

立法會

Legislative Council

LC Paper No. CB(3) 187/13-14

Paper for the House Committee meeting of 22 November 2013

Questions scheduled for the Legislative Council meeting of 27 November 2013

Questions by:

- (1) Hon Albert HO Chun-yan (Oral reply) (New question)
(*Replacing his previous question*)
- (2) Dr Hon Fernando CHEUNG Chiu-hung (Oral reply)
- (3) Dr Hon LEUNG Ka-lau (Oral reply) (New question)
(*Replacing his previous question*)
- (4) Hon Mrs Regina IP LAU Suk-yee (Oral reply)
- (5) Dr Hon Elizabeth QUAT (Oral reply)
- (6) Dr Hon KWOK Ka-ki (Oral reply) (New question)
(*Replacing his previous question*)
- (7) Hon CHAN Han-pan (Written reply)
- (8) Hon Frankie YICK Chi-ming (Written reply)
- (9) Hon Emily LAU Wai-hing (Written reply)
- (10) Hon Jeffrey LAM Kin-fung (Written reply)
- (11) Prof Hon Joseph LEE Kok-long (Written reply)
- (12) Dr Hon LAM Tai-fai (Written reply) (New question)
(*Replacing his previous question*)
- (13) Hon Alan LEONG Kah-kit (Written reply)
- (14) Hon CHAN Hak-kan (Written reply)
- (15) Hon Christopher CHUNG Shu-kun (Written reply)
- (16) Dr Hon Kenneth CHAN Ka-lok (Written reply) (New question)
(*Replacing his previous question*)
- (17) Hon Albert CHAN Wai-yip (Written reply)
- (18) Hon Paul TSE Wai-chun (Written reply) (New question)
(*Replacing his previous question*)
- (19) Hon Kenneth LEUNG (Written reply)
- (20) Dr Hon Helena WONG Pik-wan (Written reply)
- (21) Hon Abraham SHEK Lai-him (Written reply)
- (22) Hon Frederick FUNG Kin-kee (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

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

- (1) Hon Albert HO Chun-yan (Oral reply)

At the Legislative Council meeting on the 6th of this month, a Member of this Council moved a motion under the Legislative Council (Powers and Privileges) Ordinance (“the P&P Ordinance”) to authorize a panel of this Council to order the Government to produce the relevant documents involved in the vetting and approval of domestic free television programme service licence applications (“seeking documents under the P&P Ordinance”). Two Members of this Council have revealed that, prior to the aforesaid meeting, some officials of the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region (“LOCPG”) had approached them and discussed the subject with them. Subsequently, in responding to the criticism that such action of LOCPG was tantamount to interfering in the internal affairs of Hong Kong, a Member of the Executive Council (“ExCo”) said that seeking documents under the P&P Ordinance would impact on the confidentiality system of ExCo and as constitutional issues were involved, LOCPG had the responsibility to uphold the Basic Law and the policy of “One Country, Two Systems”. In this connection, will the Government inform this Council:

- (a) as Article 22 of the Basic Law stipulates that “[n]o department of the Central People’s Government and no province, autonomous region, or municipality directly under the Central Government may interfere in the affairs which the Hong Kong Special Administrative Region administers on its own in accordance with this Law”, whether the authorities have formulated any mechanism or procedure to deal with situations where there is interference in the affairs which Hong Kong administers on its own; if they have, of the details; if not, the reasons for that;
- (b) whether it has assessed if seeking documents under the P&P Ordinance is an affair which the Hong Kong SAR administers on its own as stipulated in Article 22 of the Basic Law; if the

assessment outcome is in the affirmative, whether it has assessed if the officials of LOCPG have contravened the aforesaid article of the Basic Law by discussing the matter with Members of this Council; if the assessment outcome is in the affirmative, whether the authorities have relayed to LOCPG that its officials have contravened the Basic Law by expressing views on this matter; if they have not, of the reasons for that; and

- (c) whether the aforesaid views of the ExCo Member reflect the views of ExCo; if so, of the justifications for ExCo to hold such views?

Recruitment of part-time doctors for
the accident and emergency departments of public hospitals

(3) Dr Hon LEUNG Ka-lau (Oral reply)

It has been learnt that there are currently quite a number of doctor vacancies to be filled in the accident and emergency (“A&E”) departments of public hospitals, and such shortage of manpower has resulted in exceedingly long waiting time for A&E services for patients triaged as semi-urgent and non-urgent. Some of these patients had to wait for more than 20 hours. I have also learnt that the Secretary for Food and Health has urged public and private doctors to participate in the scheme to work part-time in A&E departments of public hospitals in order to alleviate the situation of manpower shortage. However, the hourly salary of part-time doctors in A&E departments at present is merely around 70% of that of full-time doctors. In this connection, will the Government inform this Council whether it knows:

- (a) the respective average weekly working hours of full-time doctors of various ranks in A&E departments of public hospitals at present, as well as the respective median hourly salary (including basic salary and regular allowances) of doctors of various ranks calculated on the basis of the aforesaid working hours;
- (b) the respective median hourly salary of part-time doctors of various ranks in A&E departments of public hospitals at present, as well as the criteria for determining the relevant salary level; and
- (c) if the Hospital Authority conducted open recruitment of part-time doctors for A&E departments in the past three years; if so, when and how the recruitment was conducted; if not, of the reasons for that?

Impact of the State Security Committee on
the work of the Hong Kong Government

(6) Dr Hon KWOK Ka-ki (Oral reply)

The Third Plenary Session of the 18th Central Committee of the Communist Party of China, which was concluded on the 12th of this month, decided to establish a State Security Committee (“SSC”). It has been reported that the purpose of establishing SSC is to “improve China’s mechanism and strategy for state security, and to ensure national security”. It has also been reported that members of SSC will include the heads of the Hong Kong and Macao Affairs Office of the State Council (“HKMAO”) and the Liaison Office of the Central People’s Government in the Hong Kong Special Administrative Region (“LOCPG”). Regarding the impact of SSC on the work of the Government of Hong Kong, will the Government inform this Council:

- (a) when and through which channel it first learnt of the decision to establish SSC; whether the Police and the Department of Justice will revise the existing law enforcement and prosecution policies in response to the purpose of SSC; if they will, of the details; whether the Government will restart the work of enacting local legislation to implement Article 23 of the Basic Law; if it will, of the timetable and details;
- (b) whether it has assessed if, upon the establishment of SSC, there will be corresponding changes in the roles played by HKMAO and LOCPG in handling matters related to the relationship between the Central Authorities and the Hong Kong SAR in accordance with the Basic Law; if there will be changes, of the details; whether it has studied if there is a legal basis for HKMAO and LOCPG to carry out tasks in Hong Kong in furtherance of the purpose of SSC; if there is a legal basis, of the details; and
- (c) as Article 22 of the Basic Law stipulated that all personnel of the departments of the Central Government shall abide by the laws of the Hong

Kong SAR, whether the Government has made enquiries with the Central Authorities to see if SSC personnel will carry out activities in Hong Kong, including handling matters related to the “Occupy Central” movement, in order to ensure that they abide by the laws of the Hong Kong SAR; if they will carry out activities, of the legal basis, and whether the authorities have assessed if such a practice will violate the policy of “one country, two systems” and the principle of “Hong Kong people ruling Hong Kong” and “a high degree of autonomy” being implemented in Hong Kong?

Provision of columbarium facilities

(12) Dr Hon LAM Tai-fai (Written reply)

With an ageing population in Hong Kong, it is anticipated that the demand for columbarium niches will continue to increase. The Government has identified 24 potential sites across the 18 districts of the territory for columbarium development to meet the demand. Moreover, the Private Columbaria Bill to be introduced by the Government into the Legislative Council in the second quarter of next year will propose a statutory licensing scheme for private columbaria. On the other hand, it has been reported that some unauthorized private columbaria have illegally occupied government land for many years. Despite the long expiry of the deadlines specified in the removal orders issued by the Government, the Government has procrastinated in taking law enforcement actions, causing dissatisfaction among the local residents. In this connection, will the Government inform this Council:

- (a) of the respective numbers of niches currently provided by all public and private columbarium facilities in Hong Kong, broken down by District Council (“DC”) district;
- (b) whether it has projected the demand for columbarium niches as well as the number of niches that can be provided by public and private columbarium facilities in the territory in the coming five years; if it has, of a breakdown of such numbers by DC district; if not, the reasons for that;
- (c) of the current total number of columbaria which are illegally occupying government land, or are operated illegally in private, commercial and industrial buildings, as well as the number of niches provided by such columbaria, broken down by DC district; the respective numbers of law enforcement actions taken and removal orders issued by the authorities against such illegal columbaria in each of the past three years; the grace period generally given in such removal orders, and the number of illegal columbaria cleared in compliance with the removal orders;

- (d) of the respective numbers of niches expected to be provided by the columbarium facilities to be developed at the aforesaid 24 potential sites as well as their completion timetables, broken down by DC district;
- (e) given that by 2041, according to the consultation document on population policy recently published by the Government, about one in three persons of Hong Kong's population will be aged 65 or above, of the number of years that the authorities anticipate the needs can be met by the existing niches and those under planning, and whether such niches will be able to meet the demand arising from the ageing population;
- (f) of the conditions to be met by the 96 private columbaria (the number as at September this year) listed in Part B of the Government's Information on Private Columbaria (i.e. those columbaria that do not fall under Part A which sets out the columbaria that are "compliant with the user restrictions in the land leases and the statutory town planning requirements and are not illegally occupying government land") for them to be allowed by the Government to operate legally;
- (g) as the demand for niches is very keen, whether the Government will regulate the prices of private niches to prevent speculative activities; if it will, of the details; if not, the reasons for that;
- (h) whether the authorities will consider granting exemption from compliance with the new licensing scheme to those private columbaria which meet certain conditions (such as being operated by charitable organizations, funeral parlours or undertakers, or providing niches up to a certain specified number, or having been operated for a long period of time); if they will, of the details; if not, the reasons for that;
- (i) as the authorities have, in response to some private columbaria offering members of the public guarantees for "full refund" or "replacement niches", reminded the public that "they should pay due attention to the risks

inherent in purchasing niches from columbaria that do not comply with the relevant statutory and Government requirements. Members of the public are advised to make enquiries with the operators concerning the details of any guarantee, and how such guarantees would be honoured”, whether the authorities have taken law enforcement actions against such columbaria that do not comply with the relevant statutory requirements so as to avoid members of the public from being misled into believing their guarantees; if they have, of the details; if not, the reasons for that;

- (j) as the authorities have indicated that they will actively explore various new measures, including (i) the designation of different worship periods for different blocks of niches so as to divert traffic and visitor flows; and (ii) the introduction of time-limited occupation of new niches, with post-occupation re-use through renewal or re-allocation, so as to increase the supply of niches, whether the authorities have conducted any feasibility study on such measures; if they have, of the details, and if the outcome of such study is that they are feasible, of the anticipated implementation time; if they have not conducted such study, the reasons for that;
- (k) as I have learnt that some members of the Sha Tin DC have demanded that when the authorities implement the construction of public columbarium facilities on the two selected sites in Sha Tin, they should at the same time make improvements to the ancillary transport facilities of the district, whether the authorities will accede to such demand; if they will, of the details and timetable; if not, the reasons for that; and
- (l) as the Government is conducting a feasibility study on the project for the construction of a public columbarium facility on the selected site in Tai Po, of the latest progress of the study, and whether it has assessed the difficulties it may encounter?

The Chinese Temples Ordinance

(16) Dr Hon Kenneth CHAN Ka-lok (Written reply)

The authorities indicated in March this year that the review of the Chinese Temples Ordinance (Cap. 153) (“the Ordinance”) was near completion, but so far they have not yet proposed any legislative amendment to the Ordinance or conducted public consultation. Some members of the public have relayed to me that in recent years, the private columbarium businesses operated by quite a number of temples registered under the Ordinance (“registered temples”) have irregularities. However, the authorities have neither taken law enforcement actions to rectify such irregularities nor monitored the financial situations of such temples. In this connection, will the Government inform this Council:

- (a) whether it can provide information on the revenues and expenditures of various registered temples in the past three years; if it cannot, of the reasons for that;
- (b) whether it knows the registered temples that are currently operating the business of selling columbarium niches or other commercial activities and the revenues so derived by each of these temples in the past three years, broken down in table form by revenue item; whether the authorities will consider exercising the powers conferred by the Ordinance to require the temples concerned to transfer their surplus to the Chinese Temples Fund; if they will, of the details; if not, the reasons for that;
- (c) whether the authorities received any complaint in the past three years about malpractices in the administration or financial management of registered temples; if they did, of the number and contents of the complaints, the names of the temples involved, as well as the relevant follow-up actions taken; and
- (d) when the authorities will complete the review of the Ordinance, and whether they have drawn up work plans and timetables for amending the Ordinance and the relevant consultation

procedures; if they have, of the details; if not, whether they will draw up such plans shortly; if they will, of the details; if not, the reasons for that?

Appointment and accountability systems
for the Commissioner of the
Independent Commission Against Corruption

(18) Hon Paul TSE Wai-chun (Written reply)

It has been reported that the last Commissioner of the Independent Commission Against Corruption (“the Commissioner”) was alleged to have often violated the relevant regulations on expenditure during his term of office (e.g. buying hard liquor and gifts with public money for entertainment and bestowal of gifts for guests and mainland officials), which are acts that should not have been done by the head of an organization devoted to fighting corruption and promoting integrity. Some comments have attributed the cause of this incident to the fact that the current system of appointment of the Commissioner by the Chief Executive (“CE”) (“the Commissioner’s appointment system”) has no objective selection criteria and lacks transparency. Besides, the Independent Commission Against Corruption (“ICAC”) has spent much time in the investigation into the corruption complaint against CE of the last term but the case is yet to conclude, and some people have conjectured that such a situation is unusual. There are comments that such conjecture was caused by the fact that the Commissioner is only accountable to CE (“the Commissioner’s accountability system”) at present. In this connection, will the Government inform this Council:

- (a) whether it will, in the light of the aforesaid situations, consider afresh conducting a study on and making improvements to the Commissioner’s appointment system, such as introducing more objective criteria in the selection of candidates for the Commissioner, refraining from appointing a candidate who has not yet left or may in future return to the civil service, and enhancing the transparency of the appointment process;
- (b) whether it has assessed if the Commissioner’s accountability system should be reviewed and improved, so as to ensure that ICAC can effectively investigate complaints in relation to allegations of corruption or dereliction of duty

against CE; if it has assessed, of the results; if not, whether it will do so immediately; and

- (c) whether it has examined if the current Commissioner's appointment and accountability systems will lead or has led the public to query if ICAC is able to investigate impartially complaints about alleged dereliction of duty by a former or the incumbent CE; if it has examined, of the results; if not, whether it will do so immediately?