels, it will become rather confusing if the apology legislation is applicable to some of them. This selective applicability of the legislation should not be implemented, otherwise, I will just skip speaking at Panel meetings and make speeches only at Council meetings. Therefore, it is just a correct decision to expressly stipulate that the legislation is not applicable to the Legislative Council. I fully support the relevant amendment proposed by the Government.

I believe that the Bill seeks to reduce the number of lawsuits which are widely believed to be nuisance litigation. The abuse of litigation is particularly prevalent in Western countries, such as the United States where there are lawsuits brought against anything. For example, a man bought a cup of coffee from a fast food shop but accidentally spilled it and burned his thighs. He went so far as to sue the fast food shop for compensation. What was his justification? He argued that the serving coffee was exceedingly hot which was unfit for consumption, and thus caused him to suffer burns upon its spilling onto his lap. Actually, the purpose of his filing of the lawsuit was not for compensation. He just considered it inappropriate to serve coffee at such extremely hot temperature. At last, the fast food shop was willing to apologize, and promised to take actions to ensure that the temperature of the water used for brewing coffee would not be too hot. The drinking temperature of coffee would also be adjusted so that it was fit for human consumption, or that the coffee would be put aside to cool off a bit before it was served to customers. The matter was duly settled after an apology was made, and both sides were happy with that.

Yet, the current situation in Hong Kong is entirely different. What concerns Hong Kong people is probably the phenomenon of sending lawyers' letters to the media, including those sent from the Government and the Chief Executive. Even the Chief Executive has sent a lawyer's letter to a newspaper company. If the media do think that they are not doing a good job, should they apologize? They definitely would not do so in the past. Is it all right for them to make apologies after the passage of the Bill? According to the authorities, some cases might be considered and settled through arbitration. These are general words because the legislation only sets out the broad principles and it is impossible to give any specified date and time in it. Just like maternal love and

friendship, the expressions of public interest and the interests of the administration of justice which the Government has mentioned in its response are indisputable, and thus unquestionable.

Regarding "public interest", a matter which I consider to be of public interest may deem non-urgent and unimportant by the President of this Council who makes his decision without giving further explanation. As for "the interests of the administration of justice", where is the justice? Is it in his pocket or in mine? This may well trigger another round of arguments. After all, I am still a bit suspicious of the definition of a decision maker. The Chinese rendition of this term is rather vague, but the term "decision maker" in the English text is clearly enough to mean a person who makes the final decision. I still have some worries over the fact that a decision maker may be any connected body or individual. So, why do I still support the Bill when I have some worries? At this stage, we have already done our best in refining the legalese. There is still room for introducing legislative amendments in the future, and it has been a common practice for the authorities to briefly review the implementation of the legislation two years after it has come into operation.

In addition, in order to avoid any misunderstanding, I would like to point out that the Bill is not applicable to criminal proceedings. Do not think that the crime of serious assault can be resolved simply by making an apology to the victim and paying his medical bill. The victim can still sue you for assault, which is obviously a criminal offence. After all, the apology legislation is not applicable to criminal proceedings.

I remember my last question raised in the Bills Committee meeting was about clause 6 of the Bill. Under Clause 6(2), applicable proceedings do not include: (a) criminal proceedings—which states very clearly—or (b) proceedings specified in the Schedule. I immediately checked the Schedule for the proceedings that are not applicable proceedings, namely proceedings conducted under the Commissions of Inquiry Ordinance (Cap. 86); proceedings conducted under the Control of Obscene and Indecent Articles Ordinance, and proceedings conducted under the Coroners Ordinance. Nevertheless, is a list of three Ordinances mentioned above exhaustive?

The Government admitted in its reply that the Bill did not cover all relevant government departments or statutory bodies, but they might be included in the Bill in the future if necessary. At that time, my understanding was if we enacted

a piece of legislation, it would be better to cover all relevant aspects in one go. There was no urgency to rush for its enactment. Does anyone hurry to make an apology? I do not think there is any critical cases that require us to expeditiously deal with.

In addition, according to the notes I have jotted down, some provisions in the Bill may not be applicable to the Civil Aviation Department, but the Government may further explore that aspect. For the time being, I do not think any Hong Kong people has made use of the local legal system to abuse the judicial proceedings. On the contrary, the reduction of the number of lawsuits is achievable even without the introduction of the Bill.

If you ask who or which organization in Hong Kong will take advantage of the judicial proceedings, or even to the extent of abuse, I personally think that it is the Government itself. One example is its using the judicial proceedings to disqualify some Legislative Council Members. Upon passage of the Bill, can Members accused by the Government of taking the oath in an unseemly and inappropriate manner simply make an apology under the apology legislation? Since the apology legislation is not applicable to the Legislative Council, can they apologize outside the Chamber to settle the matter? Can they resolve disputes this way? Well, it is certainly not as simple as that because the Government will adopt the "cherry pick" approach and pick the appropriate legislative provisions to jerk its targets around. I am done with my speech.

MR LEUNG KWOK-HUNG (in Cantonese): I think the number of Members present now does not meet the requirement under Article 75 of the Basic Law.

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)

MR MICHAEL TIEN (in Cantonese): President, in respect of making apologies, I am in a way quite experienced. As a former Chairman of the Kowloon-Canton Railway Corporation ("KCRC"), I saw many controversial issues and had to look

into ways to respond to the media and the general public. Whenever large-scale incidents occurred, I also had to try my best to say sorry to the public on behalf of KCRC and "apologize for the inconvenience caused to them". At that time, some KCRC colleagues did stop me from making apologies for fear that we would then be held responsible for the incidents, and that KCRC would be sued.

After I have joined the Bills Committee on Apology Bill, I began to realize the good intention of my former colleagues at KCRC. In Hong Kong, the making of apologies has never been protected by law. The current situation in Hong Kong is that making an apology is not under any form of protection, which is Scenario One on the placard I am holding. As long as you have said something like "I have made mistakes due to certain reasons and I am sorry for that". The whole apology process may become evidence in court and you may get into trouble. Nevertheless, I do not want the city to remain stagnant in this aspect, and I would like to see more people willing and daring to make apologies. I absolutely disagree with Scenario One. Hence, I am in favour of the enactment of apology legislation in Hong Kong.

Given that the apology legislation is agreeable to all of us, what else the Bills Committee had argued about for such a long time? President, the results of the HKDSE Examination will be released today. I observed that the topic the students fear most during the group discussion section of the oral examination is consensus building. If group members cannot give due regard to the overall situation and adjust their own positions for the sake of consensus building, they are vulnerable to "perishing together" and score low marks in the examination. Actually, the Bills Committee has given quite a perfect display of how to push forward with the discussion to forge a consensus. Members of the Bills Committee have taken a lot of time to discuss clause 8(2) of the Apology Bill ("the Bill"), which are Scenarios Three, Four, and Five as shown on my placard.

What clause 8(2) of the Bill is about? Your apology and the accompanying explanation are generally protected under the Bill. Such explanation is referred to as "a statement of fact" in the Bill, a seemingly professional and complicated expression. However, in very exceptional cases where there is no evidence available for determining an issue other than the statement of fact, it may be admitted as evidence at the discretion of a court or arbitrator. In other words, the apology maker may be prosecuted.

In respect of clause 8(2) of the Bill, the Bills Committee had conducted two levels of argument. First, whether clause 8(2) should be provided for or to put it another way, whether discretion should be exercised for exceptional cases in Scenarios Three, Four, and Five. Quite a number of members opined from the outset that the legislative intent of the Bill was to facilitate the making of apologies. Hence, apology makers should be fuss-free and should not need to worry about what they could say and what might likely get them into trouble. However, with the inclusion of clause 8(2) to the Bill, the lingering fear of the discretionary power may make people reluctant to express apologies, thus defeating the original intent of the Bill. Many members do not want to see the passed Bill only serve as a decorative vase, with beautiful vision that can never accomplish.

What is my position then? I do not support the removal of the discretion, which is Scenario Six. The biggest problem is, as I have already written on the placard, it is unconstitutional. In case a statement of fact accompanying an apology is the only evidence in a court case, we should protect not only the right of the apology maker but also the claimant's right to a fair hearing. If such discretion is not provided for in the Bill, the claimant will be deprived of any protection. It is overkill and is unjustifiable. I trust the Secretary for Justice can fully understand what I mean.

After members mostly agree that discretion should be provided for in clause 8(2), we proceeded to the second level of discussion: the coverage of the discretion. How clause 8(2) should be drafted to put our minds more at ease. In the Government's first draft, it was stipulated that a discretion might be exercised if "there is an exceptional case ... it is just and equitable to do so, having regard to all the relevant circumstances". As the draft was unable to make members to rest assured, two more criteria were added to raise the threshold, so that discretion might be exercised if "it is in the public interest or the interests of the administration of justice". However, the wording "any other relevant circumstances" were also included in the clause. It was too bad as it once again opened the door for a more lax application of the discretion.

After a round of heated debate on the legal, philosophical, and linguistic aspects of the clause, the wording "all the relevant circumstances" were removed. The exercise of the discretion was then restricted to circumstances where "it is just and equitable to do so, having regard to the public interest or the interests of the administration of justice". It is the final version accepted by the Bills Committee. I would like to side-track for a moment. I think the three parties of the Government, the pro-establishment camp and the pan-democrats had

interacted perfectly this time. Our discussion was solely based on facts and reasons. I would also like to praise the Government for its not being absolutely rigid and its willingness to heed our views. I sincerely hope that when the Legislative Council deliberates bills in future, Members can also be able to give full regard to the overall situation and adjust their views for the forging of consensus.

Let me come back to the Bill. To a very conservative person, he may not be able to distinguish among the situations under Scenarios Three, Four, and Five no matter how the clause 8(2) is drafted or crafted. To be honest, even I cannot tell what the major differences are. The consequences of the three scenarios may even be the same as that of Scenario Two. In Scenario Two, as statements of facts are totally not protected by law, apology makers will not go into details after making apologies. In Scenarios Three, Four, and Five, it is uncertain whether statements of facts would get apology makers into trouble. Due to the uncertainty, most of them are unwilling to take the risk, and would rather make such remark as "we apologize for the inconvenience caused", the same as what I did before. Even though the affected parties are eager to know what causes the incidents, the apology makers just would not disclose further.

Someone asks if a mere apology is really useful. An apology, actually, is the expression of regret, the assumption of responsibility, and the asking for forgiveness. Most importantly, an apology can achieve an immediate effect of soothing bad feelings. According to my own experience, my making of apologies could really help vent the anger of the affected passengers. Of course, I am not talking about insignificant train delay. What I refer to are serious delays that last for several hours. Whenever such long delays occur, if the Chairman is willing to come out to apologize to passengers, even though the apology does not accompany a 90-degree bow, it can also achieve an immediate effect. At least, this helps dispel the feeling that the company board does not pay a bit of attention to the grievance of passengers. Indeed, even if you are not a public figure, you will have the experience that a conflict and clash can be resolved as long as you make an apology immediately. For example, you accidentally step on someone's foot inside a MTR compartment and the victim stares at you. A prompt apology will help reduce the anger and prevent it to foment.

Many people say that "a bad apology is worse than no apology", but at the very worst, as far as more people are willing and dare to make apologies, their tiny steps will be a big step forward in the development of a civilized society.

To me, "an apology is better than nothing". It is particularly the case in today's Hong Kong. There is a consensus in society that the top priorities of the new Government are to mend the rift, resolve the conflicts, and mitigate social hostility. I believe that the passage of the Bill at this juncture would not only enable Hong Kong to become the first jurisdiction in Asia to implement apology legislation but also greatly help improve social atmosphere. To do so, the Government would surely need to step up its publicity effort. It is because the inclusion of the relevant provisions may make apology makers hesitate. They fear that if they only apologize without explaining further, they will be accused of being insincere; if they give detailed explanation, they may be got into trouble. After thinking over it, many apology makers may mark time instead. Today, I have tried my best to speak for the Government, and it is for the Government to take on the publicity work itself.

Today, I will support the Bill and the amendment proposed by the Government. President, I so submit.

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

MR LEUNG KWOK-HUNG (in Cantonese): President, I still think that the number of Members present now does not meet the requirement under Article 75 of the Basic Law.

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)

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): The Council is adjourned until 9:00 am tomorrow.

Suspended accordingly at 7:49 pm.

Annex I

呈
香港特別行政區
立法會主席及全體議員

(只備中文本)
(in Chinese only)

呈請書
(根據議事規則第 20 條提交)

主席，我非常感謝你批准我今天提交呈請書。呈請書是由我和 23 名立法會議員共同提交。

呈請書的內容簡述如下：

2010 年和平獎得主劉曉波先生於本年 6 月下旬被確診末期肝癌，正在瀋陽接受治療。不少國家、組織和多位諾貝爾獎得主已經公開呼籲或聯署，促請中央政府盡快讓劉曉波先生出國接受治療，亦有在瀋陽參與會診的德國和美國醫生的相關醫院代表表示準備接收劉曉波先生，向其提供最佳的治療方案。鑑於劉曉波先生的病況到了最關鍵的時刻，我們促請中央政府本著人道主義精神，盡快安排劉曉波先生可以在其妻子劉霞及親屬陪同下出國治療。

呈請人

許智峯	胡志偉	涂謹申	鄺俊宇	尹兆堅
林卓廷	黃碧雲	梁繼昌	莫乃光	楊岳橋
郭家麒	郭榮鏗	陳淑莊	譚文豪	葉建源
姚松炎	邵家臻	梁耀忠	李國麟	張超雄
劉小麗	羅冠聰	毛孟靜	陳志全	

2017 年 7 月 12 日