

立法會
Legislative Council

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**Paper for the House Committee meeting
of 10 October 2014**

**Questions scheduled for the
Legislative Council meeting of 15 October 2014**

Questions by:

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|------|------------------------|-----------------|
| (1) | Dr Hon Fernando CHEUNG | (Oral reply) |
| (2) | Hon Charles Peter MOK | (Oral reply) |
| (3) | Hon Paul TSE | (Oral reply) |
| (4) | Hon Christopher CHUNG | (Oral reply) |
| (5) | Hon James TO | (Oral reply) |
| (6) | Dr Hon Kenneth CHAN | (Oral reply) |
| (7) | Dr Hon LAU Wong-fat | (Written reply) |
| (8) | Dr Hon Elizabeth QUAT | (Written reply) |
| (9) | Hon CHAN Hak-kan | (Written reply) |
| (10) | Hon NG Leung-sing | (Written reply) |
| (11) | Hon Dennis KWOK | (Written reply) |
| (12) | Hon WU Chi-wai | (Written reply) |
| (13) | Hon POON Siu-ping | (Written reply) |
| (14) | Hon Kenneth LEUNG | (Written reply) |
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| (16) | Hon Charles Peter MOK | (Written reply) |
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| (19) | Hon WU Chi-wai | (Written reply) |
| (20) | Hon CHAN Hak-kan | (Written reply) |
| (21) | Hon CHAN Han-pan | (Written reply) |
| (22) | Hon Kenneth LEUNG | (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

Interpretation of “all the members of the Legislative Council” in
Annexes I and II to the Basic Law

(1) Dr Hon Fernando CHEUNG (Oral reply)

Article 7 of Annex I and Article III of Annex II to the Basic Law provide respectively that if there is a need to amend the method for selecting the Chief Executives and that for forming the Legislative Council (“LegCo”) for the terms subsequent to the year 2007, such amendments must be made “with the endorsement of a two-thirds majority of all the members of the LegCo”. Regarding the interpretation of “all the members of the LegCo”, the former Chief Secretary for Administration said in his statement on the “Package of Proposals for the Methods for Selecting the Chief Executive and for Forming the Legislative Council in 2012” delivered at the LegCo meeting on 14 April 2010 that after detailed study by the Department of Justice and careful consideration from different angles, the Government considered that the entire authorized membership of the LegCo, i.e., the 60 LegCo Members stipulated in Article 1(1) of Annex II to the Basic Law, rather than the number of the LegCo Members in office, should be taken as the basis for calculating “a two-thirds majority of all the members of the LegCo” (“the interpretation in 2010”). In this connection, will the Government inform this Council:

- (1) whether the interpretation of “all the members of the LegCo” by the Government of the current term is consistent with the interpretation in 2010; if it is not, of the interpretation by the Government of the current term and the circumstances under which such interpretation applies;
- (2) whether it has studied if the absence of Members due to involuntary reasons (such as being detained by law enforcement agencies) when the motions to amend the methods for selecting the Chief Executive in 2017 and for forming the LegCo in 2016 are being voted on in the LegCo will affect the number of Members actually meant by “all the members of the LegCo” and may thus affect the voting result of such motions; if it has, of the outcome; and
- (3) how the authorities will deal with the situation in which the Government and the President have different understanding of “all the members of the LegCo” and whether the Government will take the understanding of the President as the correct one; if they will, of the reasons; if not, the justifications for that, and whether the Government will take any measures, such as seeking an interpretation of “all the members of the LegCo” from the Standing Committee of the National People’s Congress?

Decision of the Standing Committee of the National People's Congress on issues relating to the selection of the Chief Executive by universal suffrage

(2) Hon Charles Peter MOK (Oral reply)

According to the Interpretation by the Standing Committee of the National People's Congress ("NPCSC") of Article 7 of Annex I to the Basic Law adopted on 6 April 2004 ("the 2004 Interpretation"), the Chief Executive ("CE") of the Hong Kong Special Administrative Region ("SAR") shall make a report to NPCSC as regards whether there is a need to amend the method for selecting CE; and then NPCSC shall make a determination. The bills on the amendments to the method for selecting CE shall be introduced by the SAR Government into the Legislative Council ("LegCo"). However, after considering the relevant report submitted by CE, NPCSC made a decision on 31 August of this year, which includes that, when the selection of CE is implemented by the method of universal suffrage, the provisions for the composition of the nominating committee shall be made in accordance with the composition of the existing Election Committee; the nominating committee shall nominate two to three candidates; and each candidate must have the endorsement of more than half of all the members of the nominating committee ("the decision on the nominating committee"). In this connection, will the Government inform this Council:

- (1) given that the 2004 Interpretation mentions only that NPCSC shall make a determination as regards whether there is a need to amend the method for selecting CE, but not that NPCSC has the power to decide how the method for selecting CE shall be amended, whether it has studied if NPCSC's decision on the nominating committee is legally binding; if the study outcome is in the affirmative, of the Basic Law provisions based on which the decision was made;
- (2) given the stipulation in the 2004 Interpretation that the bills on the amendments to the method for selecting CE shall be introduced by the SAR Government into LegCo, whether it has studied if NPCSC's decision on the nominating committee has contravened the principles of "Hong Kong people ruling Hong Kong" and "a high degree of autonomy", and whether the decision has contravened Annex I to the Basic Law and the 2004 Interpretation; if it has, of the outcome; and
- (3) whether it has studied if NPCSC's decision on the nominating committee complies with Articles 25, 26 and 39 of the Basic Law; if it has, of the outcome?

Termination of telecommunications service contracts

(3) Hon Paul TSE (Oral reply)

It has been reported that earlier on, a 19-year-old teenager, suspected to be aggrieved by the continued demand for fee payment by the i-Cable Communications Limited (“i-Cable”) even after his family member had terminated the telecommunications service contract (“the contract”) with the company, stormed into the Cable TV Tower with knives and demanded to meet the company’s management. A security guard and two staff members of i-Cable were injured in the incident. Subsequent to that, there have been a spate of media reports about disputes over termination of service contracts with the company. Some editorials even criticized the company and other telecommunications service operators (“TSOs”) for “abusing their power to bully customers” and “behaving like street bullies”, and the Office of the Communications Authority (“OFCA”) for “harbouring network operators and thus being the biggest accomplice”. I have also repeatedly received from members of the public complaints and requests for assistance in relation to termination of contracts with i-Cable. In this connection, will the Government inform this Council:

- (1) whether it has studied the reasons why many members of the public have complained about and the media have one after another criticized the arrangements for contract termination by TSOs; if it has, of the study outcome and the improvement measures; if not, the reasons for that;
- (2) whether it knows if OFCA has reviewed whether the existing policy and the Industry Code of Practice for Telecommunications Service Contracts can effectively prevent TSOs from deliberately adopting complicated and time-consuming procedures to make it difficult for customers to terminate their contracts, thereby forcibly seizing their market shares; if it has reviewed, of the details and the improvement measures; if not, the reasons for that; and
- (3) as TSOs which have strong financial backing can engage legal professionals to prepare telecommunications service contracts which are favourable to them and, owing to the costly litigation fees, members of the public often can only give up settling their disputes with TSOs over contract termination through legal means, what measures the authorities have in place to safeguard the legitimate rights and interests of members of the public, especially those who are not eligible for legal assistance?

Guarding against interference with the affairs
of Hong Kong by foreign forces

(4) Hon Christopher CHUNG (Oral reply)

It has been reported that earlier on, a number of newspapers in Hong Kong received e-mails which alleged that the chairman of a local media group had made huge amounts of political donations to a number of former and incumbent Members of the Legislative Council (“LegCo”), well-known political figures and former government officials. It has also been reported that the person has close ties with senior government officials and military personages of a certain country. In this connection, will the Government inform this Council:

- (1) given that politically appointed officials or civil servants are currently regulated by the Prevention of Bribery Ordinance or the relevant internal codes of the Government during service, and are strictly prohibited from accepting advantages, whether any legislation or code is currently in place to regulate the acceptance of advantages directly or indirectly from local or foreign sources by such personnel after retirement; if so, of the details;
- (2) whether any legislation is currently in place to prohibit any foreign government or political organization from providing pecuniary, non-pecuniary or deferred benefits to Hong Kong’s political organizations or political figures through intermediaries such as local enterprises or people, in an attempt to interfere with Hong Kong’s internal affairs; if such legislation is not in place, whether the Government has plans to enact legislation to impose such regulation; if it does, of the timetable; and
- (3) as it has been reported that certain foreign forces have attempted to recruit, through making donations, local political figures or LegCo Members to be the spokespersons for their interests in Hong Kong or to influence the discussions on Hong Kong’s constitutional development, whether the Government will take the initiative to request the Central People’s Government or the Office of the Commissioner of the Ministry of Foreign Affairs in Hong Kong to provide assistance in the diplomatic aspect to guard against foreign forces from indirectly interfering with the internal affairs of Hong Kong; if it will, of the details?

Legal proceedings related to CITIC Limited

(5) Hon James TO (Oral reply)

In 2008, CITIC Pacific Limited (currently known as CITIC Limited and hereafter referred to as “CITIC”) suffered massive losses incurred by its investment in leveraged foreign exchange contracts. It has been six years since the Securities and Futures Commission (“SFC”) and other relevant agencies commenced various investigations into CITIC’s disclosure of its financial position at that time and related matters (“the CITIC incident”). SFC recently announced on the 11th of last month that it had instituted proceedings in both the Court of First Instance (“CFI”) and the Market Misconduct Tribunal (“MMT”) against CITIC and five of its former executive directors. SFC alleges that CITIC and the directors concerned had engaged in market misconduct involving disclosure of false or misleading information on the company’s financial position. SFC is seeking orders from CFI to restore or compensate 4 500 investors who purchased CITIC shares between the date on which CITIC announced such information and the date the true financial position was disclosed (“the specified period”). SFC is also seeking that CITIC and the directors concerned be sanctioned by MMT. In this connection, will the Government inform this Council:

- (1) apart from the aforesaid investors, whether the authorities have plans to assist other investors who suffered losses due to the CITIC incident (including those investors who had already held CITIC shares prior to the specified period, as well as those who had purchased CITIC-related warrants or options during the specified period or had held such items prior to that period) in seeking compensations; if they have such plans, of the details; if not, the reasons for that;
- (2) whether it knows the respective scopes of the investigations carried out by agencies such as SFC, the Police and the Financial Reporting Council; when SFC submitted its investigation results to the Department of Justice (“DoJ”) and the Financial Secretary, and when the Financial Secretary gave his consent to instituting proceedings; the latest progress of the investigations carried out by the various agencies concerned; as well as the expected time when decisions will be made as to whether the persons concerned will be prosecuted or penalized; and
- (3) given that the authorities indicated in their replies to questions raised by Members of this Council in 2010 that in general, it was only after DoJ had ruled out criminal prosecution would SFC consider instituting proceedings in MMT, and that the Securities and Futures Ordinance also provides that if proceedings have been instituted against any person, no criminal prosecution may

be instituted against that person in respect of the same conduct, whether the authorities have assessed if the current proceedings instituted in MMT by SFC have undermined the power of DoJ in instituting criminal prosecutions in respect of the CITIC incident; if the assessment outcome is in the affirmative, of the extent; if in the negative, of the justifications and how the authorities safeguard the rights and interests of minority shareholders and uphold Hong Kong's reputation as an international financial centre?

Tree management work

(6) Dr Hon Kenneth CHAN (Oral reply)

On 14 August this year, a big tree collapsed from a slope inside a private residential estate at Robinson Road and fell onto a footpath, crushing a passing pregnant woman to death. Subsequently, quite a number of tree experts urged the Government to expeditiously enact legislation on trees and improve its tree management policy. In this connection, will the Government inform this Council:

- (1) apart from reminding property owners and management companies of private residential estates of their responsibility for proper maintenance of the trees within their estates and disseminating relevant information to them by issuing letters and organizing seminars, whether the authorities have specific measures at present to help them carry out tree maintenance work; if they do, of the details; if not, whether the authorities will consider formulating such measures immediately; if they will, of the details; if not, the reasons for that;
- (2) whether it has improved tree management work in the light of the aforesaid tree collapse incident; if it has, of the latest progress and details; if not, whether the authorities will consider taking follow-up actions; if they will, of the details; if not, the reasons for that; and
- (3) given that the former Secretary for Development indicated in June 2011 that she would seriously consider commencing studies on enacting legislation on trees, of the latest progress of such initiative, as well as the work plan and timetable for the legislative work; if it does not have such work plan and timetable, of the reasons for that?

Monitoring the use of public funds by tertiary institutions
funded by the University Grants Committee

(7) Dr Hon LAU Wong-fat (Written reply)

It has been reported that the University of Hong Kong (“HKU”) has made huge amount of advanced payments for the University of Hong Kong-Shenzhen Hospital (“Shenzhen Hospital”) since its establishment, which it operates in collaboration with the Shenzhen Municipal Government, and such payments are unlikely to be recovered in the near future. In this connection, will the Government inform this Council:

- (1) whether it knows if the University Grants Committee (“UGC”) has required tertiary institutions funded by UGC (“UGC-funded institutions”) to notify UGC when they set up self-financing organizations outside Hong Kong to be operated collaboratively or independently, so as to ensure that such institutions do not use public funds to subsidize their self-financing projects;
- (2) as HKU has indicated that the operation of Shenzhen Hospital has all along been in compliance with the policy of no cross-subsidization set out in the UGC Notes on Procedures, whether it knows if UGC has carried out any verification to address public concern; and
- (3) given the allocation of matching grants by the Government to UGC-funded institutions under the Matching Grant Scheme launched for the tertiary education sector, whether the authorities will investigate if HKU has used the matching grants allocated to it by the Government to meet any expenses in relation to Shenzhen Hospital (including set-up costs and advanced payments)?

Screening for breast cancer in women

(8) Dr Hon Elizabeth QUAT (Written reply)

Breast cancer is the most common cancer among females in Hong Kong, and ranks the third among cancers causing deaths of females in Hong Kong. In the Prevention and Screening for Breast Cancer published in April 2014, the Cancer Expert Working Group on Cancer Prevention and Screening (“Working Group”) of the Department of Health pointed out that breast cancer screening was proven to be beneficial for women with a higher risk of developing breast cancer. The Working Group therefore recommended that such women “should seek advice from doctors about whether they should receive breast cancer screening”. On the other hand, as revealed by the Hong Kong Breast Cancer Registry Report No.5 published in 2013 by the Hong Kong Breast Cancer Foundation (“the Foundation”), among more than 9 800 breast cancer patients covered by the Report, only 14.5% had a family history of breast cancer. The Foundation also pointed out that breast cancer screening for women currently implemented on the Mainland and in Taiwan and many Western countries had helped to reduce the mortality rates of breast cancer patients. In this connection, will the Government inform this Council:

- (1) whether it has compiled statistics on the current population of those women in Hong Kong belonging to groups with a higher risk of developing breast cancer;
- (2) whether it will, in response to the recommendation by the Working Group, provide the needed medical consultation and breast cancer screening services for women with a higher risk of developing breast cancer; if it will, of the details and the timetable; if not, the reasons for that; of the public healthcare institutions in Hong Kong currently offering breast cancer screening services to such women;
- (3) given that the Report of the Foundation indicated that most breast cancer patients had no family history of breast cancer, of the measures put in place by the Government to help this category of women to detect breast cancer and receive treatments as early as possible;
- (4) given that some women have relayed that the waiting time for mammography and breast ultrasound scanning at public hospitals is too long, which might result in delay in their receiving diagnoses and treatments, whether the Government has measures in place to shorten the waiting time; if it does, of the details; if not, the reasons for that; and

- (5) whether the Government will consider following the practices of the Mainland, Taiwan and other countries in implementing a breast cancer screening programme for women, and providing breast cancer screening services for women in need through public-private partnership or collaboration with non-profit-making women health centres in the community?

Cosmetic products tested on animals

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

It has been reported that the authorities world-wide are increasingly concerned about the practice of conducting animal testing in the research and development (“R&D”) of cosmetic products. The European Union (“EU”) has promulgated a ban on animal testing for cosmetic products which prohibits, from March last year, the sale in EU of newly manufactured cosmetic products and their ingredients which had been tested on animals. Countries like Japan, India and Brazil have also started to introduce related bans. In this connection, will the Government inform this Council:

- (1) of the current number of locally registered manufacturers of cosmetic products; whether it knows the number of such manufacturers who have conducted animal testing during the R&D of cosmetic products; whether the authorities will consider introducing legislation to ban such animal testing so as to prohibit cruelty to animals; if they will, of the details; if not, the reasons for that;
- (2) whether it will encourage manufacturers and importers of cosmetic products to sign the charter for “cruelty-free cosmetics” and pledge not to sell cosmetic products that have been tested on animals during the R&D process;
- (3) whether it will consider introducing a labelling system to require that cosmetic products for sale in Hong Kong must show clearly whether they have been tested on animals during the R&D process, so as to help consumers choose cosmetic products that are animal test free;
- (4) whether it will consider introducing legislation to ban the import of cosmetic products that have been tested on animals during the R&D process; if it will, of the legislative timetable; if not, the reasons for that; and
- (5) whether it has plans to promote the message of “cruelty-free cosmetics”, such as that animal testing during the R&D process of cosmetic products is unnecessary, and to encourage the public to purchase cosmetic products that are animal test free; if it does, of the details; if not, the reasons for that?

Implementation of the Mainland and Hong Kong Closer Economic Partnership Arrangement in financial services

(10) Hon NG Leung-sing (Written reply)

A report on Policy Development Proposals on the Mainland and Hong Kong Closer Economic Partnership Arrangement (“CEPA”), published by the Financial Services Development Council last month, has pointed out that under the current CEPA framework, there is still considerable room for development in various areas of the financial services industry, and put forward nine specific policy recommendations. In this connection, will the Government inform this Council:

- (1) whether a communication mechanism between the Government and the mainland authorities is currently in place for regular review of the implementation situation and progress of CEPA in the financial services industry; if so, of the details and the findings of the latest review; if not, the reasons for that; and
- (2) whether it has conducted any assessment on the feasibility of the nine recommendations of the report; if it has, of the assessment outcome and its plan for implementing such recommendations; if not, whether it will do so expeditiously?

Home-schooling

(11) Hon Dennis KWOK (Written reply)

According to sections 74 and 78 of the Education Ordinance (Cap. 279), where it appears to the Permanent Secretary of the Education Bureau (“EDB”) that a child is not attending primary school or secondary school without any reasonable excuse, the Permanent Secretary may, after making such inquiries as he considers necessary, serve upon a parent of the child an attendance order requiring him to cause the child to attend regularly as a pupil the primary school or secondary school named in the attendance order; and any parent who without reasonable excuse fails to comply with an attendance order shall be guilty of an offence. The Ordinance has not specified how parents may lawfully home-school their children and the related application procedure. However, it is learnt that legislation to regulate home-schooling for children has been enacted in developed places like Taiwan and Singapore. In this connection, will the Government inform this Council:

- (1) of the current number of school-age children who have been approved by EDB to be home-schooled, and the details of the relevant vetting and approval procedures; whether it has any plan to upload such statistics as well as such vetting and approval procedures onto EDB’s web site, and to promote the learning mode of home-schooling; and
- (2) since some members from the education sector have pointed out that as Hong Kong’s current education system is very rigid, holding examination results as the teaching goal, and coupled with teachers being overloaded, students tend to learn by rote and the needs of individual students cannot be met, whether EDB will consider putting in place a home-schooling system for children and setting up a task force to formulate the relevant policies so as to provide an additional option on learning mode for students to choose; if it will, of the details; if not, the reasons for that?

Replacement of the catalytic converters and oxygen sensors of taxis and light buses fuelled by petrol and liquefied petroleum gas

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

In April 2012, the Finance Committee of the Legislative Council approved an allocation of \$150 million to the Environmental Protection Department (“EPD”) for implementing a scheme to provide a one-off subsidy to vehicle owners for replacement of the catalytic converters and oxygen sensors of their taxis and light buses fuelled by petrol and liquefied petroleum gas (“the replacement scheme”), which was launched late last year. Recently, I have received complaints from some members of the transport industry who pointed out that the relevant catalytic converters were of problematic quality. The poor performance of these catalytic converters when compared with the previous ones has resulted in frequent engine stalling in some of the vehicles soon after installation of the catalytic converters. Such persons are also dissatisfied with EPD’s refusal to make public the performance test report of the relevant catalytic converters. In this connection, will the Government inform this Council:

- (1) of the number of complaints received by EPD about the catalytic converters since the launch of the replacement scheme, and the follow-up actions taken on such complaints;
- (2) of the tender conditions in respect of the catalytic converters; the respective weightings of bidding price and other considerations in EPD’s selection of suppliers and whether the suppliers were required to provide guarantees for the service life and quality of the catalytic converters; if so, of the details; if not, the reasons for that;
- (3) as EPD has indicated that the failures of the catalytic converters were related to poor vehicle maintenance and repair, whether EPD has ascertained from those drivers of vehicles having problems with catalytic converters if they have changed the maintenance and repair procedures for their vehicles since they used the newly installed catalytic converters; if EPD has, of the details; if not, the reasons for that; and
- (4) whether EPD has conducted any longitudinal study on the quality of the catalytic converters selected in the tender, in order to gauge their long-term performance; if EPD has, of the details; if not, the reasons for that?

Occupational safety and industrial accidents

(13) Hon POON Siu-ping (Written reply)

Regarding Hong Kong's occupational safety and industrial accidents, will the Government inform this Council of:

- (1) the casualties caused by industrial accidents since January this year, and their breakdowns by industry;
- (2) the annual number of cases since 2012 in which the authorities instituted prosecutions against employers by invoking the Occupational Safety and Health Ordinance (Cap. 509) and the Factories and Industrial Undertakings Ordinance (Cap. 59), including their subsidiary regulations, as well as the average and highest fines/terms of imprisonment imposed on the convicted employers; and
- (3) the respective numbers of cases since 2012 in which the authorities instituted, by invoking the Employees' Compensation Ordinance (Cap. 282), prosecutions against employers for failing to give notices of work accidents of employees as required or for providing false or misleading information when giving notice of work accidents, as well as the average and highest fines/terms of imprisonment imposed on the convicted employers?

2014 (up to Sep-tem-ber)									
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- (3) whether it conducted any study in the past three years on the effects of the “sky wall” on the number of aircraft movements; if so, of the details; if not, whether the authorities can undertake to conduct the study and publish the results; and
- (4) of the reasons why the northbound air routes have still not been opened?

Progress of granting domestic free television programme service licences

(15) Hon Frederick FUNG (Written reply)

In October last year, the Chief Executive in Council approved in principle the applications of two organizations for a domestic free television programme service licence. It has been reported that one of these organizations indicated in August this year that it was still discussing with the Communications Authority the conditions and detailed provisions of the licence, but the progress was unsatisfactory. The organization also criticized that “the regulatory framework required new operators to be subject to regulation which was far more stringent than that faced by existing licensees, in total disregard of the unparalleled advantages enjoyed by existing operators”, thus rendering it difficult for the objective of opening up the free television market to be achieved. In this connection, will the Government inform this Council:

- (1) of the latest progress of the authorities’ issuance of formal licences to the aforesaid two organizations and the formulation of relevant codes of practice;
- (2) given the fact that an existing free television broadcaster is currently dominating the market, whether the authorities will, when formulating the regulatory framework, consider implementing measures or arrangements that will provide a less stringent operating environment for the new operators at the initial stage; if they will not, of the reasons for that, and whether they have considered if this would make it impossible for the new operators to compete fairly with that existing television broadcaster in the short term; and
- (3) of the earliest time the authorities expect under the present situation when the two organizations whose applications were granted approval-in-principle can start broadcasting?

Optimal use and fair allocation of spectrum resources

(16) Hon Charles Peter MOK (Written reply)

Digital terrestrial television services were launched at the end of 2007. The authorities have indicated their intention to switch off analogue television services at the end of 2015, subject to the outcome of further market and technical studies. The authorities are considering the applications of the two free-to-air television stations for renewal of domestic free television programme service licences (“free TV licences”), the result of which may affect the future allocation of spectrum. Furthermore, at the end of last year, some free-to-air television stations were fined for contravening the requirement on sharing equally the transmission capacity in the Multiple Frequency Network. Regarding the optimal use and fair allocation of precious spectrum resources, will the Government inform this Council:

- (1) whether it has considered deferring the date of analogue television services switch-off (“ASO”); if it has, whether it will adjust the relevant considerations; if it will, of the details; what measures the authorities will take to expeditiously achieve the ASO target;
- (2) of the respective transmission capacities of analogue television services spectrum which are in use and left idle; of the transmission capacity of the spectrum to be released following ASO; whether it has estimated the utilization rate of the released spectrum in the first three years;
- (3) how it ensures the efficient use of the spectrum to be released following ASO, and that more competition will be introduced into the free-to-air television market; whether it will consider allocating spectrum rights by auction; if it will, of the details; whether it will consider amending the Broadcasting Ordinance (Cap 562) and the Telecommunications Ordinance (Cap 106) to improve the auction mechanism concerned; and
- (4) of the current allocation ratios and utilization situations of spectrum among various television stations, and whether it knows if there is any television station which has not fully utilized the transmission capacity of the spectrum allocated to it; if there is, of the details; whether the authorities have any mechanism in place to recover the transmission capacity of spectrum which is left idle by television stations; if so, of the details?

Government's requests for Internet service providers
to disclose or remove users' information

(17) Hon James TO (Written reply)

According to the Transparency Report published biannually by Google, an Internet search-engine service provider, the number of requests made by the Government to the company for disclosure of its users' information has increased from 50 in the first half of 2010 to 359 in the first half of 2014, representing an over six-fold increase. It is learned that there are no standardized procedural guidelines for government departments to make requests for information of Internet users, nor are there provisions requiring government departments to obtain a court order before making requests to the service providers concerned for disclosure or removal of users' information. In this connection, will the Government inform this Council:

- (1) of the details of the requests made since February 2014 by each government department to various Internet service providers (including Google, Yahoo)/Internet platforms/web sites (collectively referred to as "service providers") for disclosure of their users' information, including (i) names of service providers, (ii) whether the service providers are local or foreign companies, (iii) types of requests made and the number in respect of each type, (iv) reasons for making the requests, (v) whether the requests were made under court orders, (vi) details of the information requested, (vii) whether the service providers had acceded to the requests and (viii) reasons given by the service providers for not acceding to the requests;
- (2) of the details of the requests made since February 2014 by each government department to service providers for removal of their users' information, including (i) names of service providers, (ii) whether the service providers are local or foreign companies, (iii) types of requests made and the number in respect of each type, (iv) reasons for making the requests, (v) whether the requests were made under court orders, (vi) details of the information requested for removal, (vii) whether the service providers had acceded to the requests and (viii) reasons given by the service providers for not acceding to the requests;
- (3) whether the authorities will consider publishing reports periodically (such as biannually) in respect of the information mentioned in (1) and (2) so as to enhance transparency;
- (4) of the discrepancies in the procedural guidelines or contents of the forms used by various government departments for making requests to service providers for disclosure or removal of information of their users; whether the authorities have consulted the Office of the Privacy Commissioner for Personal Data ("PCPD") on such guidelines and forms; if they have, of the details; if not, whether they will consider consulting PCPD; whether they will reconsider standardizing such guidelines and forms; if

they will, whether a timetable has been set; if not, of the reasons for that; and

- (5) whether the authorities will consider reviewing the existing legislation with a view to requiring that a government department must obtain a court order before it may make a request to a service provider for disclosure or removal of its users' information, so as to prevent abuse of personal information and to safeguard the privacy of the members of the public?

Kai Tak Cruise Terminal

(18) Hon Paul TSE (Written reply)

Before the berthing for the first time of two cruise vessels at the Kai Tak Cruise Terminal (“KTCT”) on the same day, i.e. the 29th of last month, the media had once again reported on the inadequacy of the ancillary transport facilities in KTCT. The media were afraid that the situation of passengers overcrowding the taxi stands inside KTCT might recur. Taxi associations, dissatisfied with the arrangement adopted by KTCT operator and for fear that taxis might “enter and leave KTCT without passengers on board” due to insufficient passengers, have threatened to call on its members to take boycott actions by refusing to enter KTCT. It has also been reported that both tourists and members of the public are dissatisfied with the signage inside KTCT, the routes to eateries and shops and the attractiveness of the shops, etc. Some tourists have even described KTCT as “very boring,” pointing out that its supporting facilities are much inferior to those in the cruise terminals in places such as Japan, Korea and Australia, etc. In this connection, will the Government inform this Council:

- (1) whether it has reviewed the situation in which the taxis that enter KTCT to carry passengers would “enter and leave KTCT without passengers on board” as claimed by the taxi associations, and the reasons why taxi drivers refuse to enter KTCT to carry passengers; given that the second berth of KTCT was commissioned at the end of last month and the number of tourists entering the territory through KTCT will increase instead of decreasing, of the means to be adopted to prevent the recurrence of the scenario in which public transport operators refuse to enter KTCT to carry passengers in future;
- (2) given the comments that, at present, the vehicles entering and leaving KTCT must route through Kowloon Bay, and the route is rather indirect, time-consuming and inefficient, whether the Government will consider adopting the proposals recommended by a think tank of linking Kwun Tong and KTCT by constructing a floating bridge or a movable air-bridge, using kaito ferry service (i.e., water taxis), or adding a cruise terminal interchange under the current Kwun Tong to Sai Wan Ho ferry service, or even implement the proposal put forth by the Kwun Tong District Council to the Government on many occasions for building a transportation link to KTCT to improve KTCT’s transport arrangements;
- (3) given that some reporters, tourists and members of the public have pointed out the problems of the shops inside KTCT being not attractive, unclear signage, small number of eateries, tourists patronizing retail shops being inconvenienced by the way lifts are operated, tourists having no idea about the location of shuttle bus stops, and few visitors visiting KTCT on weekdays other than weekends at which relatively more local tour groups and members of the public visit KTCT, etc., of the way by which the Government will improve the situation; and

- (4) given that in the past, the Ocean Terminal in Tsim Sha Tsui relied on discos, bars and restaurants to boost the visitor flow of its nighttime business, whether the Government has assessed the visitor flow that can be brought to KTCT by establishing a street of bars there; as I have learnt that a bar business group has submitted an application to KTCT operator for running an open street of bars on the podium of KTCT, whether it knows the latest progress of the vetting and approval of such application; whether the authorities can further study if the visitor flow to be brought by the street of bars can motivate public transport modes such as taxis and light buses to carry passengers to and from KTCT?

Fare concession offered to the elderly and eligible persons with disabilities
travelling on green minibuses

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

The 2014 Policy Address proposes that the Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (“the Scheme”) be extended in phases to include green minibuses (“GMBs”) starting from the first quarter of next year. In this connection, will the Government inform this Council:

- (1) of the respective numbers of GMB routes currently serving on Hong Kong Island, in Kowloon and the New Territories, as well as across districts the operators of which have applied for joining the Scheme, together with a breakdown by the aforesaid categories of the respective numbers of those routes the applications of which have been approved, are pending approval and have been rejected;
- (2) when it will announce the GMB routes that have been included in the Scheme and the details; of the expected number of GMB routes which will be able to commence the fare concessions in the first quarter of next year; and
- (3) whether it will, when granting operating rights to GMBs in future, consider imposing conditions to require operators to join the Scheme and comply with the relevant technical, operational, accounting and auditing arrangements, with a view to eventually extending the Scheme to cover all the GMB routes?

Irrigation of plants in venues
under the Leisure and Cultural Services Department

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

Regarding the irrigation of plants in venues under the Leisure and Cultural Services Department (“LCSD”), will the Government inform this Council:

- (1) of the quantity of water used for irrigation by LCSD each year since 2010-2011;
- (2) whether it has reviewed the effectiveness of the existing irrigation methods and explored which of them is the most effective; if it has, of the details; if not, the reasons for that;
- (3) whether LCSD found, in the past three years, cases of its staff members or contractors using excessive amount of water for irrigation; if it did, of the details; of the content of the irrigation guidelines provided by LCSD to them; and
- (4) whether, when constructing parks, it has considered making reference to the practice of using water from natural sources for the irrigation of plants as adopted by the Mainland or overseas countries, so that such parks can be self-sufficient in water use?

Interpretation services provided for the ethnic minorities
in public hospitals and clinics

(21) Hon CHAN Han-pan (Written reply)

Quite a number of people from the ethnic minorities have relayed to me that when seeking treatments at public hospitals or clinics, they are often not given appropriate treatments as they encounter communication difficulties due to language barriers. In this connection, will the Government inform this Council if it knows:

- (1) whether the Hospital Authority (“HA”) has reviewed the interpretation services currently provided for people from the ethnic minorities;
- (2) the number of complaints received by HA in the past three years lodged by people from the ethnic minorities about not being given appropriate treatments due to language barriers, and whether HA has followed up and dealt with such complaints; if HA has, of the details; if not, the reasons for that; and
- (3) whether HA will allocate additional resources to employ more people from the ethnic minorities to work in public hospitals or clinics, so that they may also perform interpretation work as needed; if HA will, of the details; if not, the reasons for that?

Development of Islamic bond market in Hong Kong

(22) Hon Kenneth LEUNG (Written reply)

The Government's successful offering of its inaugural US\$1 billion five-year sukuk, i.e. Islamic bonds, in early September this year has enabled Hong Kong to become a platform for sukuk issuances. In this connection, will the Government inform this Council:

- (1) as the legal, taxation and regulatory framework of Hong Kong can support the issuance of sukuk, of the authorities' specific plans to encourage more public and private institutions to issue sukuk using Hong Kong's platform; if there is no such plan, the reasons for that;
- (2) whether it has analyzed the uniqueness and major competitive edges of Hong Kong as a platform for issuing sukuk as compared with other international competitors, particularly neighbouring countries such as Malaysia and Singapore; if so, of the outcome;
- (3) of the collaboration plans between the authorities and Bank Negara Malaysia (such as borrowing the latter's experience in regulating the Islamic capital market and training financial talents) to enable Hong Kong to more effectively grasp the opportunities of the rapidly growing Islamic financial market; the objectives and timetables of such plans;
- (4) given that among the investors of the inaugural sukuk issued in Hong Kong, almost half of them are from Asia, more than one third from the Middle East and the remaining 17% from Europe and the United States, whether the authorities have any plan to attract more global investors, including those from the Middle East and other Islamic areas, to participate in the bond market of Hong Kong; if so, of the details; and
- (5) whether the Government has any plan to set specific targets on the scale of sukuk issuance for the next three years; if so, of the target issue amount each year?