

立法會
Legislative Council

LC Paper No. CB(3) 462/16-17

**Paper for the House Committee meeting
of 7 April 2017**

**Questions scheduled for the
Legislative Council meeting of 12 April 2017**

Questions by:

- | | | |
|------|------------------------|-----------------|
| (1) | Hon Wilson OR | (Written reply) |
| (2) | Hon Abraham SHEK | (Written reply) |
| (3) | Hon Starry LEE | (Written reply) |
| (4) | Hon CHAN Kin-por | (Written reply) |
| (5) | Hon KWONG Chun-yu | (Written reply) |
| (6) | Dr Hon CHENG Chung-tai | (Written reply) |
| (7) | Hon LAM Cheuk-ting | (Written reply) |
| (8) | Hon Mrs Regina IP | (Written reply) |
| (9) | Hon James TO | (Written reply) |
| (10) | Hon Alvin YEUNG | (Written reply) |
| (11) | Dr Hon YIU Chung-yim | (Written reply) |
| (12) | Hon Steven HO | (Written reply) |
| (13) | Hon IP Kin-yuen | (Written reply) |
| (14) | Hon LUK Chung-hung | (Written reply) |
| (15) | Hon Alice MAK | (Written reply) |
| (16) | Hon Frankie YICK | (Written reply) |
| (17) | Hon Tanya CHAN | (Written reply) |
| (18) | Hon Kenneth LEUNG | (Written reply) |
| (19) | Hon Paul TSE | (Written reply) |
| (20) | Hon Dennis KWOK | (Written reply) |
| (21) | Hon CHAN Hak-kan | (Written reply) |
| (22) | Hon Holden CHOW | (Written reply) |

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

Elderly Health Care Voucher Scheme

(1) Hon Wilson OR (Written reply)

Under the Elderly Health Care Voucher Scheme (“EHCVS”), the Government provides health care vouchers with a total value of \$2,000 per person annually to eligible elderly persons aged 70 or above to subsidize their use of private primary care services. In this connection, will the Government inform this Council:

- (1) as it has been reported that some service providers charge elderly persons using health care vouchers consultation or service fees which are higher than those they charge other service users, and I have also often received such kind of enquiries or complaints, whether the authorities conducted any survey in the past three years on the levels of fees charged for various kinds of services; and
- (2) of the progress of the review of EHCVS conducted by the authorities, including (i) whether any study has been conducted on extending the scope of application of health care vouchers to cover the costs for buying medical equipment (such as hearing aids), and (ii) what measures are in place to monitor the fees charged by service providers?

Construction costs of subsidized housing flats

(2) Hon Abraham SHEK (Written reply)

Regarding the construction costs of the public rental housing (“PRH”) and Home Ownership Scheme (“HOS”) flats produced by the Hong Kong Housing Authority, as well as those of subsidized sale flats (“SSF”) produced by the Hong Kong Housing Society, will the Government set out in tables the following information:

- (1) the average construction costs (i) per square foot (“ft²”) of the construction floor area (“CFA”) and (ii) per flat of the PRH projects completed or to be completed in each of the financial years from 2015-2016 to 2020-2021;
- (2) the average construction costs (i) per ft² of CFA and (ii) per flat of the HOS projects completed or to be completed in each of the financial years from 2016-2017 to 2020-2021; and
- (3) the average construction costs (i) per ft² of CFA and (ii) per flat of the SSF projects completed or to be completed in each of the financial years from 2015-2016 to 2020-2021?

Areas of private residential flats

(3) Hon Starry LEE (Written reply)

In recent years, the prices of private residential properties have hit record high time and again. As affordability of prospective buyers decreases continuously, the residential flats built by private developers have become increasingly smaller. Some members of the construction and surveying sectors have pointed out that residential flats with a usable area of less than 15 square metres, i.e. 161 square feet (“ft²”) (commonly known as “nano flats”), are not suitable to serve as a long-term residence, and they also run contrary to the Government’s vision of improving the average living space per person. On the other hand, the MTR Corporation Limited (“MTRCL”) has recently included in the tender documents for its residential development projects provisions stipulating the minimum areas of one-bedroom flats and studio flats to prevent developers from developing nano flats under these projects. Moreover, in December last year, the Secretary for Development indicated that the Government was very concerned about the prevalence of nano flats in the market. In this connection, will the Government inform this Council:

- (1) in respect of the private residential flats completed in each of the past five years and those scheduled for completion in each of the coming two years, of the following information on those flats with a usable area (a) ranging from 161 ft² to 431 ft² and (b) below 161 ft² respectively:
 - (i) the number of flats and its percentage in the annual flat production,
 - (ii) a breakdown of the number of flats by District Council district,
 - (iii) the area of the smallest flat, and
 - (iv) the average per-square-foot price; and
- (2) whether it will study measures to reverse the trend of residential flats becoming increasingly smaller (e.g. making reference to the aforesaid practice of MTRCL, and including in the land leases of residential sites put up for sale provisions which impose restrictions on the “size” and “number” of flats); if so, of the details; if not, the reasons for that?

Cyberport Macro Fund

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

Last year, Hong Kong Cyberport Management Company Limited (“Cyberport”), which is wholly owned by the Government, allocated \$200 million to set up the Cyberport Macro Fund (“CMF”) to provide development capital for local digital technology start-ups. CMF has been open for application since August last year. In this connection, will the Government inform this Council:

- (1) of the number of applications received by CMF since its inception, the number and percentage of applications approved, as well as the average amount of the fund granted to each approved case;
- (2) of the administrative costs incurred since CMF’s inception and the existing staff establishment for supporting its operation;
- (3) how the Government evaluates the effectiveness of CMF; whether the Government and Cyberport have any plan to inject funds into CMF in the coming three years; if so, of the details; if not, the reasons for that; and
- (4) whether it has explored ways to further assist local start-ups in business development in the coming three years, including providing such companies with training in corporate management and patent applications?

Prevention of cancers and provision of treatment
and support for cancer patients

(5) Hon KWONG Chun-yu (Written reply)

The Government launched the Colorectal Cancer Screening Pilot Programme (“the Pilot Programme”) in September last year to subsidize people of specific age groups for receiving colorectal cancer screening. In addition, the Hong Kong Cancer Fund has collaborated with the Hospital Authority (“HA”) in setting up Cancer Patient Resource Centres in some public hospitals to offer resources and assistance to cancer patients. HA has also launched the cancer case manager programme, under which experienced nurses are assigned as case managers specifically tasked with the responsibility of following up confirmed cancer patients. Regarding the prevention of cancers and provision of treatment and support for cancer patients, will the Government inform this Council:

- (1) of the number of participants in the Pilot Programme since its launch; among such participants, the numbers and percentages of those diagnosed with colorectal cancer, broken down by age group (i.e. 45 to 50, 51 to 55 and 56 to 60); the number of primary care doctors currently engaged in the Pilot Programme, and the average number of persons provided with examination services by each of those doctors in a month;
- (2) whether it knows the current waiting time for patients with the cancers listed in the table below to receive their first treatment in public hospitals (set out in the table below); whether HA has plans to shorten such waiting time and draw up relevant performance pledges; if HA does, of the details; if not, the reasons for that;

Type of cancer	Waiting time					
	30-59 days	60-89 days	90-119 days	120-149 days	150-179 days	180 days or above
Colorectal cancer						
Lung cancer						
Breast cancer						
Liver cancer						
Prostate cancer						
Corpus uteri cancer						
Nasopharyngeal cancer						
Thyroid cancer						
Stomach cancer						
Non-Hodgkin lymphoma cancer						

- (3) whether it knows the number of patients who received services in various Cancer Patient Resource Centres, and the percentage of that number in the total number of cancer patients in public hospitals in the relevant year, in each of the past three years; whether such centres only serve patients of specific types of cancer; if so, of the details;

- (4) whether it knows if HA has reviewed the efficacy of the cancer case manager programme; if HA has, of the outcome (including the relevant data); of the number of patients serviced by the programme, and the percentage of that number in the total number of cancer patients in public hospitals in the relevant year, in each of the past two years; the number of cases that each case manager needs to handle concurrently at present;
- (5) whether it has plans to provide the public with more information about caring for cancer patients; if so, of the details; if not, the reasons for that; and
- (6) whether it knows the number of cancer patients who received palliative care services in public hospitals in each of the past five years (broken down by type of service); whether HA has partnered with any private healthcare institution at present to provide such services for patients so as to reduce the pressure on public hospitals; if HA has, of the details; if not, the reasons for that?

Provision of departmental quarters for married disciplined services staff

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

It is an established government policy to provide departmental quarters (“DQ”) for married disciplined services staff, subject to the availability of resources. Some married disciplined services staff members have indicated that they have waited for a long time but are not yet allocated a DQ unit. One of the causes for this situation is that some retired disciplined services staff members continue to occupy DQ units for a long time after retirement. In this connection, will the Government inform this Council:

- (1) of the respective current numbers of staff members currently waiting for allocation of DQ units in various disciplined services as well as the respective median waiting times;
- (2) of the current number of retired disciplined services staff members who have not moved out from DQ units after deadlines; and
- (3) whether various disciplined services have put in place any penalty mechanism to facilitate the prompt return of DQ units by retirees; if so, of the respective numbers of persons punished under such mechanisms in the past three years?

Rezoning of a site originally designated for use by
the Hong Kong Sports Institute

(7) Hon LAM Cheuk-ting (Written reply)

In 2007, the authorities handed over a site adjoining Sha Tin Race Course originally designated for use by the Hong Kong Sports Institute (“HKSI”) to the Hong Kong Jockey Club (“HKJC”) for conversion into competition venues and supporting facilities for equestrian events in support of the 2008 Beijing Olympic and Paralympic. The Government has leased the site to HKJC under a short-term tenancy since January 2009. At the end of last year, the Government (i) commenced the procedure for amending the Sha Tin Outline Zoning Plan, with one of the amendments being the rezoning of the aforesaid site from “Government, Institution or Community” to “Other Specified Uses” annotated “Race Course”, and (ii) agreed in principle to include the site, in the form of extension, into a 50-year lease of the Sha Tin Race Course upon completion of the procedure. In this connection, will the Government inform this Council:

- (1) as a government official indicated at the meeting of the Panel on Home Affairs of this Council held on 13 April 2007 that, with the proposed new and additional facilities to be provided at the redeveloped HKSI, the needs of HKSI and elite sports training in the foreseeable future would be fully met, and there was no need to recover the aforesaid site for development, of the justifications for the statement;
- (2) as it was reported that the authorities had consulted in March 2007 stakeholders, including relevant National Sports Associations (“NSAs”) and athletes, on the site coverage of the redeveloped HKSI and reached preliminary consensus with them, whether the authorities can provide details of the relevant consultation exercise, including (i) the detailed contents of the consultation paper, and (ii) the names of the NSAs and the number of athletes consulted, and if objections were received; if objections were received, how the authorities responded to them; and
- (3) whether it has reassessed if the leasing of the aforesaid site to HKJC for 50 years will hinder the future development and long-term planning of HKSI; if it has reassessed, of the details; if the assessment outcome is in the affirmative, of the remedial measures to be taken by the authorities?

Measures to assist the publishing and printing industries

(8) Hon Mrs Regina IP (Written reply)

Some members of the publishing and printing industries have relayed to me that since the reading culture among Hong Kong people is rather poor at present, they have encountered quite a lot of difficulties in operating book-related businesses in Hong Kong. They have pointed out that although the publishing and printing industries in Hong Kong can benefit from the Mainland and Hong Kong Closer Economic Partnership Arrangement (“CEPA”), under which they can enter the Mainland market under a specified framework, they are still subject to a lot of restrictions and the room for development is limited. As a result, the sales volume of Hong Kong-published books on the Mainland is still on the low side. There are views that the Government should introduce more measures to promote the reading culture and assist the local publishing and printing industries in expanding their markets. In this connection, will the Government inform this Council:

- (1) as some members of the publishing and printing industries have pointed out that the book fair held in July each year in Hong Kong has become very popular among the general public, whether the Government will request the Hong Kong Trade Development Council, the organizer of this event, to reduce the participation fees collected from local exhibitors to enable local exhibitors to lower book prices, thereby promoting the reading culture and enhancing the cultural literacy of Hong Kong people; if so, of the details; if not, the reasons for that;
- (2) whether it will review the contents of CEPA in respect of the printing and publishing services, and discuss with the Mainland authorities the relaxation of the restrictions on publishing books on the Mainland by Hong Kong publishers (e.g. assigning an additional 2 000 International Standard Book Numbers to Hong Kong publishers each year) so as to help the industries further tap into the Mainland market; and
- (3) whether it will encourage more secondary students to study the subjects of literature, history and philosophy and read relevant books with a view to promoting the reading culture; if so, of the details; if not, the reasons for that?

Non-extension of funding commitments to i-CABLE upon expiry

(9) Hon James TO (Written reply)

The Wharf (Holdings) Limited announced early last month that its funding commitments to its i-CABLE would not be extended upon expiry. In this connection, will the Government inform this Council:

- (1) whether it knows the respective numbers of households in public housing and private buildings that are currently receiving free television broadcast signals through the networks laid by i-CABLE in their buildings; whether it has assessed, in the event of i-CABLE's closing down, how such households' reception of free television broadcast will be affected, and whether any measures are in place to ensure that such households will not be affected; and
- (2) whether the Labour Department has received any requests for assistance from employees of i-CABLE since the aforesaid announcement was made; if so, of the details?

Services for the elderly

(10) Hon Alvin YEUNG (Written reply)

Regarding services for the elderly, will the Government inform this Council:

- (1) of the respective numbers of community care services places provided by the Government for elderly persons with mild and moderate impairment and the expenditures involved, in each of the financial years from 2012-2013 to 2016-2017;
- (2) whether it knows the number of community nurses in each hospital cluster and the ratio of that number to the elderly population in the catchment area of the cluster, as at 31 December last year;
- (3) whether it knows (i) the number of palliative care beds (with a breakdown of occupancy rate by age of users) and (ii) the number of registered medical practitioners specialized in palliative medicine, in each hospital cluster in each of the past five years;
- (4) whether it knows the number of elderly persons who passed away after being transferred from residential care homes to public hospitals for treatment, and the average number of their inpatient bed days before they passed away, in each of the past five years; and
- (5) of the details of the palliative care services provided in each of the past five years by the Government in support of the passing away of the elderly persons at home or at residential care homes?

Using Reference Class Forecasting method
to estimate the costs of infrastructure projects

(11) Dr Hon YIU Chung-yim (Written reply)

As pointed out in an article published in a civil engineering academic journal in November last year, the Development Bureau had conducted, in collaboration with some academics, a feasibility study (with an agreement number of CE11/2012(CE)) in 2012 on the use of Reference Class Forecasting (“RCF”) method to estimate the costs of major road works in Hong Kong. According to the relevant information, RCF helps enhance the accuracy of the cost estimation of works projects, thereby reducing the risk of cost overruns. In this connection, will the Government inform this Council:

- (1) whether the Development Bureau has made public the report of the aforesaid feasibility study; if so, of the time when and the channel through which the report was made public; if not, the reasons for that;
- (2) given that a number of infrastructure projects have experienced significant cost overruns at present, whether the authorities used the RCF method in estimating the costs of such projects; if so, of the details (including the relevant data); if not, the reasons for that; and
- (3) whether the authorities have any plan to use the RCF method to estimate the costs of infrastructure projects in future; if so, of the implementation timetable; if not, the reasons for that?

Farmers affected by development plans

(12) Hon Steven HO (Written reply)

Quite a number of farmers affected by development plans have relayed to me that some owners of agricultural lands have, after knowing the development plans relating to their lands, employed means such as substantially increasing rents and entering into tenancy agreements of extremely short tenancy periods, in order to force their tenant farmers to move out of their lands before the commencement of the Government's pre-clearance freezing surveys, in the hope of receiving higher compensations. As a result, those farmers who have been genuinely affected are not granted any ex-gratia allowance. In addition, there are comments that given the stringent legal requirements for the application of a Livestock Keeping Licence, it is difficult for farmers operating livestock farms to identify sites that fully comply with such requirements for the reprovisioning of their farms. In this connection, will the Government inform this Council:

- (1) of the total area of the agricultural lands affected by various development plans in the past three years (including agricultural lands which were resumed by the Government and those with plans for changing land uses), and mark the location and site area of each of such agricultural lands on a map;
- (2) according to the authorities' estimation, in respect of those livestock farms that will be affected in the coming three years by the development plans listed in the table below, of the respective (i) numbers of such farms, (ii) districts in which such farms are located, and (iii) their site areas, and (iv) the total site areas of those livestock farms which are located within one kilometre from the boundaries of the development plans (set out the relevant information in the table below);

Development plan	(i)	(ii)	(iii)	(iv)
Kwu Tung North and Fanling North New Development Areas				
Hung Shui Kiu New Development Area				
Yuen Long South				
The West Rail site and three adjacent public housing sites in Kam Tin South				
Other areas in New Territories North				
Development of Lantau (Tung Chung New Town Extension, Sunny Bay and Siu Ho Wan reclamation, Hong Kong-Zhuhai-Macao Bridge Hong Kong Boundary Crossing Facilities artificial island)				
Public housing development at Wang Chau, Yuen Long				

- (3) in the past three years, of (i) the number of times that the Government consulted the farmers concerned on issues relating to the relocation of the affected livestock farms and the identification of sites for reprovisioning of such farms, and (ii) the number of cases in which the Government successfully assisted such farmers in identifying suitable sites for

reprovisioning of their livestock farms; among such successful cases, of the criteria for selecting sites for reprovisioning;

- (4) given that the Government has implemented a special agricultural land rehabilitation scheme in respect of the development plans in North East New Territories to assist affected farmers in identifying sites to resume farming, of the relevant details and progress;
- (5) whether it will, by making reference to the existing Agricultural Land Rehabilitation Scheme, assist livestock farmers affected by development plans in identifying sites for the reprovisioning of their farms; if so, of the details; if not, the reasons for that; whether it will consider according priority to handling applications made by such farmers for renting agricultural lands; if so, of the details; if not, the reasons for that;
- (6) of the workflow for the authorities' registration of affected farmers for the purpose of facilitating disbursement of ex-gratia allowances and compensations in future; the time generally taken for the workflow between the decision to implement a development plan and the commencement of a freezing survey for affected farmers; the time generally taken between the commencement of a freezing survey and the disbursement of ex-gratia allowances and compensations to all affected farmers; and
- (7) whether it will implement a policy whereby farms will only be cleared after they have been reprovisioned at the sites identified, and whether it will enhance the existing mechanism for conducting freezing surveys so that affected tenant farmers will be registered as early as possible to prevent agricultural land owners from forcing them to move out in the hope of getting higher compensations; if so, of the details; if not, the reasons for that?

Management of housing estates under the Tenant Purchase Scheme

(13) Hon IP Kin-yuen (Written reply)

At present, some educational organizations and social welfare organizations rent premises in housing estates under the Tenant Purchase Scheme (“TPS”) for operating schools and service units respectively. Some persons in charge of these organizations have complained to me that the Owners’ Corporations (“OCs”) of the relevant estates and the property management companies (“PMCs”) appointed by the OCs have repeatedly been creating difficulties for them, including hindering volunteers from paying visits to the service units, requiring those organizations to purchase insurance for using the basketball courts in the estates, prohibiting schools located at the ground level from opening their windows and installing closed-circuit television systems on the outer walls, and forbidding elderly members of the service units to rest under the sun in the basketball courts in the estates. All these have seriously affected the normal operation of the schools and service units as well as the daily activities of their members. In this connection, will the Government inform this Council:

- (1) of a list of TPS estates with premises currently leased to educational organizations and social welfare organizations and the PMCs of these estates, together with the respective percentages of ownership shares currently held by the Hong Kong Housing Authority (“HA”) in the aggregate ownership shares of these TPS estates;
- (2) as the authorities indicated in May last year that all TPS estates had formed their own OCs and appointed their own PMCs to undertake the management and maintenance works of their estates, but I have learnt that some facilities (e.g. covered playgrounds) in TPS estates are still under HA’s management, of the role currently played by HA in the management of TPS estates; whether any TPS estate is still under the management of HA at present; if so, of the number of such estates; whether HA, being one of the owners of TPS estates, will step up its monitoring of the management of these estates, so as to ensure that owners and tenants of these estates have equal opportunities to use the resources of the estates; if so, of the details;
- (3) of the respective numbers of schools and service units currently operating in TPS estates;
- (4) of the number of complaints received by the authorities in the past five years from schools and service units in TPS estates against the OCs or PMCs concerned; and
- (5) of the measures put in place to prevent OCs of TPS estates or the PMCs appointed by them from creating various difficulties for the schools and service units operating in their estates, so as to ensure the normal operation of the latter?

Iron-framed windows in public rental housing estates
and Tenant Purchase Scheme estates

(14) Hon LUK Chung-hung (Written reply)

At present, the flats and common areas in the blocks of quite a number of aged public rental housing (“PRH”) estates and Tenant Purchase Scheme (“TPS”) estates are fitted with iron-framed windows. It is learnt that iron-framed windows are more prone to rust than aluminium-framed ones, and therefore accidents of iron-framed windows loosening and even falling have occurred from time to time. However, some tenants of PRH estates and TPS estates have pointed out that the authorities take a long time to arrange repair of damaged iron-framed windows, and that the progress of replacing iron-framed windows with aluminium-framed ones has been slow. In this connection, will the Government inform this Council:

- (1) of the PRH estates and TPS estates the flats or the common areas in the blocks of which are fitted with iron-framed windows, and the total number of flats involved;
- (2) of the respective numbers of accidents of iron-framed windows loosening and falling from the blocks of PRH estates and TPS estates in each of the past five years, and the resultant casualties (if any);
- (3) given that the authorities have launched the Total Maintenance Scheme since 2006 to carry out periodical inspection and repair for maintenance of windows of the flats in PRH estates and TPS estates, whether the Scheme covers the replacement of iron-framed windows; if so, whether the authorities have set a timetable for the replacement work and of the methods to check if an iron-framed window is safe; the respective numbers of flats in PRH estates and TPS estates with iron-framed windows replaced by the authorities in each of the past five years;
- (4) of the average time taken from a tenant lodging a complaint to the completion of the repair or replacement of an iron-framed window at present; whether (i) window repair and maintenance personnel and (ii) the parts and accessories required for window replacement work are in short supply at present; and
- (5) whether the authorities will expeditiously replace all iron-framed windows in PRH estates and TPS estates; if so, of the details?

Protection of the reproductive right of working women

(15) Hon Alice MAK (Written reply)

Some working women have relayed to me that they have encountered reproductive discrimination. For instance, they could not return to their original positions and were even dismissed when they resumed duty after maternity leave. On the other hand, in its Discrimination Law Review - Submissions to the Government submitted in March last year, the Equal Opportunities Commission put forward 73 recommendations, including enacting legislation to provide for the right of women who resume duty after maternity leave to return to their original positions. In this connection, will the Government inform this Council:

- (1) as the authorities indicated in March this year that priority would be given to nine recommendations, which were relatively less complex and controversial, in the aforesaid Submissions, and those recommendations did not include the recommendation for protecting the right of women to return to their original positions when they resumed duty after maternity leave, of the justifications for the authorities not giving priority to the latter;
- (2) whether the authorities know the respective numbers of women who were dismissed, in the past three years, in less than (i) one month, (ii) three months and (iii) half a year upon resumption of duty after maternity leave; of the number and details of related requests for assistance received in the past three years by the authorities;
- (3) whether the authorities know the countries or regions which have formulated policies in respect of “protection period of postnatal employment” or other similar protections; if so, of the details; whether the authorities will make reference to the relevant practices and enact legislation to strengthen the protection of the reproductive right of working women; if so, of the details and timetable; if not, the reasons for that; and
- (4) whether the authorities have any plan to implement targeted measures in the remaining term of the current-term Government to strengthen the protection of the reproductive right of working women; if so, of the details; if not, the reasons for that?

Hire car services

(16) Hon Frankie YICK (Written reply)

Under the law, the Commissioner for Transport (“Commissioner”) may for the purpose of authorizing the use of a private car for the carriage of passengers for hire or reward, issue in respect of the private car a hire car permit (“permit”) for providing “private hire car services”, and such services include Private Service, Private Service (Limousine) and Private Service (Limousine) (Cross-boundary). There are comments that the increasing prevalence in recent years of the use of private cars without a valid permit for the carriage of passengers for hire or reward (commonly known as “white licence cars’ service”), together with the implementation of certain measures (“new measures”) by the Transport Department (“TD”) with effect from 1 February this year to facilitate new operators to operate hire car services, have brought about impacts on other public transport services. In this connection, will the Government inform this Council:

- (1) of the current number of valid permits for Private Service (Limousine) (“Limousine Permits”) and the criteria for the issuance of such permits by the Commissioner; whether such criteria cover the following situation: that public transport services are unable to satisfy the transport demand of the areas concerned; if so, of the specific indicators reflecting such situation;
- (2) given that the new measures include: applicants may apply for Limousine Permits even if they are unable to produce hiring records for the past three months or a service contract that has been entered into with a validity period of six months, of the authorities’ criteria for deciding whether the hire car services involved in those applications are required;
- (3) of the age distribution of the vehicles deployed under the Limousine Permits issued; given that with effect from 1 February this year, TD has stipulated that the vehicles involved in the new applications for such type of permits must be less than seven years old, whether TD will further lower the age ceiling of such vehicles and set an age ceiling for the vehicles involved in the applications for renewal of such type of permits, with a view to ensuring that such vehicles are of a quality that befits the positioning of limousine service; if so, of the details; if not, the reasons for that;
- (4) as the requirement that vehicles involved in Limousine Permit applications should have a minimum taxable value of \$300,000 was set in as early as 1994 and has been in use for over 20 years, whether TD will scale up the taxable value in light of market changes, so as to ensure that such vehicles are of a quality that befits the positioning of limousine service and to avoid such service overlapping with other personalized and point-to-point public transport services (e.g. taxi service); if so, of the details; if not, the reasons for that;

- (5) as some members of the public have pointed out that, even though a permit holder is required to display the permit on the left-hand side of the windscreen of the vehicle concerned, the small size of the permit has made it difficult for them to identify swiftly whether the vehicle concerned holds a valid permit, whether TD will put in place any improvement measure; if so, of the details; if not, the reasons for that;
- (6) whether the authorities have put in place any measure to ensure that vehicles issued with valid permits will provide services only in designated service areas and to prevent permit holders from leasing their vehicles to others for carrying passengers for reward; if so, of the details; if not, the reasons for that; of the number of cases in which permit holders were punished for breaching the terms and conditions of the permits and the relevant penalties in the past three years; and
- (7) whether TD will put in place other measures, apart from the upcoming launch of a newly developed online enquiry system, to enable members of the public to discern whether various types of hire car services are operating legally with a view to eradicating white licence cars' service; if so, of the details; if not, the reasons for that?

Compliance with procurement guidelines by
the West Kowloon Cultural District Authority

(17) Hon Tanya CHAN (Written reply)

Regarding the compliance with its procurement guidelines by the West Kowloon Cultural District Authority (“WKCD”), will the Government inform this Council:

- (1) whether it knows if WKCD has, on a regular or non-regular basis, conducted internal audits on compliance with the procurement guidelines; if WKCD has, of the procedure and details of such audits; if not, the mechanism currently put in place by WKCD to uncover and follow up on non-compliant cases;
- (2) whether the Government and WKCD have launched an investigation into whether the procurement guidelines have been breached when the proposed Hong Kong Palace Museum (“Palace Museum”) project was taken forward; if so, of the investigation outcome, and whether follow-up actions have been taken; if so, of the details; if no follow-up action has been taken, the reasons for that;
- (3) whether the Chief Secretary for Administration, in his capacity as the Chairman of the Board of WKCD, and the Secretary for Home Affairs, who is responsible for Hong Kong’s cultural policies, have approached the Chief Executive Officer or other senior management staff of WKCD to gain an understanding of the procedure for approving several consultancy contracts relating to the Palace Museum project; if so, of the details; if not, the reasons for that; and
- (4) whether it knows if WKCD at present has any plan to comprehensively review and amend the procurement guidelines, so as to enhance the transparency of the procurement process and step up the monitoring of the compliance with such guidelines; if WKCD has, of the details; if not, the reasons for that?

Hong Kong's joining the Asian Infrastructure Investment Bank

(18) Hon Kenneth LEUNG (Written reply)

The Asian Infrastructure Investment Bank (“AIIB”) announced on the 23rd of last month that Hong Kong would become a new member of AIIB upon deposit of the first installment of capital subscription with the bank. According to Article 3.1 of the Articles of Agreement of AIIB, “[m]embership in the Bank shall be open to members of the International Bank for Reconstruction and Development (“one of the member organizations of the World Bank Group”) and the Asian Development Bank (“ADB”)”. As Hong Kong is a member of ADB, it is eligible to become a member of AIIB. In this connection, will the Government inform this Council:

- (1) whether it has studied in detail how Hong Kong will participate in AIIB's operations after becoming a member of AIIB, as well as the role, positioning, powers and responsibilities of Hong Kong as a member of AIIB and the manpower involved for carrying out the relevant work; if not, the reasons for that;
- (2) of the role, powers and responsibilities of Hong Kong in the World Bank Group and ADB at present; whether the authorities have assessed if Hong Kong's continued participation in the work of the two organizations after joining AIIB will give rise to a mismatch or duplication in relation to its role, positioning or manpower; if they have assessed and the outcome is in the affirmative, of the details; if the outcome is in the negative, the reasons for that;
- (3) given that on joining AIIB, Hong Kong shall subscribe 7 651 of its shares, of which 1 530 shall be paid-in shares payable over five years, amounting to about HK\$240 million a year, whether the authorities know the investment projects on which that sum of money will be used; if they cannot provide the relevant information, whether they will provide the relevant information when they seek funding approval from the Finance Committee of this Council; and
- (4) as the authorities have stated that the professional services and financial services sectors of Hong Kong will stand to benefit from AIIB's operations, and that Hong Kong's joining AIIB should stand Hong Kong companies in good stead to participate in AIIB's projects, whether they have assessed the substantive benefits that will be brought to Hong Kong in terms of boosting job opportunities and promoting economic development by its joining AIIB; if so, of the details; if not, the reasons for that?

Issues relating to the speculative activities in the property market

(19) Hon Paul TSE (Written reply)

According to the conditions set out in the land leases granted under the “Hong Kong Property for Hong Kong People” (“HKP-HKP”) policy, the sale of flats built on the land concerned is restricted to Hong Kong permanent residents for 30 years from the date of the relevant land grant. On the other hand, on 4 November last year, the Government implemented the new measure of raising the ad valorem stamp duty (“AVD”) chargeable on residential property transactions to a new flat rate of 15% (“new tax”), but buyers who do not own any other residential property in Hong Kong at the time of acquisition of a residential property (“first-time home buyers”) are exempted. However, quite a number of first-time home buyers bought two or more properties simultaneously under one sale and purchase agreement (commonly known as “buying multiple flats under one agreement”) in recent months. There are views that the fact that such buyers, who are obviously investors not end users, are not required to pay the new tax indicates that there is a loophole in the aforesaid new measure. Moreover, it has been reported that of the recently sold 310 flats of the first residential project under the HKP-HKP policy, 60 flats were bought by 30 first-time home buyers with the practice of buying multiple flats under one agreement. Such buyers included a staff member of a representative office of the Central Government in Hong Kong (the staff member concerned has reportedly worked in Hong Kong for less than seven years and is now retired) who bought two flats at a cost of over \$10 million without having to pay the new tax. In this connection, will the Government inform this Council:

- (1) as it has been reported that more and more tycoons bought multiple expensive residential flats simultaneously under one agreement in the names of the youngsters or elderly persons in their families who do not own any property in order to avoid paying the huge new tax, whether the Government has assessed if such a practice will result in the proliferation of litigation cases involving estate disputes in future, thereby increasing the court’s workload and compromising family ethics and social harmony; if it has assessed, of the outcome; if not, the reasons for that, and whether it will conduct an assessment immediately;
- (2) as it has been reported that of the 30 transactions of residential properties involving a total of about \$13 billion recorded in recent months, only four are subject to the new tax, whether the Government has assessed if investors’ practice of buying multiple flats under one agreement involves tax avoidance, and if the new tax has failed to achieve the intended effect of cooling down the overheated property market; if it has assessed, of the outcome;
- (3) whether it has assessed if the investors’ practice of buying multiple flats under one agreement reduces the chance of home ownership by the middle class, and departs from and runs contrary to the policy intents of helping the middle class to buy their first property and cooling down the

property market; if it has assessed and the outcome is in the affirmative, how the Government will plug the loophole; and

- (4) whether there is any mechanism currently in place to prevent persons who have not yet obtained the Hong Kong permanent resident status (including staff members of the representative offices of the Central Government in Hong Kong) from buying properties built under the HKP-HKP policy, so as to ensure that priority will be given to addressing the home-buying needs of Hong Kong people; if so, of the details?

Review of long-term and indeterminate sentences

(20) Hon Dennis KWOK (Written reply)

The Long-term Prison Sentences Review Ordinance (Cap. 524) provides that long-term and indeterminate sentences of prisoners must be referred to the Long-term Prison Sentences Review Board (“the Review Board”) for review according to specified schedules. Some family members of prisoners serving long-term or indeterminate sentences have relayed to me their concerns about the number of cases which have been recommended by the Review Board, both for the remission of determinate sentences or for the substitution of determinate sentences for indeterminate ones. With regard to the review of long-term and indeterminate sentences, will the Government inform this Council:

- (1) of a comparison between Hong Kong and other major common law jurisdictions in the number of cases reviewed, recommended and approved in each of the past five years;
- (2) of the number of applications made by prisoners to appear before the Review Board to be heard and to make oral representations on matters relevant to the review, either personally or through a representative of the prisoner’s choice, in each of the past five years; the number of such applications approved and rejected, with details on the decisions made; and
- (3) of the means through which prisoners (i) are informed of their right to obtain legal representation, and (ii) obtain legal representation?

Supply of columbarium niches

(21) Hon CHAN Hak-kan (Written reply)

This Council will resume the Second Reading debate on the Private Columbaria Bill today. Upon passage of the Bill by this Council and its gazettal and commencement, only licensed columbaria are allowed to sell or newly let columbarium niches (“niches”). There are comments that as the licensing board will start accepting licence applications from columbaria only after the expiry of a six-month period from the date on which the ordinance is gazetted, there will be a six-month vacuum period in respect of the supply of private niches. In this connection, will the Government inform this Council:

- (1) whether it has compiled statistics on the respective numbers of (i) private and public niches available for sale, and (ii) private and public vacant urn spaces available for temporary storage of ashes, during the vacuum period;
- (2) of the estimated number of existing private columbaria that may fail to comply with the licensing requirements, and the estimated number of niches in which the interred ashes have to be displaced and handled as a result; the measures the Government has put in place to address the issues arising from such columbaria’s closing down one after another;
- (3) given that the operators of some private columbaria are required to apply for regularization in respect of non-compliance of their columbaria with the land-related requirements and to pay for the relevant fees, whether the Government will exercise discretion to reduce or waive such fees for operators with difficulties so as to spare them from forced closure; if so, of the details;
- (4) of the number of public niches that will be supplied in each of the coming five years, and the details of the locations of such niches;
- (5) given that it was pointed out in the Director of Audit’s Report No. 65 published in October 2015 that the three-phase allocation of new niches by computer balloting adopted by the Food and Environmental Hygiene Department had left many unallocated new niches vacant for a long time, and some members of the public having to wait for an indefinite period of time as they were unsuccessful in the ballot for several times, whether the Government has put in place measures to improve the allocation method of new niches; if so, of the details; and
- (6) of the respective current total numbers of public and private niches, and the ratio between these two types of niches; given the short supply of public niches and the high prices of private niches at present, of the measures the Government has put in place to encourage operators of private columbaria to supply niches at prices affordable to the general public?

Bringing legal actions against acts in contravention of conduct rules

(22) Hon Holden CHOW (Written reply)

According to the Competition Ordinance (Cap. 619), a person may bring a legal action for the loss or damage he has suffered as a result of another person's act that contravenes a conduct rule, but the act must have been (i) investigated by the Competition Commission ("the Commission"), and the Commission has brought legal proceedings in the Competition Tribunal ("the Tribunal") afterwards, and (ii) determined by the Tribunal to be a contravention of a conduct rule. There are comments that the proceedings involved are so time consuming that they cannot help prevent large enterprises from engaging in anti-competitive conduct, thus failing to effectively protect the rights and interests of small and medium enterprises and those of consumers. In this connection, will the Government inform this Council:

- (1) whether the authorities will amend Cap. 619 to allow a person who has suffered loss or damage as a result of another person's act that contravenes a conduct rule to bring a legal action directly without having to wait for the investigation of the Commission and the determination of the Tribunal; if not, of the reasons for that;
- (2) given that competition-related claims in general must be brought in the Tribunal but the authorities do not provide legal aid in respect of the proceedings in the Tribunal, whether the authorities will consider providing the claimants concerned with legal support, including the provision of voluntary lawyers and the making of advance payment of litigation costs; if not, of the reasons for that; and
- (3) whether the authorities will examine the establishment of a legal action fund so that the Commission will have adequate resources to step up law enforcement through instituting legal proceedings?