

立法會
Legislative Council

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**Paper for the House Committee meeting
of 6 January 2017**

**Questions scheduled for the
Legislative Council meeting of 11 January 2017**

Questions by:

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| (3) | Hon Kenneth LAU | (Oral reply) |
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| (12) | Hon Christopher CHEUNG | (Written reply) |
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| (20) | Hon HUI Chi-fung | (Written reply) |
| (21) | Hon CHAN Chi-chuen | (Written reply) |
| (22) | Hon SHIU Ka-chun | (Written reply) |

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NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

Public officers continuing to implement agreements for provision of services to commercial organizations which they entered into before taking office

(1) Hon LAM Cheuk-ting (Oral reply)

Mr LEUNG Chun-ying was elected Chief Executive (“CE”) in March 2012. Before he was elected, Mr LEUNG resigned from the office of the Asia Pacific Director of DTZ in November 2011 and entered into an agreement in December of the same year with UGL Limited (“UGL”), which was then planning to acquire DTZ. The agreement stipulated that within two years upon completion of the acquisition, apart from not poaching any people from or competing with DTZ, Mr LEUNG would, in promoting the business of the UGL Group and the DTZ Group, provide assistance from time to time, which included acting as referee and adviser, in accordance with the reasonable requests made by UGL. Mr LEUNG received under the agreement a remuneration of £4 million in total in the first two years after his taking the office of CE, but he had all along failed to declare his interests relating to the agreement to the Clerk to the Executive Council (“ExCo”). Upon revelation of the aforesaid agreement by the media in October 2014, some members of the public queried that such practice of CE involved a conflict of interests and his failure to declare the interests constituted a misconduct in public office. In response to such queries, the Government pointed out that (i) the agreement had been entered into before Mr LEUNG took office; (ii) the agreement contained a clause providing for the avoidance of conflict of interests, i.e. he would provide the aforesaid assistance to UGL only under the situation that such assistance would not create any conflict of interests; (iii) UGL had not requested him to provide any services; and (iv) he had never provided any services to UGL (“the four conditions”). In this connection, will the Government inform this Council:

- (1) whether, under the existing requirements, politically appointed officials, ExCo Members and civil servants may follow CE’s practice, i.e. they may continue to implement agreements for provision of services to commercial organizations that were entered into before their taking office and are still in force thereafter (“agreements entered into before taking office”), and they may receive remuneration in accordance with such agreements without making any declaration or obtaining any approval, so long as the aforesaid four conditions are met; if they may not, of the reasons for that;
- (2) whether it has studied if those types of persons mentioned in (1) will not contravene the Prevention of Bribery Ordinance and the relevant declaration requirements, and nor will they be liable for the offence of misconduct in public office, for accepting advantages, so long as they meet the aforesaid four conditions and have received such advantages in accordance with the agreements that were entered into before their taking office; if it has studied and the outcome is that this will be the case, how the Government will plug the loophole to maintain the corruption-free system in Hong Kong; and

- (3) how the Government will handle the situation in which a person of the types mentioned in (1) is found to have failed to make declaration of an agreement that he entered into before taking office and has failed to fully implement that agreement; whether it will order such person to cancel the agreement concerned and return or refrain from receiving the relevant remuneration and, when the situation warrants, institute disciplinary proceedings or criminal investigation in respect of cases of conflict of interests, so as to allay public concern; if it will not, of the reasons for that?

Development of underground space

(2) Hon Jeffrey LAM (Oral reply)

The authorities launched a study in June 2015 to examine the feasibility of modelling after the business district of La Défense in Paris, France and the underground streets in Tokyo, Japan, etc. to develop underground space in four Strategic Urban Areas (“SUAs”), namely Tsim Sha Tsui West, Admiralty/Wan Chai, Causeway Bay and Happy Valley, with a view to improving road traffic, providing more community facilities and land, as well as alleviating the overcrowded pedestrian environment. The authorities have drawn up the preliminary planning concepts and launched in November last year a three-month Stage 1 Public Engagement for the “Pilot Study on Underground Space Development in Selected Strategic Urban Areas”. Regarding the development of underground space, will the Government inform this Council:

- (1) as the authorities have indicated that it is necessary to analyze in detail the various considerations for underground space development, including geotechnical and structural constraints, fire safety, financial viability, land ownership, as well as the impacts on the surrounding environment, etc., of the details of the relevant analyses;
- (2) whether the authorities have determined the order of priority for the development of underground space in the aforesaid four SUAs; if they have, of the SUA in which underground space will first be developed; of the respective anticipated completion dates and construction costs of such development projects in the various SUAs; and
- (3) given that the Government has proposed to develop two underground shopping streets in the Kai Tak Outline Zoning Plan to connect Kowloon City and San Po Kong with the Kai Tak Station of the Shatin to Central Link currently under construction and to enhance the integration of the new and the old districts, of the latest progress of the implementation of such proposal?

List of Recognized Villages

(3) Hon Kenneth LAU (Oral reply)

The List of Recognized Villages (the “List”) is an important document based on which the Lands Department (“LandsD”) vets and approves applications from New Territories indigenous male villagers for grant to build New Territories small houses within the environs of the villages concerned. When considering whether a certain village should be included in the List, LandsD takes into account several basic criteria, including (i) the village involved must have been in existence in 1898, and (ii) the village has been included in the Demarcation District sheets and the Block Government Leases. I have received complaints from residents of different villages, alleging that LandsD did not approve their applications for including their villages in the List (“applications for inclusion”) even though they had provided the relevant documents and information to prove that the villages concerned have been in existence since 1898. For instance, villagers from Ha Fa Shan Village in Tsuen Wan filed an application for inclusion more than two decades ago, and provided proof such as aerial photographs, press cuttings and testimonies from members of the community proving that the village was inhabited before 1945, but LandsD rejected the application on the ground that “the village had been deserted”. However, Ha Fa Shan Village was included in the List of Established Villages, which was jointly compiled by Heung Yee Kuk and the former Planning and Lands Branch in 1991. In this connection, will the Government inform this Council:

- (1) of the procedure that applications for inclusion have to undergo; the mechanism for vetting and approving the applications and the average processing time for such applications; the types of documents and information that will be accepted as valid proof in support of such applications;
- (2) of the details of the applications for inclusion received by the authorities since 2002, including the names and locations of the villages involved, the year in which the applications were first received and the application outcome concerned, as well as the main reasons for some of the applications being rejected; and
- (3) given that most of the age-old documentary heritages were scattered and lost due to wars and other reasons, rendering it difficult for the villagers filing applications for inclusion to present valid written evidence, whether the authorities will, when vetting and approving such types of applications, give discretionary consideration to oral evidence such as oral history and statements taken from members of the community; if they will, of the details; if not, the reasons for that, and whether they will consider accepting, under special circumstances, such oral evidence as proof in support of applications for inclusion; if they will, of the details; if not, the reasons for that?

Occupational safety of operators of tail lifts

(4) Hon POON Siu-ping (Oral reply)

The Labour Department (“LD”) published in 2013 the Guidance Notes on Prevention of Trapping Hazards of Tail Lifts (“Notes”) for reference by members of the freight transport sector. However, some members of the sector have pointed out that a number of industrial accidents involving the operation of tail lifts occurred in the past six years, resulting in the death of four workers and a number of injuries. They therefore consider that the Government cannot truly safeguard the occupational safety of operators of tail lifts by relying solely on the Notes, which have no legal effect. In this connection, will the Government inform this Council:

- (1) as LD indicated in June this year that it would launch special law enforcement actions in respect of safe operation of tail lifts, of the details and the number of such actions taken so far, the number of cases in which the safety requirements have been breached, and the follow-up actions taken by the authorities in respect of such non-compliant cases;
- (2) whether it has conducted any survey to find out if the tail lifts currently fitted to goods vehicles are in compliance with the relevant requirements in the Notes; if it has, of the outcome; of the current number of government vehicles not in compliance with such requirements, and whether the Government has plans to replace such vehicles to ensure the occupational safety of the employees concerned; and
- (3) whether it will consider requiring operators of tail lifts to attend courses on safe use of tail lifts offered by the Occupational Safety and Health Council, so as to raise their safety awareness, thereby avoiding accidents involving the operation of tail lifts?

Implementation of the arrangements for co-location of boundary control

(5) Hon Alvin YEUNG (Oral reply)

The Hong Kong section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (“XRL”), the construction of which commenced in 2010, is expected to be commissioned in the third quarter of 2018. The Government plans to conduct border checks for XRL passengers at the XRL West Kowloon Terminus (“WKT”) under the arrangements for “co-location of boundary control” (“the co-location arrangements”). As such arrangements involve complicated legal and constitutional issues, the Government has all along been conducting discussions with the relevant Mainland departments for a number of years. The Under Secretary for Transport and Housing indicated on the 10th of last month that the relevant discussions had reached the final stage. In this connection, will the Government inform this Council:

- (1) whether it is still the target of the Government to implement the co-location arrangements at WKT upon the commissioning of XRL in 2018; if so, how much time the Government will set aside for the public to discuss the concrete proposal on the implementation of the co-location arrangements; according to the current plan, what approach the Government will adopt for conducting border checks for XRL passengers under the scenario that the co-location arrangements cannot be implemented upon the commissioning of XRL;
- (2) of the latest progress of the discussions on the implementation of the co-location arrangements conducted between the Government and the relevant Mainland departments, including the details of the consensus reached so far by both sides, as well as the schedule of and roadmap for the implementation of such arrangements; if it cannot provide such information, of the reasons for that; and
- (3) whether the discussions conducted between the Government and the relevant Mainland departments include an interpretation of the articles of the Basic Law by the Standing Committee of the National People’s Congress so as to facilitate the implementation of the co-location arrangements; if so, of the articles involved; and whether it has any plan to solve the legal problems associated with the co-location arrangements by way of local legislation?

Improving the service quality of private residential care homes
for the elderly and for persons with disabilities

(6) Prof Hon Joseph LEE (Oral reply)

A number of incidents in which residents of private residential care homes for the elderly and for persons with disabilities (collectively referred to as “care homes”) were abused by care homes’ personnel have happened in recent years. Such situation has aroused concerns. Some family members of the residents have relayed to me that the authorities should amend the Residential Care Homes (Elderly Persons) Ordinance and the Residential Care Homes (Persons with Disabilities) Ordinance, with a view to improving the service quality of care homes, including raising the statutory minimum levels of care staff manpower, so as to prevent the recurrence of incidents of abuse of residents. In this connection, will the Government inform this Council:

- (1) of the number of complaints concerning the services of care homes received by the authorities in the past five years, together with a breakdown by the content of the complaints; whether the authorities have studied the relationship between those complaints and the shortage of care staff in the care homes concerned; if they have and the outcome indicates that manpower shortage has impacted on the service quality of the care homes concerned, how the authorities improve such situation;
- (2) as there are opinions that notwithstanding the aforesaid ordinances have provided that unless a health worker is present, one nurse must be on duty between 7:00 am and 6:00 pm for every 60 residents in a care-and-attention home, care homes which just meet such statutory manpower requirement can hardly provide quality care services for their residents, whether the authorities will review the relevant provisions and codes of practice, with a view to raising the manpower level of care staff in care homes; if they will, of the details; if not, the reasons for that; and
- (3) whether the authorities will implement measures to enhance the service quality of care homes, such as encouraging all care homes throughout the territory to participate in accreditation schemes; if they will, of the details, including how they will assess the effectiveness of the measures concerned; if not, the reasons for that?

Implementation of the Mandatory Provident Fund Scheme

(7) Hon CHAN Kin-por (Written reply)

Since the inception of the Mandatory Provident Fund (“MPF”) Scheme in December 2000, approved trustees have all along been implementing measures to reduce administration fees in a bid to control fund costs, including the implementation of standardized and automated administration processes, such as establishing the Electronic Portability Automation Services System and the E-Payment for MPF Transfer System. In addition, the Mandatory Provident Fund Schemes Authority (“MPFA”) implemented the Employee Choice Arrangement (“ECA”) in November 2012 to allow employees to opt for transferring the accrued benefits derived from their MPF contributions to the MPF schemes of their choices. MPFA also introduced in 2007 a Fund Expense Ratio (“FER”) as a standardized tool for use by employees to compare fees of funds. According to a report titled Fees and Expenses of MPF Funds: An Overview of the Fund Expense Ratio and Its Trends published by MPFA on 23 November last year, the average FER of MPF funds dropped from 2.06% in July 2007 to 1.57% in June last year. However, some members of the industry have pointed out that the actual FER was in fact lower than that published by MPFA since the latter did not take into account the discounts on fees and charges offered by approved trustees to scheme members (collectively referred to as “member rebates”). In this connection, will the Government inform this Council whether it knows:

- (1) the latest progress of the implementation of standardized and automated administration processes by MPF approved trustees;
- (2) the number to-date of employees who have participated in ECA; whether the authorities have assessed the effectiveness of ECA; if they have, of the outcome; and
- (3) the current actual average FER of MPF funds after taking into account member rebates?

CyberSecurity Information Sharing Platform
and Cyber Intelligence Sharing Platform

(8) Dr Hon CHENG Chung-tai (Written reply)

Earlier on, the Hong Kong Applied Science and Technology Research Institute (“ASTRI”) has developed, using public money, a CyberSecurity Information Sharing Platform (“SecShare”) for the purpose of collecting, consolidating and categorizing cyber security intelligence. In August last year, ASTRI licensed a private company to use SecShare, so that ASTRI’s cyber security technologies could be further promoted and applied to various industries, thereby enhancing their ability to counter cyberattacks. On the other hand, the Hong Kong Monetary Authority (“HKMA”) indicated in May last year that it would work with The Hong Kong Association of Banks and ASTRI to establish the Cyber Intelligence Sharing Platform (“the Intelligence Platform”) by the end of 2016 for sharing cyber threat intelligence among various banks through the platform in order to enhance collaboration among banks, thereby uplifting the overall cyber resilience of the banking industry of Hong Kong. In this connection, will the Government inform this Council:

- (1) as it has been reported that the aforesaid private company was set up by a former director of ASTRI prior to his departure, whether the Government knows if ASTRI, in vetting and approving the application from the company for the licence to use SecShare, had consulted the Innovation and Technology Bureau and the Independent Commission Against Corruption in order to prevent conflicts of interests; if ASTRI had not, the reasons for that; and
- (2) whether it knows the organization to be responsible for managing the Intelligence Platform; how HKMA will monitor the work of that organization?

Measures to enhance food safety

(9) Dr Hon Junius HO (Written reply)

On 18 November last year, the Centre for Food Safety (“CFS”) of the Food and Environmental Hygiene Department released a report on the follow-up risk assessment study on aluminium in food (“the study report”). In the study, 309 samples were collected from 36 types of food products (including steamed buns and bakery products). The study report has found that several types of food products use aluminium-containing food additives. For instance, some samples of egg waffle had an aluminium concentration as high as 400 mg/kg. The study report has also pointed out that aluminium has developmental toxicity which may cause growth retardation and affect renal functions. On the other hand, the test results on extended-spectrum beta-lactamase-producing bacteria in chicken meat published by the Consumer Council on 15 December last year (“the test results”) have revealed that such bacteria are impervious to third generation cephalosporins, which is an antibiotic widely used in clinical treatment of infectious diseases with bacterial origin. The test results have also found that in the 100 samples of chicken meat, 62% contained such bacteria. Among them, the proportion of samples from live chicken freshly slaughtered on site (including Kamei chickens and Tai On chickens which are quite commonly consumed by Hong Kong people) found to contain the bacteria in question was even as high as 92%. Regarding measures to enhance food safety, will the Government inform this Council:

- (1) how the authorities will follow up the recommendations put forward in the study report, including whether they will (i) by making reference to the relevant standards of the World Health Organization or the European Union, draw up guidelines on the use of aluminium-containing food additives, and (ii) consider enacting legislation to require food manufacturers to comply with the relevant guidelines, so as to prevent food products which have used excessive aluminium-containing food additives from entering the market; whether the authorities will step up public education to make people aware of the health hazards arising from consuming food products which have used excessive aluminium-containing food additives;
- (2) as CFS had collected the aforesaid food samples as early as in May to July 2015 but did not publish its study results until 18 November 2016, whether CFS will take measures to shorten the time required for conducting studies so that members of the public may be informed of the latest food safety information as early as possible; if CFS will, of the details; if not, the reasons for that;
- (3) how the authorities will respond to the aforesaid test results; whether they will improve the food inspection mechanism to prevent chicken meat with drug-resistant bacteria from entering the market; if they will, of the implementation timetable; as the test results have found that the bacteria levels in samples of chilled chicken meat which has been

defrosted and samples of frozen chicken meat were far lower than that in live chicken freshly slaughtered on site, whether the authorities will draw up guidelines on the safe storage of live chicken freshly slaughtered on site for reference by retailers; if they will, of the details; if not, the reasons for that; and

- (4) whether the authorities have assessed if the existing food safety surveillance mechanism is adequate to ensure that food products available in the market (including chicken meat and bakery products) meet the relevant food safety standards; if they have, of the details; if not, the reasons for that?

The Government's stance on responding to the questions and
comments from four Legislative Council Members

(10) Hon Dennis KWOK (Written reply)

On 5 December last year, the then Financial Secretary stated in his opening remarks at a meeting of the Panel on Financial Services of this Council that the Chief Executive and the Secretary for Justice had commenced legal proceedings to request the court to declare the Legislative Council ("LegCo") oaths taken by four LegCo Members, namely LEUNG Kwok-hung, YIU Chung-yim, LAU Siu-lai and Nathan LAW Kwun-chung, as invalid (and to declare the relevant offices of LegCo Members to be vacant); under such circumstances and in accordance with the legal advice of the Department of Justice ("DoJ"), public officers including himself would not respond to the questions and comments from the four LegCo Members before the court made the final judgment. The authorities subsequently indicated on 14 December that in the current circumstances, it was not appropriate for them to disclose the contents of the aforesaid legal advice which was subject to the protection under legal professional privilege ("the privilege"). In this connection, will the Government inform this Council:

- (1) whether it will, having regard to public interest (e.g. the public's right to know), give up the privilege and disclose the contents of the aforesaid legal advice, particularly the reasons or justifications based on which DoJ suggested that public officers should not respond to the questions and comments from the four Members when the court has not yet ruled that they have vacated their offices of LegCo Members; and
- (2) whether it has assessed if the Government, by acting in accordance with the aforesaid legal advice, will contravene the following provisions under the Basic Law: "the Government of the Hong Kong Special Administrative Region must ... be accountable to the Legislative Council of the Region: ... it shall answer questions raised by members of the Council" as stipulated in Article 64, and "The Legislative Council ... shall exercise the following powers and functions: ... (5) To raise questions on the work of the government; ..." as stipulated in Article 73?

Policies and guidelines relating to coverage of
government events by media organizations

(11) Hon MA Fung-kwok (Written reply)

At present, the Government issues press notices to media organizations through the Government News and Media Information System (“GNMIS”). Registered users of GNMIS include registered printed newspapers and periodicals, radio stations, television stations and news agencies. On the ground that currently there is no registration or licensing regime relating to online media, the Government does not issue press notices to online media. On the 7th of June last year, the Hong Kong Journalists Association lodged a complaint with the Office of The Ombudsman (“the Office”) about the Information Services Department (“ISD”) (i) denying the access of online media to the media centre for the Election Committee Subsector Elections to conduct news coverage on the same day and (ii) refusing online media to use GNMIS. In its reply, the Office stated that the complaint was substantiated. It also pointed out that under the Basic Law, Hong Kong residents enjoy freedom of the press. Hence, the Government should, pursuant to that principle, try its best to create an environment for the free flow of information and facilitate news coverage by media organizations. Furthermore, the Office urged the Government to expeditiously review the relevant policies and guidelines. In this connection, will the Government inform this Council:

- (1) of the specific justifications of ISD for refusing online media to (i) cover government events and (ii) register as users of GNMIS;
- (2) of ISD’s current policies pertaining to inviting media organizations to cover government events and allowing media organizations to register as users of GNMIS; whether ISD will, in response to the development of the media industry, revise such policies so that online media may cover government events as other media organizations do; if ISD will, of the details; whether ISD will, pending the revision of such policies, consider exercising discretion to allow journalists of online media to cover large-scale government events, such as the upcoming Chief Executive Election and Legislative Council by-election(s) and to enter the relevant media work areas; if ISD will, of the details; if not, the reasons for that;
- (3) as ISD is reviewing the current practice for online media to cover government events, of the details, progress and projected completion date of that review;
- (4) as the policy of The Legislative Council Commission stipulates that news organizations (including online ones) may be regarded as eligible news organizations if they carry original reporting of Legislative Council-related news on a regular basis and have lawfully registered whose principal business is news reporting, and their representatives may be issued with admission passes to conduct news coverage in the Legislative Council Complex, whether ISD will adopt similar criteria for

deciding which news organizations are to be allowed to cover government events; if not, of the reasons for that; and

- (5) whether ISD will consider accepting the Office's recommendations of relaxing the eligibility criteria for registration as users of GNMIS and drawing up guidelines for GNMIS subscribers; if ISD will, of the details; if not, the reasons for that?

Regulation of the issuance of announcements
of a possible offer by listed companies

(12) Hon Christopher CHEUNG (Written reply)

Rule 3.7 (Announcement of a Possible Offer) of the Takeovers Code issued by the Securities and Futures Commission (“SFC”) stipulates that, “[u]ntil a firm intention to make an offer has been notified a brief announcement by a potential offeror or the offeree company that talks are taking place or that a potential offeror is considering making an offer will normally satisfy the obligations under this Rule 3 ...”. In its Takeovers Bulletin published in June last year, SFC pointed out that the Executive had noticed a growing trend of “talks” announcements being issued by listed companies under Rule 3.7. Although “talks” announcements indicate that the relevant offer is a possibility only and that it may or may not materialize, the publication of such announcements nevertheless may have an impact on the share prices of the subject offeree companies. In this connection, will the Government inform this Council if it knows:

- (1) in each of the past five years, the respective numbers of companies whose equity securities were primary listed in Hong Kong (including those on the Main Board and on the Growth Enterprise Market) which (i) issued an announcement of “talks” under Rule 3.7, and the total number of such announcements, and (ii) issued a subsequent announcement that the talks had been terminated or the potential offeror(s) had decided not to proceed with such an offer, and the total number of such announcements;
- (2) in the past five years, (i) how SFC followed up with the growing trend of listed companies issuing “talks” announcements, and (ii) in the course of its follow-up, whether SFC found any regulatory breaches by listed companies (such as issuing “talks” announcements with an intent to affect share prices); if SFC did, whether SFC took law enforcement actions against such regulatory breaches; if SFC did, of a breakdown by the type of law enforcement actions taken (e.g. initiating investigations, imposing sanctions such as reprimands or fines on the persons concerned); and
- (3) whether SFC will consider amending Rule 3.7 to stipulate that “talks” announcements may be issued only when specified conditions have been met, in order to guard against abuse of the Rule; if SFC will, of the details; if not, the reasons for that?

Regulation of canteens of post-secondary institutions

(13) Dr Hon Helena WONG (Written reply)

It has been reported that in November last year, some students of a post-secondary institution launched a worm-eating protest on campus as they were dissatisfied that a hall canteen had provided unsanitary food and yet the institution had renewed the contract with the canteen operator. On the other hand, as the interpretation of the expression “food business” in the Food Business Regulation (Cap. 132 sub. leg. X) (“the Regulation”) has excluded canteens provided in schools for the use exclusively of the pupils of the schools concerned, those canteens are not required to apply for and hold restaurant licenses. However, quite a number of canteens of post-secondary institutions serve staff members and are open to outsiders at present. In this connection, will the Government inform this Council:

- (1) of the number of complaints received in each of the past five years by the Food and Environmental Hygiene Department (“FEHD”) about unsanitary food sold by canteens of post-secondary institutions, and whether FEHD instituted prosecutions in respect of those complaints; if FEHD did, of the number of prosecutions instituted; if not, the reasons for that;
- (2) of the number of inspections conducted by FEHD on canteens of post-secondary institutions in each of the past five years, as well as the criteria adopted by FEHD for determining the frequency of inspection;
- (3) whether FEHD provided, in the past five years, information concerning the number of complaints received in relation to the canteens of the post-secondary institutions, the number of prosecutions instituted, the hygiene conditions found during inspections, etc., to the administration departments of the institutions concerned for follow up; if FEHD did, of the details; if not, the reasons for that; and
- (4) whether canteens of post-secondary institutions are required to apply for and hold restaurant licenses; if not, whether the authorities will consider amending the interpretation of the expression “food business” in the Regulation so as to subject those canteens to the regulation of the relevant provisions; if they will, of the details; if not, the reasons for that?

Free Quality Kindergarten Education Scheme

(14) Hon CHEUNG Kwok-kwan (Written reply)

The Free Quality Kindergarten Education Scheme (“the New Scheme”) has been scheduled for implementation in the 2017-2018 school year. The Education Bureau announced in early December last year that 745 kindergartens (“KGs”) had applied for joining the New Scheme and it estimated that about 20% of the half-day KGs joining the Scheme would still need to charge school fees from parents of young children in the 2017-2018 school year to cover rental expenses. Moreover, under the co-payment basis between the Government and parents, whole-day (“WD”) and long whole-day (“LWD”) KGs are allowed to charge school fees at reasonable levels. In this connection, will the Government inform this Council:

- (1) whether it has set targets on the annual increases in the percentage of the free-of-charge KGs in the total number of KGs joining the New Scheme during the period from 2018-2019 to 2020-2021 school years;
- (2) given that quite a number of low-income families will enrol their young children in WD or LWD KGs because both husbands and wives of such families need to go out to work to sustain their living, but the Government expects that those two types of KGs will still need to charge parents schools fees in the amount of around \$1,000 per month upon the implementation of the New Scheme, whether the authorities will consider further increasing the subsidies for those two types of KGs so that their school fees can be reduced, thereby alleviating the financial burden of such families;
- (3) given that some media have uncovered that upon the implementation of the New Scheme, around 32 KGs in the territory will charge parents of young children school fees at levels higher than those of the school fees charged under the current Pre-primary Education Voucher Scheme, whether the authorities know about such a situation and the causes for it; whether they will consider forbidding KGs under the New Scheme from charging school fees at levels higher than those of the prevailing school fees; if they will not, of the reasons for that; and
- (4) given that each KG joining the New Scheme will be provided with a one-off start-up grant in its total amount capped at \$300,000 to be spent in a period of three years, and yet some practitioners worry that after the grant has been used up, KGs will need to substantially increase their school fees, whether the authorities will review if (i) the spending period of the start-up grant can be extended and (ii) the ceiling of the grant can be raised?

Law enforcement against illegal parking

(15) Hon Mrs Regina IP (Written reply)

The Police conducted a six-day territory-wide operation to combat illegal parking in November last year, during which 31 823 fixed penalty tickets (“FPTs”) were issued in respect of illegal parked vehicles and 40 of such vehicles were towed away. Moreover, the Police issued a total of 1 165 779 FPTs during the period from January to September last year. That figure represents an increase of 21% as compared with the same period of the preceding year, reflecting that the problem of illegal parking is getting worse. In this connection, will the Government inform this Council:

- (1) of the number of illegal parking (including double parking as well as illegal picking-up/alighting or loading/unloading and waiting at restricted zones) black spots, with a tabulated breakdown by Police Land Region;
- (2) of the respective staffing establishment of Traffic Wardens of various Land Regions; whether the authorities will increase the manpower concerned so as to step up law enforcement efforts (including patrolling various illegal parking black spots more frequently and issuing more FPTs); if they will not, of the reasons for that;
- (3) of the measures in place to step up efforts to combat illegal parking; whether they will consider (i) raising penalty for illegal parking and (ii) issuing without prior warning FPTs to drivers who park illegally; and
- (4) apart from the Electronic Fixed Penalty Tickets Scheme which is expected to be launched in 2019 the earliest, whether the authorities will consider applying more technologies to enhance the Police’s efficiency in issuing FPTs, e.g. providing the relevant information of a vehicle, in the form of a scannable two-dimensional barcode, in a vehicle licence disc for the vehicle owner to place on the windscreen of the vehicle?

Policy on coverage of government events by online media

(16) Hon Claudia MO (Written reply)

The Hong Kong Journalists Association (“HKJA”) lodged a complaint with the Office of The Ombudsman (“the Office”) on the 7th of June last year that on the same day, the Information Services Department (“ISD”) had denied access by journalists from a number of online media to the media centre for the Election Committee Subsector Elections to conduct news coverage. HKJA published a press release on the 6th of December last year, stating that the Office had indicated in its reply that the complaint was substantiated, and that the Office had called on the Government to expeditiously revise its press policy and the related guidelines. In this connection, will the Government inform this Council:

- (1) given that ISD had refused to allow online media journalists to conduct the aforesaid news coverage on grounds of “the need to ensure smooth running of events” and “security needs”, of ISD’s concrete information and evidence which showed that allowing news coverage by online media journalists at that time would render the event not running smoothly and pose security risks;
- (2) whether ISD has, at present, made a clear definition of a mass media organization; if ISD has, of the details;
- (3) given that the persons-in-charge of some online media have pointed out that ISD had refused to issue to online media press notices of government events on grounds of “limited server capacity”, of the specifics about the limited capacity of the server concerned (including the capacity of the server at the relevant time, and additional server capacity needed for the authorities to issue press notices to online media);
- (4) given that the authorities undertook at a Legislative Council meeting three years ago that it would ensure its press policy dovetailing with the development pace of the press sector, whether the authorities have taken new measures in this respect so far; if they have, of the details; and
- (5) whether the authorities have plans to discuss with the press sector in the near future to expeditiously formulate a set of criteria for determining which online media should be allowed to cover government events; if they do, of the details; if not, the reasons for that?

Provision of primary care services by community health centres

(17) Dr Hon Pierre CHAN (Written reply)

Regarding the primary care services provided by the community health centres (“CHCs”) under the Hospital Authority (“HA”), will the Government inform this Council:

- (1) whether it knows, since the three CHCs in Tin Shui Wai, North Lantau and Kwun Tung commenced operation, (i) the respective amounts of funding they received each year, (ii) the respective numbers of doctors, nurses, allied health professionals and staff of other grades (with a breakdown by rank) stationed there each year; and (iii) the respective numbers of consultation slots for general out-patient (“GOP”) services provided by them at different time sessions (i.e. the daytime and evening sessions from Mondays to Saturdays, and on Sundays and public holidays) in each season and their utilization rates (set out such figures in a table);
- (2) whether it knows how the various figures of the CHCs mentioned in (1) (except the North Lantau CHC) compare with the corresponding figures of the general out-patient clinics (“GOPCs”) under HA in Yuen Long District and Kwun Tong District for the same period;
- (3) as quite a number of residents living in the vicinity of the three CHCs mentioned in (1) have indicated that they are unaware of (i) the existence of a CHC in the district, and (ii) the difference between the GOP services provided by such CHCs and those provided by GOPCs under HA, whether it knows (i) the expenditure incurred by HA in the past three years for publicizing those three CHCs, and (ii) if HA has assessed the effectiveness of the related publicity work; if HA has, of the details; if not, the reasons for that; whether it knows the details of the publicity materials produced by HA in print and electronic versions for publicizing those three CHCs; and
- (4) of the long-term policy objectives set by the authorities in respect of the positioning of CHCs in primary care services; given that the Government mentioned in last year’s Budget that CHCs would be set up in Mongkok, Shek Kip Mei and North District, of the current progress of those three projects; whether it has plans to set up CHCs in other districts?

Regulation of electronic cigarettes

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

According to the Pharmacy and Poisons Ordinance (Cap. 138), nicotine is a Part 1 poison, and electronic cigarettes (“e-cigarettes”) containing nicotine are therefore considered pharmaceutical products, which must be registered with the Pharmacy and Poisons Board of Hong Kong before they may be put up for sale or distribution in Hong Kong. As revealed by a research conducted earlier on, a number of harmful chemicals and carcinogens have been found in various types of e-cigarette products not containing nicotine. Moreover, it has been reported in the press that fruit-flavoured e-cigarettes labelled as nicotine-free are sold in some consignment shops (commonly known as “cube shops”), and that some primary school students have been found smoking e-cigarettes in public places. In this connection, will the Government inform this Council:

- (1) of the number of items of e-cigarette products registered as pharmaceutical products under Cap. 138 in Hong Kong in the past three years;
- (2) whether the relevant government departments conducted sampling tests in the past three years on e-cigarette products which claimed to be nicotine-free to see if their composition is consistent with that claimed on the packaging; if they did, of the frequency and outcome; if not, whether they will consider conducting such kind of sampling tests;
- (3) whether the relevant government departments conducted sampling tests in the past three years on various types of e-cigarette products to see if they contained harmful chemicals and carcinogens; if they did, of the frequency and outcome; if not, whether they will consider conducting such kind of sampling tests;
- (4) whether the relevant government departments instituted prosecutions in the past three years against offences involving e-cigarette products; if they did, of the number of prosecution cases, with a breakdown by the charge laid and, among them, the number of cases involving online sale of such products; and
- (5) as the authorities indicated in June 2016 that they were planning to enact laws to completely prohibit the import, manufacture, sale, distribution and advertising of e-cigarettes, of the factors considered by the authorities in making such a decision; the details, work schedule and progress of the plan; when they will conduct a public consultation on the plan; whether they will, based on the outcome of public consultation and other factors, reconsider the relevant decision before commencing the legislative exercise; if they will, of the details; if not, the reasons for that?

Water and electricity charges of tenants in inadequate housing

(19) Dr Hon LAU Siu-lai (Written reply)

A survey report has revealed that over 80% of tenants residing in inadequate housing (including sub-divisions of flat units (commonly known as “sub-divided units”), caged homes, bedspaces, cubicle apartments or rooftop structures) were overcharged by their landlords for use of water and electricity given that the latter had not installed separate water and electricity meters for them. The median water and electricity charges paid by the surveyed tenants to their landlords were \$12 per cubic metre and \$1.5 per unit respectively, both of which are higher than the maximum rates chargeable under the progressive charging mechanism in respect of water and electricity consumption. The survey results have also revealed that the high water and energy expenditures brought adverse impacts on various aspects of the livelihood of those tenants (including physical and mental health as well as child development). In this connection, will the Government inform this Council:

- (1) whether the Census and Statistics Department (“C&SD”) will expeditiously include, in the General Household Surveys conducted regularly, the gathering of the relevant data on the monthly expenditures on water and electricity of tenants in inadequate housing and the respective percentages of such expenditures in their total expenditures; if C&SD will not, of the reasons for that;
- (2) given that the Supply Rules of the two power companies have stipulated that customers must not supply or share with any third party electricity obtained from the power companies without the written consent of the power companies, or else the power companies may disconnect their power supply to the customers concerned, whether it knows if the two power companies will investigate into the situation of their customers reselling electricity without their consent to the tenants in inadequate housing for profit, and take follow-up actions in accordance with the Supply Rules; if the two power companies will not, of the reasons for that; and whether the Government will enact legislation to set penalties for such acts; if legislation will be enacted, of the details and the implementation timetable; if not, the reasons for that;
- (3) given that regulation 47 of the Waterworks Regulations (Cap. 102 sub. leg. A) stipulates that no person may, without the permission in writing of the Water Authority, sell water from the waterworks, whether the Government will amend legislation to raise the penalties for contravening that provision; if it will, of the details and the implementation timetable; if not, the reasons for that;
- (4) whether the Government will enact legislation to stipulate that (i) landlords of inadequate housing must install separate water and electricity meters for their tenants, or (ii) such tenants may apply on their own, without the consent of their landlords, to the Water Supplies

Department and the two power companies for the installation of separate water and electricity meters upon presentation of proof of their residential addresses; if it will, of the details and the implementation timetable; if not, the reasons for that;

- (5) whether the Government will, prior to the enactment of the legislation mentioned in (4), implement interim measures to ensure that tenants in inadequate housing will not be overcharged by their landlords for use of water and electricity; if it will, of the details and the implementation timetable; if not, the reasons for that;
- (6) given that the two power companies are required under the Scheme of Control Agreements to offer Fuel Clause rebates to their customers when their Fuel Clause Recovery Accounts record a surplus, in order to reduce the net tariff, but tenants in inadequate housing often cannot benefit from such rebates since they are not registered customers of the two power companies, whether the authorities will enact legislation to stipulate that the two power companies must disburse such rebates directly to the electricity end-users (including tenants in inadequate housing); if they will, of the details and the implementation timetable; if not, the reasons for that;
- (7) given that the two power companies previously introduced concessionary tariff schemes to assist the grassroots, whether the authorities will include provisions in the new Scheme of Control Agreements to be signed with the two power companies in the future, requiring the two power companies to offer concessionary tariff schemes for tenants in inadequate housing; if they will not, of the reasons for that; and
- (8) whether the authorities will set up a subsidy scheme for energy expenditures under the Community Care Fund to provide families in need (including tenants in inadequate housing) with subsidies on water and electricity expenditures, with a view to alleviating the financial pressure of those families; if they will, of the details and the implementation timetable; if not, the reasons for that?

Control on the import, export and handling of hazardous waste

(20) Hon HUI Chi-fung (Written reply)

It was reported in the press in November last year that 123 containers on a container vessel, which originated from Romania and were suspected to be carrying slag with heavy metals of cadmium and arsenic, had been refused entry by the port authorities of Shanghai, Xiamen and Malaysia one after another. Subsequently, these containers had been shipped to Hong Kong waters, and had since remained here. Some environmentalists have pointed out that in the event that the slag in those containers is disposed of at local landfills, it will lead to ecological disasters which are too ghastly to contemplate. Regarding the control on the import, export and handling of hazardous waste, will the Government inform this Council:

- (1) whether it has assessed the threats or harm posed by the slag in the aforesaid containers to public health and the ecological environment; if it has assessed, of the outcome;
- (2) whether it knows if those containers are still in the territory of Hong Kong; if they are, whether they have been taken ashore, and the circumstances under which the slag in these containers will be allowed to be disposed of at local landfills;
- (3) whether it has taken mandatory measures and other measures to prevent the slag in those containers from being taken ashore for disposal in the territory of Hong Kong; and
- (4) of the number of prosecution cases, instituted by the Environmental Protection Department in the past three years, of unauthorized import or export of hazardous waste in violation of the Waste Disposal Ordinance (Cap. 354), together with a breakdown by type of waste; the respective numbers of containers in such cases which at present (i) have been shipped out of the territory and (ii) remain in the territory of Hong Kong (with a breakdown by means of handling); the number of cases of repeated offences among such cases?

The measure allowing the same-sex partners of
consular officers to stay in Hong Kong

(21) Hon CHAN Chi-chuen (Written reply)

It was reported that the Chief Secretary for Administration's Office had informed a number of foreign consulates in Hong Kong in June last year that the Government would implement a new measure to allow the same-sex partners of those foreign consular officers who hold diplomatic/official passports ("same-sex partners of consular officers") to stay in Hong Kong until the officers concerned had departed from office. However, the overseas same-sex partners of Hong Kong residents are currently not permitted to stay in Hong Kong as dependents. Some members of the public have relayed to me that the aforesaid differential treatment is unfair. In this connection, will the Government inform this Council:

- (1) of the details of the aforesaid measure; the current number of persons granted permission to stay in Hong Kong under the measure, with a breakdown by country to which the consulate concerned belongs;
- (2) whether the same-sex partners of consular officers enjoy all the legal rights of a spouse in Hong Kong (such as signing of the consent form for surgical procedures to be carried out on the spouse, and receiving the cremated ashes of the deceased spouse);
- (3) of the ranks of the consular officers to whom the aforesaid measure is applicable; whether a person who applies for staying in Hong Kong under the measure is required to prove that he or she has entered into a same-sex marriage/civil partnership with the consular officer concerned; and
- (4) whether the Government had formulated the aforesaid measure based on the privileges and immunities accorded to diplomatic agents under instruments such as the Vienna Convention on Consular Relations and the Consular Relations Ordinance (Cap. 557); if so, of the details; if not, the Government's justifications for granting this privilege to consular officers; whether the Government will consider extending the coverage of the measure to include the overseas same-sex partners of Hong Kong residents?

Single parents concurrently receiving maintenance payments and
Comprehensive Social Security Assistance payments

(22) Hon SHIU Ka-chun (Written reply)

Some single parents who are concurrently receiving maintenance payments and Comprehensive Social Security Assistance (“CSSA”) payments have relayed to me that since the Social Welfare Department (“SWD”) regards maintenance payments as household income, SWD makes a deduction of maintenance payments when calculating the amounts of CSSA payments payable to them. Moreover, in the event of a default in maintenance payment, SWD will grant them advance payments only after they have applied to the court for an Attachment of Income Order for the purpose of recovering the arrears of maintenance payments from the maintenance payers. As the procedure for granting such advance payments takes quite a long while, they often fall into financial difficulties for a period of time. In this connection, will the Government inform this Council:

- (1) of the number of CSSA single-parent families which concurrently received maintenance payments in each year from 2011 to 2015; the current monthly average and median amounts of maintenance payments received by such families;
- (2) from 2011 to 2015, (i) of the number of CSSA single-parent families which were granted advance payments by SWD due to default in maintenance payments, and (ii) the average time taken from applications for an Attachment of Income Order made to the court by the single parents concerned to their being granted advance payments by SWD; and
- (3) whether SWD will review its current practice of deducting maintenance payments when calculating the amounts of CSSA payments payable to CSSA single-parent families, so as to avoid such families falling into financial difficulties during the period when they are owed maintenance payments; if SWD will not, of the reasons for that?