

OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 2 November 2016

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE LEUNG KWOK-HUNG[#]

THE HONOURABLE CLAUDIA MO

THE HONOURABLE MICHAEL TIEN PUK-SUN, B.B.S., J.P.

THE HONOURABLE STEVEN HO CHUN-YIN, B.B.S.

THE HONOURABLE FRANKIE YICK CHI-MING, J.P.

THE HONOURABLE WU CHI-WAI, M.H.

THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK WING-HANG

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

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

DR THE HONOURABLE HELENA WONG PIK-WAN

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

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

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

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

THE HONOURABLE CHUNG KWOK-PAN

THE HONOURABLE ALVIN YEUNG

THE HONOURABLE ANDREW WAN SIU-KIN

THE HONOURABLE CHU HOI-DICK

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

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

THE HONOURABLE HO KAI-MING

THE HONOURABLE LAM CHEUK-TING

THE HONOURABLE HOLDEN CHOW HO-DING

THE HONOURABLE SHIU KA-FAI

THE HONOURABLE SHIU KA-CHUN

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

THE HONOURABLE YUNG HOI-YAN

DR THE HONOURABLE PIERRE CHAN

THE HONOURABLE CHAN CHUN-YING

THE HONOURABLE TANYA CHAN

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG

THE HONOURABLE LAU KWOK-FAN, M.H.

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

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE NATHAN LAW KWUN-CHUNG[#]

DR THE HONOURABLE YIU CHUNG-YIM[#]

DR THE HONOURABLE LAU SIU-LAI[#]

THE HONOURABLE SIXTUS LEUNG CHUNG-HANG^{*}

THE HONOURABLE YAU WAI-CHING^{*}

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

^{*} According to the Judgement of the Court of First Instance of the High Court on 15 November 2016, Sixtus LEUNG Chung-hang and YAU Wai-ching have been disqualified from assuming the office of a member of the Legislative Council, and have vacated the same since 12 October 2016, and are not entitled to act as a member of the Legislative Council.

MEMBERS ABSENT:

THE HONOURABLE MA FUNG-KWOK, S.B.S., J.P.

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

PUBLIC OFFICERS ATTENDING:

MR JAMES HENRY LAU JR., J.P.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

MR RONALD CHAN NGOK-PANG, J.P.

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND
AFFAIRS

CLERK IN ATTENDANCE:

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

TAKING OF LEGISLATIVE COUNCIL OATH

PRESIDENT (in Cantonese): Council now proceed to take the Oath.

Dr LAU Siu-lai. Please take the Oath.

(Dr Junius HO indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Dr Junius HO, there is not any point of order at this moment.

(Dr Junius HO stood up and requested to speak)

PRESIDENT (in Cantonese): Dr HO, I shall permit you to speak only if you are raising a point of order, but it is not the time for you to speak now. Please sit down.

DR JUNIUS HO (in Cantonese): But I am precisely going to raise a point of order ...

PRESIDENT (in Cantonese): Please sit down.

(Dr Junius HO remained standing and spoke loudly)

PRESIDENT (in Cantonese): Dr HO, I have already made a written reply rejecting the moving of your motion. Please sit down.

(When Dr LAU Siu-lai started to take the Oath, Dr Junius HO remained standing and spoke loudly)

PRESIDENT (in Cantonese): Dr HO, the point you have raised is not a point of order. Please sit down.

Dr LAU Siu-lai, please continue to take the Oath.

Dr The Honourable LAU Siu-lai took the Legislative Council Affirmation

PRESIDENT (in Cantonese): The oath-taking concludes.

PRESENTATION OF PETITION

PRESIDENT (in Cantonese): Presentation of petition.

In accordance with Rule 20 of the Rules of Procedure, Mr Kenneth LEUNG will present a petition co-signed by Mr Kenneth LEUNG and Mr Andrew WAN to this Council.

MR KENNETH LEUNG (in Cantonese): President, noting your permission for the presentation of this petition co-signed by Mr Andrew WAN and me, I now outline the content of the petition.

In September 2014, it was reported by Australian media that Chief Executive LEUNG Chun-ying had, while running for the post of Chief Executive Election in 2011, signed a secret agreement with UGL Limited ("UGL"), an Australian firm, and received secret payments from it. However, since then, neither the Chief Executive nor the Administration has ever provided any adequate information that can offer the public a detailed account of the incident. Therefore, it is necessary for this Council to continue to follow up the incident.

Hence, I urge Members to join hands to follow up the incident, so as to ensure the standards of probity and integrity in the Chief Executive's discharge of duties and the protection of the core values upheld by Hong Kong.

Thank you, President.

(See Annex I for content of the petition)

(Mr Andrew WAN rose immediately)

MR ANDREW WAN (in Cantonese): President, in accordance with Rule 20(6) of the Rules of Procedure, I request that the petition be referred to a select committee.

PRESIDENT (in Cantonese): I now call upon Members who support this request to rise in their places.

(Members supporting the request rose)

PRESIDENT (in Cantonese): Members please remain standing to allow the Clerk to do a headcount.

(The Clerk indicated to the President that the recording of the names of those Members who were standing had been completed)

PRESIDENT (in Cantonese): Members will please now be seated. Members who support this request are Mr KWONG Chun-yu, Mr James TO, Mr HUI Chi-fung, Dr YIU Chung-yim, Mr SHIU Ka-chun, Mr LEUNG Yiu-chung, Mr LAM Cheuk-ting, Mr Andrew WAN, Dr Helena WONG, Mr IP Kin-yuen, Prof Joseph LEE, Mr WU Chi-wai, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr Jeremy TAM, Dr KWOK Ka-ki, Ms Claudia MO, Ms Tanya CHAN, Mr Alvin YEUNG, Dr CHENG Chung-tai, Dr Fernando CHEUNG, Mr CHU Hoi-dick, Mr Nathan LAW, Dr LAU Siu-lai, Mr LEUNG Kwok-hung, Mr CHAN Chi-chuen and Dr Pierre CHAN. There are 28 Members in total. Do I miss any names of those Members who just stood up?

(No Member made any indication)

PRESIDENT (in Cantonese): If not, we have a total of 28 Members supporting this request.

In accordance with Rule 20(6) of the Rules of Procedure, the petition is referred to a select committee.

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments	<i>L.N. No.</i>
Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2016	163/2016
Public Health and Municipal Services Ordinance (Public Swimming Pools) (Amendment of Fourteenth Schedule) Order 2016.....	164/2016
Inland Revenue Ordinance (Amendment of Schedule 17E) Notice 2016.....	165/2016

Other Papers

- No. 1 — Fish Marketing Organization
Financial statements for the year ended 31 March 2016
- No. 2 — Vegetable Marketing Organization
Financial statements for the year ended 31 March 2016
- No. 3 — Marine Fish Scholarship Fund
Report for the period from 1 April 2015 to 31 March 2016
- No. 4 — Agricultural Products Scholarship Fund
Report for the period from 1 April 2015 to 31 March 2016
- No. 5 — Protection of Wages on Insolvency Fund Board
Annual Report 2015-16
- No. 6 — Companies Registry Trading Fund
Annual Report 2015-16

- No. 7 — Report of changes made to the approved Estimates of Expenditure during the first quarter of 2016-17
Public Finance Ordinance: Section 8
- No. 8 — Hong Kong Council on Smoking and Health
Annual Report 2015-2016
- No. 9 — The Legislative Council Commission
Annual Report 2015-2016
- No. 10 — Competition Commission
Annual Report 2015/2016
- No. 11 — The Government Minute in response to the Report of the Public Accounts Committee No. 66 of July 2016
- No. 12 — West Kowloon Cultural District Authority
Annual Report 2015/16
- No. 13 — The Land Registry Trading Fund Hong Kong
Annual Report 2015/16
- No. 14 — Hong Kong Productivity Council
Annual Report, Independent Auditor's Report and Financial Statements 2015-16
- No. 15 — Hong Kong Science and Technology Parks Corporation
Annual Report, Report of the Directors and Financial Statements 2015-2016
- No. 16 — Electrical and Mechanical Services Trading Fund
Report 2015/16
- No. 17 — Office of the Privacy Commissioner for Personal Data, Hong Kong
Annual Report 2015-16

- No. 18 — Office of the Communications Authority
Trading Fund Report 2015/16
- No. 19 — Urban Renewal Authority
Annual Report 2015-2016
- No. 20 — Hongkong Post
Annual Report 2015/16

ORAL ANSWERS TO QUESTIONS

PRESIDENT (in Cantonese): Questions. In accordance with rule 9A of the House Rules, the time taken by each oral question should not exceed 22 minutes in total. After a Member has asked a main question and the relevant public officer has replied, the Member who asks the question has priority to ask the first supplementary question. Other Members who wish to ask supplementary questions may indicate their wish by pressing the "Request to speak" button and wait for their turn.

Members may raise only one question in asking supplementary questions. These questions should be as concise as possible so that more Members can ask supplementary questions. Members should not ...

(Miss YAU Wai-ching entered the Chamber, dashed towards the Oath-taking Table before the President Podium, and stood at one end of the table)¹

(Mr Sixtus LEUNG walked into the Chamber, and while saying that he wanted to take the Oath, he walked to the front of the table and remained standing there)¹

(Some Members questioned loudly why the two Members could enter the Chamber)

(Ms Claudia MO, Mr CHU Hoi-dick, Mr SHIU Ka-chun and Mr Nathan LAW followed Mr Sixtus LEUNG closely into the Chamber. Mr CHU Hoi-dick stood at the other end of the table. Ms Claudia MO, Mr SHIU Ka-chun and Mr Nathan LAW stood on an aisle of the Chamber)

¹ Sixtus LEUNG and YAU Wai-ching did not take an oath in accordance with the provisions of the Oaths and Declarations Ordinance (Cap. 11) at the meeting of 12 October 2016, hence under Rule 1 of the Rules of Procedure, they shall not attend a meeting or vote therein but they entered the Chamber on the meeting day.

PRESIDENT (in Cantonese): Will Members please sit down.

According to Rule 1 of the Rules of Procedure, will Miss YAU Wai-ching and Mr Sixtus LEUNG please leave the Chamber.

(Holding a piece of paper, Miss YAU Wai-ching read out the content therein through a speaker of her own, while some Members yelled, "YAU Wai-ching is not eligible for oath-taking!")

PRESIDENT (in Cantonese): Will staff of the Secretariat carry out my order.

(Security personnel walked up to Miss YAU Wai-ching and Mr Sixtus LEUNG, intending to assist them in leaving the Chamber, while Ms Claudia MO, Mr CHU Hoi-dick, Mr SHIU Ka-chun and Mr Nathan LAW remained standing near the Oath-taking Table)

(Some Members continued to yell)

PRESIDENT (in Cantonese): Will the two Members please leave the Chamber. Will other Members return to their seats.

(Mr CHAN Chi-chuen and Mr LEUNG Kwok-hung left their seats and walked towards the Oath-taking Table, in an attempt to join hands with Ms Claudia MO, Mr CHU Hoi-dick, Mr SHIU Ka-chun and Mr Nathan LAW to prevent security personnel from assisting Miss YAU Wai-ching and Mr Sixtus LEUNG in leaving the Chamber)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, Ms Claudia MO, Mr CHAN Chi-chuen, please return to your seats.

The meeting is now suspended.

11:07 am

Meeting suspended.

11:23 am

Council then resumed.

(Mr Sixtus LEUNG did not leave the Chamber and stood on an aisle of the Chamber. Several Members and security personnel surrounded Mr LEUNG)

PRESIDENT (in Cantonese): Would Members please return to their seats.

Mr Sixtus LEUNG, please leave the Chamber.

(Mr Sixtus LEUNG told the President that he wanted to take the Oath under Rule 18 of the Rules of Procedure)

PRESIDENT (in Cantonese): Under Rule 1 of the Rules of Procedure, I ask you to leave the Chamber.

Would other Members please return to your seats.

(Mr CHAN Chi-chuen told the President that security personnel must first stay out of his way before he could return to his seat)

PRESIDENT (in Cantonese): Please let Mr CHAN Chi-chuen return to his seat.

Mr LEUNG Kwok-hung, please give way to Mr CHAN, so that he can return to his seat.

(Security personnel attempted to assist Mr Sixtus LEUNG in leaving the Chamber but Mr LEUNG refused to leave. Several Members remained standing around him)

PRESIDENT (in Cantonese): Mr SHIU Ka-chun, Dr LAU Siu-lai, Mr CHU Hoi-dick, Ms Claudia MO, please return to your seats. This is my last warning

to these several Members. If they still do not return to their seats, I will rule that their conduct is grossly disorderly in accordance with the Rules of Procedure.

(Mr LEUNG Kwok-hung, Ms Claudia MO, Mr CHAN Chi-chuen, Mr Alvin YEUNG, Mr CHU Hoi-dick, Mr SHIU Ka-chun, Mr HUI Chi-fung, Dr LAU Siu-lai, Mr KWONG Chun-yu, Mr Jeremy TAM and Mr Nathan LAW stood around Mr Sixtus LEUNG and attempted to stop security personnel from assisting Mr Sixtus LEUNG in leaving the Chamber)

(Mr CHU Hoi-dick spoke loudly while standing up)

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, please return to your seat.

(Mr CHAN Chi-chuen said that security personnel prevented him from returning to his seat)

PRESIDENT (in Cantonese): Security personnel, please let Mr CHAN Chi-chuen return to his seat.

I now suspend the meeting. The meeting will resume in Conference Room 1 after half an hour.

11:25 am

Meeting suspended.

11:55 am

Council then resumed in Conference Room 1.

PRESIDENT (in Cantonese): Questions. In accordance with rule 9A of the House Rules, the time taken by each oral question should not exceed 22 minutes in total. After a Member has asked a main question and the relevant ...

(Mr Andrew WAN stood up)

MR ANDREW WAN (in Cantonese): President, a point of order.

PRESIDENT (in Cantonese): What is your point?

MR ANDREW WAN (in Cantonese): Rule 18 of the Rules of Procedure stipulates clearly that the business of a meeting should be transacted in a specified order, so that different items of business may be included in the Agenda of the Council accordingly. It has come to my attention that some Members entered the Chamber just now requesting to take oath/affirmations, and in accordance with the Rule mentioned above, the administration of oath or affirmation should be accorded top priority and transacted first. Moreover, Rule 18(2) of the Rules of Procedure also stipulates that the item of business concerning the taking of oath/affirmations shall not require notice and previous leave of the President. I would then like to ask the President why the business was not transacted just now, and whether it would be done now.

PRESIDENT (in Cantonese): This is not a point of order. I already issued a written ruling last week, and my ruling is not subject to debate.

MR HUI CHI-FUNG (in Cantonese): President, a point of order. Under Rule 16(2) of the Rules of Procedure, we have already given you notice, indicating our wish to move an urgent motion on the adjournment of the Council, so as to deal with an interpretation of the Basic Law which we know will be made by the National People's Congress shortly. I hope a ruling can be made by the President to process our request because it is our wish to conduct the motion debate under Rule 16(2) of the Rules of Procedure before the oral questions session. I hope the President could deal with this matter first.

PRESIDENT (in Cantonese): Mr HUI Chi-fung, the Member who intends to move the motion is not you but Mr James TO. You should submit a written application if you want to move a motion under Rule 16(2) of the Rules of Procedure. And, if Mr James TO wants to move the relevant motion, he must do so at an appropriate time.

(Mr Alvin YEUNG indicated his wish to raise a point of order in his seat)

PRESIDENT (in Cantonese): What is your question?

MR ALVIN YEUNG (in Cantonese): President, I wish to seek elucidation from you on the point of order raised by Mr Andrew WAN just now regarding Rule 18 of the Rules of Procedure. You said that a written explanation had already been given. But when another Member again raises a point of order, you should reconsider the matter and offer your explanation once again. President, you must not resort to any fait accompli or past decision as a means of overriding the point of order raised afresh today.

PRESIDENT (in Cantonese): Mr Alvin YEUNG, you can seek assistance from the Secretariat if you are not familiar with the procedures for handling points of order.

MR ALVIN YEUNG (in Cantonese): President, I will be happy to debate with you the procedures for handling points of order here.

PRESIDENT (in Cantonese): In accordance with Rule 44 of the Rules of Procedure, my ruling is not subject to debate.

MR ALVIN YEUNG (in Cantonese): But President, there have been past cases where your rulings were changed.

PRESIDENT (in Cantonese): My final ruling is not subject to debate.

MR ALVIN YEUNG (in Cantonese): Why is it impossible to reconsider the issue today?

PRESIDENT (in Cantonese): Mr Alvin YEUNG, please sit down.

MR ALVIN YEUNG (in Cantonese): President, I have been sitting all the time. President, please make an elucidation.

PRESIDENT (in Cantonese): I have already given you a reply.

MR ALVIN YEUNG (in Cantonese): President, there is ample room for you to consider the issue again.

PRESIDENT (in Cantonese): Mr Alvin YEUNG, if you keep on speaking in your seat without my permission, I will rule that you have seriously breached the Rules of Procedure.

(Mr James TO raised his hand to indicate a wish to speak)

PRESIDENT (in Cantonese): Mr James TO, what is your question?

MR JAMES TO (in Cantonese): President, may I ask whether you have approved my application for moving a motion under Rule 16(2) of the Rules of Procedure?

PRESIDENT (in Cantonese): You must move the motion first before I can consider your request.

MR JAMES TO (in Cantonese): Alright.

(Mr James TO stood up and then sat down)

MR JAMES TO (in Cantonese): President, in Conference Room 1, shall I stand up or sit down when I speak?

PRESIDENT (in Cantonese): Just follow the Rules of Procedure at a meeting of this Council.

(Mr James TO stood up)

MR JAMES TO (in Cantonese): President, I move under Rule 16(2) of the Rules of Procedure that the Council do now adjourn for the purpose of debating a motion concerning public interests.

PRESIDENT (in Cantonese): I now suspend the meeting to consider how the motion moved by Mr James TO under Rule 16(2) of the Rules of Procedure should be dealt with.

11:59 am

Meeting suspended.

12:52 pm

Council then resumed.

PRESIDENT (in Cantonese): The motion proposed by Mr James TO pursuant to Rule 16(2) of the Rules of Procedure has been tabled, and it reads as follows: That this Council do now adjourn, for the purpose of discussing the issues concerning the interpretation of Article 104 of the Basic Law by the Standing Committee of the National People's Congress (NPCSC), and NPCSC's explanation sought by the Government of the Hong Kong Special Administrative Region in relation to oath-taking by the Legislative Council Members.

Mr TO says in the letter that an interpretation of the Basic Law by NPCSC "may impact the hearing of the judicial review case scheduled to start tomorrow, and a government source has told the media that 'an interpretation of the Basic Law by NPCSC is inevitable'". Obviously, the motion proposed by Mr TO is based on media reports rather than any actual happenings.

In my opinion, Mr TO has not given sufficient grounds to support the absolute necessity of debating this motion at the meeting today. Therefore, I cannot approve Mr TO's request.

MR JAMES TO (in Cantonese): President, the Chief Executive also said that he had deliberately cancelled his trip to Beijing in order to handle the oath-taking issue in Hong Kong, and that he did not rule out the possibility of an interpretation of the Basic Law. I thus think that his arrangement may be most indicative of the thinking of the authorities. Do you agree that you should make your judgment based on the words said by both the government source and LEUNG Chun-ying?

PRESIDENT (in Cantonese): Last night, I heard the Secretary for Justice say that this issue should be handled inside the Hong Kong judicial system. Since the motion that you wish to move pursuant to Rule 16(2) of the Rules of Procedure is not based on facts, I cannot grant approval to your moving this motion.

MR CHARLES PETER MOK (in Cantonese): President, but LEUNG Chun-ying has himself said that he does not rule out an interpretation of the Basic Law. President, have you in fact refused to grant approval simply because Mr James TO's motion is worded as saying that NPCSC will take this move? If we change the wording, stating that LEUNG Chun-ying does not rule out an interpretation of the Basic Law and this may affect the court judgment or proceedings tomorrow, will you reconsider the request? If we even reword the motion to focus on LEUNG Chun-ying, will you deal with our request?

PRESIDENT (in Cantonese): I have already made a ruling. The content of a proposed motion must be based on facts. The expression "does not rule out an interpretation of the Basic Law" does not constitute a fact or something that will actually be done. Therefore, I have not granted approval to moving this motion pursuant to Rule 16(2) of the Rules of Procedure.

(Mr Holden CHOW indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr Holden CHOW, what is your question?

MR HOLDEN CHOW (in Cantonese): President, my point of order is that I agree with your ruling. I would like to remind Members that in accordance with Rule 41(2) of the Rules of Procedure, we should not discuss a case pending in a court of law, as the case concerned will be heard by the Court tomorrow ...

PRESIDENT (in Cantonese): Mr Holden CHOW, this is not a point of order. Please sit down.

(Ms Claudia MO indicated her wish to speak)

PRESIDENT (in Cantonese): Ms Claudia MO, what is your question?

MS CLAUDIA MO (in Cantonese): President, I can understand your point that Members can only move a motion based on actual facts. However, the topic in question involves substantial public interests. If I now write a letter and insert the word "concerned" into the wording of the motion, would you think that that is feasible?

PRESIDENT (in Cantonese): I have already made a ruling.

MS CLAUDIA MO (in Cantonese): What do you think if I submit another letter?

PRESIDENT (in Cantonese): My ruling is not subject to any debate.

(Mr LEUNG Yiu-chung indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr LEUNG Yiu-chung, what is your question?

MR LEUNG YIU-CHUNG (in Cantonese): President, referring to LEUNG Chun-ying's words "does not rule out an interpretation of the Basic Law" as quoted by Mr James TO, you said that these were just some words reported by the media. But at the same time, you quoted another media report that the Secretary for Justice viewed that the matter could be resolved within the local judicial system. Whose words are actually more believable—the Secretary for Justice's words or LEUNG Chun-ying's words? In the ruling that you made earlier, you quoted the Secretary for Justice's remark.

PRESIDENT (in Cantonese): I did not quote the Secretary for Justice's remark in my ruling. Instead, I heard the Secretary for Justice make the remark concerned.

MR LEUNG YIU-CHUNG (in Cantonese): You just quoted the Secretary for Justice's remark.

PRESIDENT (in Cantonese): He made the remark concerned in front of the media, and this is a fact.

MR LEUNG YIU-CHUNG (in Cantonese): You believe what the Secretary for Justice said. But what LEUNG Chun-ying said in front of the media is also a fact.

PRESIDENT (in Cantonese): But his words were "does not rule out an interpretation of the Basic Law". My ruling is not subject to any debate.

(A Member indicated that he did not understand what the President said)

PRESIDENT (in Cantonese): Those Members who do not understand can discuss with me on other occasions.

(A Member requested clarification from the President)

PRESIDENT (in Cantonese): My ruling is not subject to any debate. May Members please seek clarification from me on other occasions.

(Mr Andrew WAN indicated in his seat that what the President said was illogical, and that he did not understand)

PRESIDENT (in Cantonese): Mr Andrew WAN, if you do not understand, you can talk to me on another occasion. Please do not speak in your seat.

(Mr HUI Chi-fung indicated his wish to raise a point of order)

PRESIDENT (in Cantonese): Mr HUI Chi-fung, what is your point of order?

MR HUI CHI-FUNG (in Cantonese): Can we look at this issue from the angle of teleology?

PRESIDENT (in Cantonese): This is not a point of order. Please sit down.

MR HUI CHI-FUNG (in Cantonese): You have not listened to my whole question.

PRESIDENT (in Cantonese): This is not a point of order. We are not discussing any teleology now.

MR HUI CHI-FUNG (in Cantonese): Can you let me raise my question first?

PRESIDENT (in Cantonese): This is not a question and answer session.

MR HUI CHI-FUNG (in Cantonese): I really want to ask you a question.

PRESIDENT (in Cantonese): If you want to raise a point of order, please point out which rule in the Rules of Procedure it is based on.

MR HUI CHI-FUNG (in Cantonese): My point of order is that although you have already made a ruling, if at a later time today, we can provide you with more information to prove that this is not a speculation but something that will very likely happen, will you make a new ruling?

PRESIDENT (in Cantonese): I have already made a ruling. Please sit down.

PRESIDENT (in Cantonese): Questions. Members may raise only one question in asking supplementary questions. These questions should be as concise as possible so that more Members can ask supplementary questions. Members should not make arguments when asking supplementary questions.

2016 Legislative Council General Election

1. **MR HUI CHI-FUNG** (in Cantonese): *Quite a number of the arrangements for the Legislative Council ("LegCo") General Election just held have attracted various criticisms. Some electors who claimed that they were eligible to vote in the District Council (Second) Functional Constituency ("DC (Second) FC") election were refused to be issued with the ballot papers for that FC election; the Registration and Electoral Office arranged polling staff to take home ballot papers, copies of register of electors and electoral materials about one week before the polling day for temporary custody, and bring them to the polling stations on the morning of the polling day; at some polling stations, the numbers of ballot papers issued and collected did not tally with each other; the polling hours of several polling stations had to be extended because a large number of electors were still queuing to cast their votes there at the scheduled polling end time of 10:30 pm, and some electors even had to wait until 2:30 am on the following day before they could vote. In this connection, will the Government inform this Council:*

- (1) *of the total number of polling stations which were set up at smaller premises because requests for borrowing premises had been rejected; whether it has reviewed if the arrangement for polling staff to keep custody of electoral materials for as long as one week is appropriate; if it has not reviewed, of the reasons for that; if it has reviewed and the outcome is in the negative, the improvement measures;*
- (2) *as it is stipulated in the legislation that a person applying for registration as an elector for a geographical constituency is also regarded as having applied for registration as an elector for DC (Second) FC unless the person indicates otherwise, of the number of electors who, albeit not having indicated otherwise at the time of elector registration, were refused to be issued with the ballot papers for that FC election, and the reasons for that; and*
- (3) *of the number of polling stations at which the numbers of ballot papers issued and collected did not tally with each other, and set out the relevant reasons by name of polling station; the number of polling stations of which the polling hours were extended, and set out the relevant reasons by name of polling station; the measures in place to prevent the recurrence of the aforesaid two situations?*

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, the 2016 Legislative Council general election was held on 4 September. *(Some people were yelling outside the Chamber)* The Electoral Affairs Commission ("EAC") was responsible for conducting and supervising the election in accordance with the law, and all public officers responsible for the electoral affairs had, as in the past, handled matters relating to the election in strict accordance with the relevant legal provisions, with a view to ensuring that the election was held in an open, fair and honest manner. After each election, EAC will conduct a comprehensive review of the various electoral arrangements, propose improvement measures and submit a report to the Chief Executive within three months of the conclusion of the election as required by the law. *(Some people were yelling outside the Chamber)* After the report is

made public, we will listen to the views of Members on the arrangements of this general election at the Legislative Council Panel on Constitutional Affairs.

Having consulted the Registration and Electoral Office ("REO"), our reply to various parts of the question is as follows:

- (1) In making preparations for the 2016 Legislative Council general election, REO's requests for venue were rejected by 89 schools or organizations, and thus had to look for alternate venues.

The arrangement for Presiding Officers ("PROs")/Deputy Presiding Officers/Assistant Presiding Officers ("APROs") ("PROs and their deputies") to collect and deliver some of the ballot papers before the polling day is indeed the same as that for the previous public elections, and has been adopted for years and has all along been effective. In view of the large number of polling stations (595 in total), PROs and their deputies will collect some of the ballot papers, copies of registers of electors and electoral materials for their respective polling stations in batches starting from about one week before the polling day, and bring them along when reporting to the polling stations for duty in the early morning of the polling day to facilitate the opening of polling stations at 7:30 am sharp for electors to cast their votes. When collecting the ballot papers, PROs and their deputies had to undergo specified procedures, including checking the quantity and serial numbers of the ballot papers against the "Summary of ballot paper stock allocated to individual polling station" ("the Summary") of REO. Both REO and the polling staff concerned must sign on the Summary to confirm the quantity of ballot papers distributed, and each of them was given a signed copy of the Summary for record. All the ballot papers collected by PRO and their deputies were sealed in bags and kept in locked suitcases. PROs and their deputies were required to keep safe custody of the ballot papers and unpack them only before the poll started. Under the existing mechanism, the polling staff responsible for collecting ballot papers were at the rank of APRO or above, and were also of officer grade or above in the civil service structure. Moreover,

about 15 minutes before the poll began, PRO informed the candidate(s)/election agent(s)/polling agent(s) present of the quantity of ballot papers possessed by him/her and where the ballot papers were placed. Every ballot box must go through a sealing procedure before use. The candidates/agents present were invited to witness the procedure of locking and sealing the back door of the ballot boxes by PRO, and two of them were invited to sign on the sealing certificate. *(Some people were yelling outside the Chamber)* According to the existing electoral legislation, candidates/election agents/polling agents can witness the whole polling process, including the checking of the unused ballot papers and issuance of ballot papers to electors, so as to forestall the occurrence of irregularities and to enhance the transparency of the whole polling process.

- (2) On the polling day of the 2016 Legislative Council general election, EAC received complaints from a total of about 180 electors who claimed that they were unable to cast their votes in the District Council (second) functional constituency ("DC (second) FC"). REO, after checking the relevant records, found that all the electors concerned had chosen not to be registered as an elector for the DC (second) FC when submitting their applications for voter registration or change of registration particulars during previous voter registration cycles. REO acted in accordance with their wishes and did not include them in the 2016 final register for the DC (second) FC. As a result, these electors were only eligible to vote in the geographical constituencies.
- (3) For the 2016 Legislative Council general election, REO found that there were obvious discrepancies between the cumulative voter turnout figure and the number of actual ballot papers counted in five polling stations, namely the Sheung Tak Community Hall in Sai Kung, the Wan Tau Tong Neighbourhood Community Centre in Tai Po, CCC Kei Wai Primary School (Ma Wan) in Tsuen Wan, Sham Tseng Catholic Primary School in Tsuen Wan, and Hong Kong Teachers' Association Lee Heng Kwei Secondary School in Tai Po.

REO is conducting an investigation into the incident as instructed by EAC. The findings of the investigation will be included in the election report.

Moreover, while there were still electors queuing for ballot papers at some 200 polling stations at 10:35 pm (i.e. five minutes after the end of the polling hours) on the polling day of the 2016 Legislative Council general election, voting procedures at most of these polling stations completed before 11:00 pm. As at 11:00 pm that night, there were a total of 38 polling stations with electors who had not completed the voting procedures. The names of the polling stations involved are set out in Annex. As the voter turnout was notably higher in this election, (*Some people were yelling outside the Chamber*) coupled with the fact that there were relatively more electors casting their votes at later hours on the polling day, the queues formed at some polling stations were longer than those in the past elections. Besides, some polling stations could not cope with all electors who came to vote within a short period of time due to their size and capacity, and resulted in longer waiting time for electors. EAC is reviewing the arrangements of the polling stations and will propose improvement measures accordingly.

Annex

<i>List of polling stations with electors who had not completed the voting procedures at 11:00 pm of the polling day of the 2016 Legislative Council general election</i>		
<i>Code and Name of Geographical Constituency</i>	<i>Polling Station Code</i>	<i>Place designated as Polling Station</i>
LC1 Hong Kong Island	A0901	Victoria (Belcher) Kindergarten
	A1301	San Wui Commercial Society School
	C0101	Eastern District JPC Club House
	C0201	St. Anna Anglo-Chinese Kindergarten
	C0202	Tai Koo Shing Post Office
	C0301	Sai Wan Ho Health Centre

<i>List of polling stations with electors who had not completed the voting procedures at 11:00 pm of the polling day of the 2016 Legislative Council general election</i>		
<i>Code and Name of Geographical Constituency</i>	<i>Polling Station Code</i>	<i>Place designated as Polling Station</i>
LC2 Kowloon West	E0501	Yaumati Catholic Primary School (Hoi Wang Road)
	E0801	Hong Kong Society for the Protection of Children BOC Nursery School
	F2302	Chak On Centre, City University of Hong Kong
LC3 Kowloon East	H0602	PLK Mrs Maria Cheung Lifelong Learning Institute for the Senior
	H1201	Price Memorial Catholic Primary School
	H1301	Ho Tak Kindergarten (Sponsored by Sik Sik Yuen)
	H2002	Hong Kong Playground Association Jockey Club King Fu Integrated Service Centre For Children & Youth
	J1301	Chan Mung Yan Lutheran Kindergarten
	J2501	Sai Tso Wan Neighbourhood Community Centre
	J2601	Lam Tin (West) Estate Community Centre
	J3501	The Hall, Cheerful Court
LC4 New Territories West	K0301	Shak Chung Shan Memorial Catholic Primary School
	K0701	Chai Wan Kok Catholic Primary School
	K1001	Sham Tseng Catholic Primary School
	K1301	CCC Kei Wai Primary School (Ma Wan)
	L1801	FDBWA Chow Chin Yau School
	S1902	CCC Yenching College
	S2302	Study Room, Mayfair Gardens

<i>List of polling stations with electors who had not completed the voting procedures at 11:00 pm of the polling day of the 2016 Legislative Council general election</i>		
<i>Code and Name of Geographical Constituency</i>	<i>Polling Station Code</i>	<i>Place designated as Polling Station</i>
LC5 New Territories East	P0302	HKRSS Tai Po Secondary School
	P1001	Hong Kong Teachers' Association Lee Heng Kwei Secondary School
	P1801	Tai Mei Tuk Village Office
	P1802	Shuen Wan Chim Uk Village Office
	Q1101	POH 80th Anniversary Tang Ying Hei College
	Q2401	Sheung Tak Community Hall
	Q2602	Lohas Park Community Hall
	R0501	Pentecostal Lam Hon Kwong School
	R1501	GCCITKD Lau Pak Lok Secondary School
	R2101	PLK Siu Hon Sum Primary School
	R2302	Yan Oi Tong H.K. Toi Shan Association Elderly Centre
	R2901	Lee On Community Hall
	R3301	Tak Sun Secondary School
	R3701	LKWFSL Wong Yiu Nam Primary School

PRESIDENT (in Cantonese): There are clashes outside the Chamber. For safety reasons, I now suspend the meeting.

1:07 pm

Meeting suspended.

1:16 pm

Council then resumed.

ADJOURNMENT OF MEETING

PRESIDENT (in Cantonese): As the clashes outside the Chamber are still unsettled, I now adjourn the meeting until next week for safety reasons.

Adjourned accordingly at 1:17 pm.

Note of meeting:

Written answers to Questions 7 to 22 for this meeting are set out at Appendix.

Annex I



(只備中文本)
(in Chinese only)

呈
香港特別行政區
立法會主席及全體議員

呈請書
(根據議事規則第 20 條提交)

澳洲媒體於 2014 年 10 月 8 日報導，行政長官梁振英在 2011 年參選特首期間，與澳洲企業 UGL 簽訂秘密協議，收取該企業 400 萬英鎊秘密費用，並於在任期間分兩期收取有關款項。

但事件發生至今，仍有不少疑團仍未解開，包括為何行政長官沒有根據《基本法》第 47 條，透過終審法院首席法官及行政會議利益申報制度，就協議或所收取款項作出申報；協議條款內涉及的酬勞及為商業機構提供服務，會否與行政長官的身份構成利益衝突；以及協議內訂明的酬金中，有那些屬於應繳稅項目。但行政長官及政府當局一直未有提交充足資料，向公眾詳細交待。因此，立法會有必要繼續跟進事件。

我們懇請各位議員支持，在立法會轄下成立一個專責委員會，調查上述事宜。

呈請人：

梁繼昌
尹兆堅

2016 年 10 月 14 日

Appendix

WRITTEN ANSWERS TO QUESTIONS**Development of Site 3 of the new Central harbourfront**

7. **MS TANYA CHAN** (in Chinese): *President, at its meeting on the 30th of September this year, the Metro Planning Committee of the Town Planning Board agreed to the Draft Planning Brief for the Comprehensive Development Area zone at Site 3 of the new Central harbourfront. The site is earmarked for commercial development and the General Post Office ("GPO") building, which has occupied that site for nearly 40 years, will have to be demolished. The developer will be required to construct the district-tied facilities of GPO (including the GPO Counter Office and the Post Office Box Section, the GPO Delivery Office, and the Speedpost Section) on a location north of Lung Wo Road within Site 3. The existing GPO building will be demolished after those facilities have been handed over to Hong Kong Post for use. In this connection, will the Government inform this Council:*

- (1) of the procedure, and its details, to be followed by the Government for granting the development project at Site 3 to the developer; the reasons why the Government will entrust the design and construction of the district-tied facilities of GPO to the developer;*
- (2) of the details and outcome of the public consultations conducted in the past by the Government in respect of the development project; and*
- (3) whether it has assessed the quantity of construction waste to be generated by the demolition of the existing GPO building, and how the authorities will dispose of such construction waste?*

SECRETARY FOR DEVELOPMENT (in Chinese): *President, Site 3 of the new Central Harbourfront ("Site 3") is one of the eight key sites in the study area of Planning Department's ("PlanD") Urban Design Study for the New Central Harbourfront ("UDS"). The study was commissioned in 2007 in response to the request of the Town Planning Board ("TPB") and completed in March 2011. Through comprehensive public engagement, the study refined the urban design*

framework for the new Central harbourfront and provided guidance to the detailed planning and design of the eight key sites. The UDS recommended Site 3 to be developed comprehensively for a commercial development mainly for office and retail uses with the provision of a landscaped pedestrian deck, public open space and other supporting facilities. The Government is gradually taking forward long-term development of Site 3 in accordance with the recommendations of the UDS. The General Post Office ("GPO") building, currently situated in the part of Site 3 to the south of Lung Wo Road, would be demolished after suitable reprovisioning, to facilitate the development of Site 3 according to the planned design.

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

- (1) Based on the design concept of Site 3 recommended under the UDS, the Government prepared a planning brief setting out the broad development parameters and the planning and design requirements of the site and submitted the brief to the Metro Planning Committee ("MPC") of the TPB for consideration on 30 September 2016. The MPC agreed PlanD to consult the Central and Western District Council ("C&WDC") and the Harbourfront Commission ("HC") on the draft planning brief. After consultation, the Government would review the draft planning brief, make suitable amendments if necessary, and submit the brief to the MPC for further consideration and endorsement. The Government will put up Site 3 for public sale after completing the planning and other relevant procedures.

In parallel, the work related to reprovisioning of the GPO building is in progress. The reprovisioning would be divided into two parts: the Government plans to reprovision Hongkong Post Headquarters at the Government land near the Central Mail Centre in Kowloon Bay; as for district-tied postal facilities (viz. GPO Delivery Office, Speedpost Section, GPO Post Office Counters and Post Office Box Section), they would be reprovisioned in the part of Site 3 to the north of Lung Wo Road. The reprovisioned postal facilities should align with the design concept of Site 3. The planning brief therefore requires the developer to holistically design and construct the facilities within the development, and hand over the facilities to Hongkong Post after completion for continued and uninterrupted provision of postal services.

- (2) During the UDS, the Government completed two stages of a comprehensive public engagement ("PE") exercise in 2007 and 2008 respectively. During the PE process, the Government presented to the public design concepts of individual key sites including that for Site 3. The proposed design concepts of Site 3 required demolishing existing buildings including the GPO building for redevelopment.

The Stage 1 PE of the UDS was conducted between May and September 2007 and it invited public views on the urban design objectives and issues, sustainable design assessment frameworks and urban design considerations for the key sites. A series of public engagement activities were arranged including a focus group workshop for professional and academic institutions, community engagement forum, public exhibition, and so on. PlanD also briefed and consulted the TPB, the former Harbour-front Enhancement Committee ("HEC"), relevant District Councils and other relevant advisory bodies. A questionnaire survey was also undertaken.

The Stage 2 PE was conducted between April and August 2008 to collect public views mainly on the refined urban design framework, as well as design concepts for key sites including Site 3. The public engagement activities organized included large scale public exhibitions, roving exhibitions, a focus group workshop and a community engagement forum. We also collected public views through comment cards, telephone polls, face-to-face interviews, as well as invitation of written submissions. The Government also conducted briefing sessions for the TPB, HEC, the Antiquities Advisory Board, all 18 District Councils, academic and professional institutes, and other relevant public and advisory bodies.

During the two-stage PE, the Government briefed the Legislative Council former Panel on Planning, Lands and Works Subcommittee to Review the Planning for the Central Waterfront (including the Tamar Site), Panel on Home Affairs and Panel on Development on 28 June 2007, 11 April 2008 and 22 April 2008 respectively and listened to Members' views.

As pointed out in the "Final Report of the Urban Design Study for the New Central Harbourfront Stage 2 Public Engagement Public Opinion Collection Exercise", the design concepts for Site 3 were generally supported. After completing Stage 2 PE, the Government also briefed the Legislative Council Panel on Development former Subcommittee on Harbourfront Planning, relevant District Council, HEC and the TPB in 2009 and 2010 on the result of the PE exercise, the recommended revised design concepts for the key sites and the revised Master Layout Plan ("MLP"). After undergoing a comprehensive consultation process, PlanD made public the final report of the UDS in March 2011, which made detailed recommendations on the MLP for the new Central harbourfront and design concepts of key sites including Site 3. The recommended design concept for Site 3 that was finally adopted included a continuous landscaped deck and associated pedestrian connections linking the core area of Central with the new Central harbourfront. Retaining existing buildings within the site including the GPO building would render the design concept impracticable.

After a series of preparations and studies, the Government prepared the draft planning brief for Site 3 in September 2016 in accordance with the recommendations of the UDS and consulted C&WDC and HC.

- (3) The part of Site 3 to the south of Lung Wo Road would be handed over to the developer after completion of the development in the part of Site 3 to the north of Lung Wo Road and relocation of existing facilities in the GPO building. The developer is required by the Town Planning Ordinance to make a MLP submission to the TPB for approval before commencing the overall construction works. The developer needs to demolish the GPO building during development, and handle construction waste arising from the development in accordance with existing statutory requirements. The Government would also consider requiring the developer to prepare a waste management plan for the demolition of vacant buildings in Site 3 in accordance with relevant waste reduction guidelines and technical circular of the Government.

Impact of the commissioning of the Kwun Tong Line Extension and the South Island Line (East) on public transport services

8. **MR FRANKIE YICK** (in Chinese): *President, under the current public transport policy of the Government, railway is the backbone of our public transport system. Also, the railway network has continued to expand in recent years, including the Kwun Tong Line Extension and the South Island Line (East), which are expected to be commissioned in October and at the end of this year respectively. It is learnt that the Transport Department ("TD") has assessed the impact of the two railway lines on other public transport services and formulated reorganization plans in respect of the public transport services ("reorganization plans"). However, some operators of red minibuses ("RMBs") and taxis have relayed that such reorganization plans only focused on services provided by franchised buses and green minibuses ("GMBs") and overlooked the serious impact on the business opportunities of RMBs and taxis which will be caused by the commissioning of new railway lines. For instance, it is estimated that the patronage of RMBs and taxis plying Kwun Tong District will drop by 50% and 10% respectively, with some RMB routes even having to cease operation, thereby affecting the livelihood of some 50 minibus drivers and reducing the choices of public transport services available for residents of the district. In this connection, will the Government inform this Council:*

- (1) *whether TD has assessed the impact of the commissioning of the Kwun Tong Line Extension on the patronage of various public transport services (including RMBs, taxis, GMBs and franchised buses) in the districts concerned; if TD has, of a breakdown of the relevant information by type of public transport services;*
- (2) *whether TD, when formulating the public transport reorganization plan in respect of the Kwun Tong Line Extension, has discussed the new transport arrangements with the operators of the public transport services concerned (including RMBs and taxis); if TD has, of the details; if not, the reasons for that;*
- (3) *whether TD has consulted the operators concerned regarding the impact that the commissioning of the South Island Line (East) will cause on the various public transport services in the relevant*

districts; if TD has, of the details; if not, the reasons for that, and when such consultation will be conducted; and

- (4) *whether TD will consider setting up additional pick-up/drop-off points for RMBs and taxis as well as relaxing the time period of prohibited zones in districts covered by new railway lines, with a view to lessening the extent to which the business opportunities of such public transport services are reduced due to the expansion of the railway network; if TD will, of the details; if not, the reasons for that and what improvement measures are in place?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the Government has been coordinating various public transport services to enhance the efficiency of the overall transport network. Before the completion of new railway lines, the Transport Department ("TD") would assess the impact of the commissioning of the new railway lines on other road-based public transport services, and would formulate reorganization plans to enhance the operational efficiency of different public transport services and strengthen their coordination. Road-based transport modes and railways can better complement one another to provide efficient services for the public. This is also conducive to alleviating road traffic congestion and reducing roadside air pollution.

My reply to the various parts of Mr Frankie YICK's question is as follows:

- (1) to (3)

The travelling pattern of passengers is expected to change significantly upon the commissioning of the Kwun Tong Line Extension ("KTE") and the South Island Line (East) ("SIL(E)"). Some of the residents who are currently using road-based public transport modes (including franchised buses, green minibuses ("GMBs"), taxis and red minibuses ("RMBs")) for interchange with the Mass Transit Railway ("MTR") will be able to walk to the new MTR stations for direct access to railway services. The new railway lines will also attract some passengers originally using

road-based public transport modes to use railway services. Hence, there will be notable changes in the patronage of different public transport modes in the districts concerned. TD has completed assessment in this regard.

Currently, the daily patronage of road-based public transport services in Ho Man Tin District and Whampoa District is around 750 000 passenger trips. Upon the commissioning of the KTE, its daily patronage is estimated to be around 180 000 passenger trips. TD will implement the public transport reorganization plan in phases in view of the actual changes in patronage. The reorganization plan includes the introduction of four new feeder GMB routes serving the new MTR stations and cancellation of one franchised bus route and one GMB route which overlap with the service area of the new railway services. In addition, the frequencies of 33 franchised bus routes and 13 GMB routes will be adjusted and one franchised bus route will be truncated. As regards the public transport reorganization arrangement for the commissioning of SIL(E), TD is formulating the plan with reference to the views collected.

For the impact of the commissioning of KTE and SIL(E) on public transport services in the areas concerned, TD has been maintaining close communication with relevant operators and discussing the formulation of the public transport reorganization plans with the franchised bus companies and GMB operators concerned. Regarding RMBs and taxis, although their services do not have fixed routes, TD introduced to the urban taxis trade and RMB trade respectively the alignment and station locations of KTE and SIL(E), as well as the pick-up and drop-off facilities for RMBs and taxis outside the stations in the four conferences with the trade held in the past three years. TD also encourages taxi and RMB trades to actively expand new customer base for feeder services to railway stations, so as to reduce the impact of the commissioning of KTE and SIL(E) on taxi and RMB services. TD will continue to closely liaise with various public transport operators and coordinate the provision of different public transport services. It is noteworthy

that since the operation areas and routings of RMBs and taxis are basically not subject to regulation, the level of impact on their operation will be relatively smaller than that on franchised buses and GMBs.

- (4) In view of the commissioning of KTE and SIL(E), TD will provide a number of pick-up and drop-off facilities for RMBs and taxis adjacent to the new railway stations. Details are set out at Annex. After the commissioning of the new railway lines, TD will closely monitor the traffic condition and passenger demands outside the stations. TD will consider suitably adjusting the arrangement of pick-up and drop-off facilities where necessary, so that passengers can use the new railway services more conveniently.

As for the proposal to relax the time period of restricted zones, TD at present has already allowed taxis to pick up and drop off passengers at restricted zones during peak hours and from 7:00 am to 7:00 pm or 8:00 pm by way of issuing permits. This arrangement is applicable throughout the territory. Hence, taxis are able to carry passengers at restricted zones adjacent to new railway stations. As RMBs do not have fixed routes, frequencies and fares, operators can, having regard to the actual situation, flexibly adjust routes and service arrangements, including making use of the pick-up and drop-off facilities set out at Annex to provide feeder services to new railway stations.

In order to assist the trade in improving their operating environment, TD has been implementing various measures, which include encouraging RMBs to convert to GMBs, allowing RMBs to park at suitable public light bus stands during non-peak hours, planning more GMB services for the trade to apply, and encouraging the trade to explore non-fare revenues (such as advertisement on vehicle body). TD will continue to maintain close communication with the trade.

Pick-up and Drop-off Facilities for
Red Minibus and Taxi Adjacent to New Railway Stations
of Kwun Tong Line Extension and South Island Line (East)

Kwun Tong Line Extension

- Ho Man Tin Station
- (i) Public light bus stand in Station Lane (near Exit B1)
 - (ii) General loading and unloading bay in Chung Hau Street (near Exit B2)
 - (iii) Taxi stand on Valley Road near Chatham Road North (near Exit B1)
 - (iv) Taxi pick-up and drop-off point in Chung Hau Street (near Exit B2)

- Whampoa Station
- (i) Public light bus stand in Bulkeley Street (near Exit B)
 - (ii) Taxi pick-up and drop-off point in Baker Street near Wu Kwong Street (near Exit B)
 - (iii) Taxi pick-up and drop-off point in Tak Man Street near Hung Hom Road (near Exit B) (anticipated completion in the first quarter of 2017)
 - (iv) Taxi stand in Tak On Street outside Whampoa Garden Shopping Centre (near Exit C2)

South Island Line (East)

- Ocean Park Station
- (i) Public light bus stand on Ocean Park Road (near Exit A)
 - (ii) Cross harbour taxi stand and ordinary taxi stand adjacent to the main entrance of Ocean Park (near Exit B)

- Wong Chuk Hang Station
- (i) General loading and unloading bay on Heung Yip Road (near Exit A)
 - (ii) Public light bus stand on Police School Road

- Lei Tung Station
- Taxi stand on Lei Tung Estate Road outside Lei Tung Shopping Centre (near Exit B)

- South Horizons Station
- General loading and unloading bay on Yi Nam Road outside South Horizons East Shopping Centre (near Exit A)

Transport services for the Pak Shek Kok area

9. **MR CHAN HAK-KAN** (in Chinese): *President, upon the successive completion and intake of several housing estates including Providence Bay, The Graces*

• *Providence*

years, the population of the Pak Shek Kok area has exceeded 20 000. Given that about 4 500 new flats will be completed in the district in the coming few years, and two new buildings of the Hong Kong Science Park will also be completed soon, quite a number of residents of the district have relayed to me that the external transport services for the Pak Shek Kok area will be overloaded. In this connection, will the Government inform this Council:

- (1) *whether the authorities will reassess if there is a need to construct the Science Park Station along the MTR East Rail Line;*
- (2) *given that the current trip frequencies of the external bus and green minibus services for the Pak Shek Kok area are on the low side (e.g. with headway at an interval of one hour), and more than half of such bus routes provide peak-only services, whether the authorities will enhance the external public transport services for that area;*
- (3) *whether the authorities will consider arranging some trips of the franchised bus routes passing by Tolo Highway (such as Route No. 271 running to and from Fu Heng and Canton Road, Tsim Sha Tsui, Route No. 307 running to and from Tai Po Centre and Central Ferry Piers, and Route No. N271 running overnight service to and from Fu Heng and Hung Hom Station) to detour to the Pak Shek Kok area, so as to facilitate residents of the area to commute to and from Kowloon West and the Hong Kong Island; and*
- (4) *given that the existing franchised bus services connecting the Pak Shek Kok area and the University Station cannot meet the demand, quite a number of members of the public have proposed introducing residents' bus services or green minibus services connecting the Pak Shek Kok area and the University Station, whether the authorities will consider such proposals; if they will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, it is the Government's policy for private operators to provide public transport services on commercial principles for maximizing their operational cost-efficiency. When striving for continuous improvement to their services to satisfy the demand, public transport operators should properly deploy resources so as to cater for the financial sustainability of their operation. Our consolidated reply to various parts of the question by Mr CHAN Hak-kan is as follows:

The Transport and Housing Bureau published the Railway Development Strategy 2014 ("the Strategy") in September 2014. Having regard to transport demand, cost-effectiveness and the development needs of New Development Areas such as Kwu Tung North, Hung Shui Kiu and Tung Chung, the Strategy recommends that seven new railway projects be completed in the planning horizon up to 2031, including the Northern Link and Kwu Tung Station, the Tuen Mun South Extension, the East Kowloon Line, the Tung Chung West Extension, Hung Shui Kiu Station, the South Island Line (West) and the North Island Line.

Before the announcement of the Strategy, we conducted two stages of public engagement exercises in 2012 and 2013 respectively and received over 11 000 written submissions, including the suggestion of adding Pak Shek Kok or Science Park Station along the East Rail Line. The consultant commissioned by the Government had already taken into account the population growth brought by the new developments in the vicinity of Pak Shek Kok when assessing the suggestion. According to the consultant's analysis, the financial viability and economic benefits of such suggestion were poor due to the lack of transport demand, and therefore the suggestion was not included in the Strategy. The results of this assessment remain valid.

Notwithstanding the above, the Transport Department ("TD") has all along been planning our road-based public transport services having regard to district developments and demographic changes. Specifically, if an area without direct access to railway services is expected to see population growth following the completion of new residential development projects, TD will strengthen the road-based public transport services in a timely manner in tandem with the pace of the population growth (such as by introducing new franchised bus/green minibus ("GMB") routes and adjusting existing services) for meeting the demand for public transport services arising from the new population. Upon population intake for the new residential developments, TD will also regularly review the

actual patronage and work with the franchised bus companies to examine proposals for improving franchised bus services in the area concerned under the annual Route Planning Programme ("RPP"). In doing so, TD will make reference to the Guidelines on Service Improvement and Reduction in Bus Route Development Programmes and consult the Traffic and Transport Committee under the respective District Council on the proposals. TD will also consider proposals for strengthening GMB and other road-based public transport services in the light of the patronage changes in a timely manner where necessary.

TD has adopted the same arrangement in planning the road-based public transport services for the Pak Shek Kok area. According to the approved Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/13, the total planned population of the area is around 20 200. Currently, the four completed residential development projects (i.e. Providence Bay, The Graces Providence Peak and Mayfair By The Sea) in Pak Shek Kok comprise a total of 2 314 residential units, representing about 40% of the ultimate total GFA planned for the area.

• Providence

TD has been closely monitoring the development and trends of transport demand in Pak Shek Kok, and strengthened the public transport services progressively in tandem with the population growth in the area. In planning the transport services for the MTR University Station nearby, TD has also endeavoured to make good use of the feeder function of the public transport services to/from Pak Shek Kok to facilitate residents' access to the railway station for convenient interchange with railway services. Furthermore, TD has approved residents' service ("RS") which provide supplementary services for the respective residential developments to meet passenger demand which cannot be satisfied by other public transport services during peak hours.

Pak Shek Kok is currently served by a total of eight franchised bus and GMB routes. Among them, seven routes provide services between Pak Shek Kok and various areas in Kowloon/the New Territories (some of which also operate via MTR University, Fo Tan and Sha Tin stations); three of them provide whole-day services while the other four operate during peak hours. The remaining route provides whole-day circular service between MTR University Station and Pak Shek Kok to facilitate interchange with the East Rail Line for access to various districts across the territory. In addition, the residential developments in Pak Shek Kok operate a total of four RS routes to provide their

residents with whole-day direct services to/from Tai Po Market and direct services to/from MTR Olympic Station during peak hours. Details of the aforesaid 12 franchised bus, GMB and RS routes are set out at Annex.

The operators have strengthened the services of franchised buses and GMBs in Pak Shek Kok to meet passenger demand. In fact, since population intake for the first residential development in Pak Shek Kok in 2013, the franchised bus operators have introduced two routes in 2014 and another two routes in 2015 (i.e. a total of four routes) that operate in the area. Under the 2016-2017 RPP, the Kowloon Motor Bus Company (1933) Limited (KMB) plans to operate special departures under a new route (Route No. 271B) plying between Tsim Sha Tsui and Tai Po (Fu Heng) during peak periods via Pak Shek Kok⁽¹⁾, thereby enhancing the public transport services for the area. Having consulted the District Council, KMB expects to formally commence this new route by end 2016. As regards GMB services, ever since extending its route to Pak Shek Kok two years ago (i.e. in 2014), the New Territories GMB Route No. 27A (plying between Pak Shek Kok and Sha Tin) has enhanced its frequencies since August last year and introduced special departures via MTR University Station during morning and afternoon peak hours since January this year. Details of the new routes and service enhancements are at Annex.

At present, the average peak-hour occupancy rates of franchised bus and GMB whole-day routes serving Pak Shek Kok range from around 15% to 60% (whereas that for the franchised bus route to/from MTR University MTR station is around 20% to 30%). Meanwhile, the average occupancy rates of peak-only special departures range from around 20% to 75%. In general, the existing public transport services can satisfy the demand from the completed residential developments.

TD will continue to monitor the patronage on the road-based public transport services in Pak Shek Kok, and adjust/strengthen their services to meet passenger demand in a timely manner where necessary.

- (1) The route will comprise two trips departing from Tsim Sha Tsui to Tai Po (Fu Heng) with en route stops in Pak Shek Kok in the morning peak hours; and two trips from Tai Po (Fu Heng) to Tsim Sha Tsui with en route stops in Pak Shek Kok in the afternoon peak hours.

Annex

Details of franchised bus, green minibus and residents' service routes
serving Pak Shek Kok

<i>Franchised Bus/GMB/RS Route</i>	<i>Destination</i>	<i>Frequency</i>	<i>Date of Introduction/Service Enhancement</i>
Routes providing whole-day services			
KMB route no. 272A	University Station—Pak Shek Kok (Providence Bay) (Circular)	Every 20 to 30 minutes	Introduced in March 2013, with frequency enhancement in the morning peak hours on Monday to Friday since July 2014 and extension of service hours since September 2014.
KMB route no. 74D	Tai Po (Kau Lung Hang)—Kwun Tong Ferry	Every 60 minutes	Introduced in December 2014.
New Territories GMB route no. 27A	Pak Shek Kok (Providence Bay)—Sha Tin (Pai Tau Street)	Every 12 to 20 minutes (with special departures via University Station in the morning and evening peak hours)	Re-routed to serve the Pak Shek Kok residential area since March 2014, with frequency enhancement since August 2015, and introduction of special departures via MTR University Station in the morning and evening peak hours since January 2016.
GMB route no. 28S	Pak Shek Kok (Providence Bay)—Sha Tin (Pak Hok Ting Street) (Circular)	Every 30 to 45 minutes	Introduced in March 2014.

<i>Franchised Bus/GMB/RS Route</i>	<i>Destination</i>	<i>Frequency</i>	<i>Date of Introduction/Service Enhancement</i>
RS route no. NR530	Providence Bay—Tai Po Market (Circular)	Every 30 minutes	Introduced in July 2013 to serve Providence Bay and Providence Peak, with frequency enhancement to serve The Graces Providence Bay since September 2014.
RS route no. NR534	Mayfair by the Sea—Tai Po Market (Circular)	Every 30 minutes	Introduced in May 2016.
Routes providing peak-only services			
KMB route no. 74P	Kwun Tong Ferry—Tai Po Central	Monday to Friday (except public holidays): One trip is operated at 8:00 am from Kwun Tong to Tai Po	Introduced in December 2014.
KMB route no. 272P	Tai Po (Fu Heng)—Kwai Hing	Monday to Saturday (except public holidays): One trip is operated at 7:15 am from Tai Po to Kwai Hing	Re-routed to serve Pak Shek Kok with the terminus relocated from Cheung Sha Wan to Kwai Hing since January 2015.
KMB route no. 274P	Wu Kai Sha Station—Tai Po Industrial Estate	Monday to Saturday (except public holidays): Three trips are operated at 7:20 am, 7:40 am and 7:55 am from Wu Kai Sha Station to Tai Po Monday to Friday (except public holidays): Two trips are operated at 5:45 pm and 6:05 pm from Tai Po to Wu Kai Sha Station	Introduced evening peak service since July 2016.

<i>Franchised Bus/GMB/RS Route</i>	<i>Destination</i>	<i>Frequency</i>	<i>Date of Introduction/Service Enhancement</i>
Long Win Bus route no. A47	Tai Po (Fu Heng)—Airport (Ground Transportation Centre)	Every day: One trip is operated at 7:10 am from Tai Po to Airport, and one trip is operated at 6:15 pm from Airport to Tai Po	Introduced in December 2015, with the departure time of the evening trip adjusted from 6:00 pm to 6:15 pm since August 2016.
RS route no. NR531	Providence Bay—MTR Olympic Station	Monday to Friday (except public holidays): Six trips are operated between 7:15 am and 8:00 am from Providence Bay to MTR Olympic Station Monday to Friday (except public holidays): Six trips are operated between 7:00 pm and 8:30 pm from MTR Olympic Station to Providence Bay	Introduced in January 2014 to serve Providence Bay and Providence Peak, with frequency enhancement to serve The Graces Providence Bay since September 2014.
RS route no. NR535	Mayfair by the Sea—MTR Olympic Station	Monday to Friday (except public holidays): Two trips are operated at 7:15 am and 7:45 am from Mayfair by the Sea to Olympic Station Monday to Friday (except public holidays): Two trips are operated at 7:00 pm and 8:00 pm from Olympic Station to Mayfair by the Sea	Introduced in May 2016.

Compliance with Fire Safety Directions by owners of old buildings

10. **MR WU CHI-WAI** (in Chinese): *President, the Fire Safety (Buildings) Ordinance (Cap. 572), which came into operation on 1 July 2007, stipulates that the fire protection of composite and domestic buildings which were constructed on or before 1 March 1987, or the building works plans for which were first submitted for approval on or before that day, must be enhanced to meet the current requirements. The authorities will issue Fire Safety Directions ("FSDs") to the owners and/or occupiers of such buildings, specifying the fire safety improvement works required for their buildings. Besides, the authorities have issued a Guidebook for the Compliance of Fire Safety Directions issued by the Fire Services Department ("the Guidebook") to assist owners in complying with FSDs. It is learnt that quite a number of owners have encountered difficulties in improving the fire service facilities of their buildings, and such difficulties include fragmentation of ownerships, financial difficulties, and failure to identify suitable fire service installation contractors to carry out the works. Some owners have even indicated that it is difficult for them to comply with FSDs as they are unclear about the criteria mentioned therein. On the other hand, the authorities advised Members of this Council on many previous occasions that the authorities would, on the premise of not compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. In this connection, will the Government inform this Council:*

- (1) *given that the Government is implementing a pilot scheme under which owners of buildings of not more than three-storey with difficulties in installing fire services water tanks and pumping systems are allowed to install improvised hose reel systems on the ground floor of the buildings, in order to comply with FSDs, and that an official of the Security Bureau said at a meeting of the Panel on Security of this Council in July this year that the Government would explore the feasibility of extending the pilot scheme to six-storey buildings, of the progress of the exploration work taken up by various Government departments concerned and when such work is expected to be completed;*
- (2) *among the FSDs issued by the Fire Services Department and the Buildings Department in each of the past three years, of the respective numbers of FSDs which, at present, (i) have been complied with, (ii) have been partially complied with, (iii) have not*

been complied with, and (iv) have been discharged and the reasons for that (set out in a table); and

- (3) *given that the Guidebook sets out an alternative arrangement that where a building (i) is of not more than six storeys or 20 metres in height and (ii) does not have adequate space or has been certified by authorized persons that its structure cannot withstand the weight of an additional water tank, the authorities will consider exempting such a building from installing a hose reel system, and the owners concerned are only required to provide portable dry powder fire extinguishers with a capacity of four kilograms in the common areas of building floors, whether the authorities will, in regard to the difficulties in complying with FSDs encountered by owners of "three-nil" buildings (i.e. buildings without Owners' Corporations, residents' organizations or property management companies), or by other owners facing financial difficulties and being unable to identify suitable fire service installation contractors to carry out the works, extend the alternative arrangement to cover the buildings concerned as an interim measure, so that owners will not be prosecuted by the authorities for the time being for their failure to fully comply with FSDs?*

SECRETARY FOR SECURITY (in Chinese): President, the Fire Safety (Buildings) Ordinance (Cap. 572) ("the Ordinance") came into operation on 1 July 2007. It stipulates that the fire safety protection of composite and domestic buildings which were constructed on or before 1 March 1987, or with their plans of the building works first submitted for approval on or before that day, should be enhanced to meet the current requirements. Under the Ordinance, the enforcement authority on fire safety measures in relation to planning, design and construction of buildings is the Director of Buildings, while the enforcement authority on fire service installations and equipment ("FSIs") is the Director of Fire Services. The Fire Services Department ("FSD") and the Buildings Department ("BD") will issue "Fire Safety Directions" (Directions) to owners and/or occupiers with regard to fire safety measures of the relevant buildings and specify the required fire safety improvement works.

My reply to the various parts of Mr WU's question is as follows:

- (1) As far as composite buildings of three storeys or less are concerned, FSD requires owners of parts intended for non-domestic purposes (street shops and cocklofts in general) to install hose reel systems; manual fire alarm systems, fire service water tanks with an effective capacity of not less than 2 000 litres and fire service pumps.

FSD noted that these older buildings may be subject to greater spatial or structural constraints in the installation of fire service water tanks and pumps. In the light of this, FSD and the Water Supplies Department ("WSD") introduced a "Pilot Scheme on Improvised Hose Reel System" in May last year, tested out first a few three-storey buildings. The owners of these buildings were allowed to install improvised hose reel systems with direct water supply from the government town mains on the ground floor of the buildings, thus being spared the installation of fire service water tanks and pumps. This can help reduce the works costs as well as resolve the technical difficulties and ownership issues associated with the works.

Following the completion of the works of the first participating building of the Pilot Scheme were completed, FSD and WSD evaluated the Pilot Scheme and concluded in July this year that the Scheme was effective. As a result, FSD is promoting the Improvised Hose Reel System to stakeholders, including owners of other suitable old composite buildings of three storeys or less and the FSI contractors' sector, with a view to assisting the owners to achieve early compliance with the requirements of the Directions to enhance the fire safety of their buildings.

To assist owners of composite buildings of four to six storeys to effectively comply with the relevant requirements of the Ordinance, FSD is, in collaboration with other relevant departments, actively exploring the feasibility of various alternative proposals, taking into account the difficulties faced by owners, such as spatial constraints, technical requirements, overall works approval procedures, works costs, etc.

- (2) The number of Directions issued by FSD and BD as well as the number of Directions complied with or discharged between 1 January 2014 and 30 September 2016 are tabulated at Annex.

Under the current mechanism, FSD and BD conduct compliance inspections on the improvement works/items as required in the Directions. If the improvement works fulfil all the requirements of the Directions, the departments will notify the owners/occupants in writing of their compliance. However, Directions with requirements partially complied with will be deemed non-compliance cases. Therefore, the departments do not have a breakdown of the number of Directions partially complied with and those totally not complied with.

FSD and BD may, having regard to the actual circumstances, discharge the Directions issued. Examples include changes in ownership or occupants of individual units or demolition of the buildings. Furthermore, if an owners' corporation ("OC") is set up for a building after the issue of the Directions, the departments will discharge the Directions issued to individual owners earlier, and issue a Direction to the OC instead, for its coordination and commencement of the fire safety improvement works.

- (3) Improvement of FSIs as required under the Ordinance is a basic fire protection measure, and is imperative for reducing fire risks and for the protection of life and property. For example, installation of a fire hydrant/hose reel system is crucial for fire safety of a building as it can effectively control the spread of fire in a building at the initial stage of a fire. As such, FSD considers that owners of old buildings should not be arbitrarily exempted from the requirement of installing fire hose reel systems in their buildings. Also, a fire extinguisher provides limited fire protection due to limitations of its size and quenching distance and should not be regarded as a full replacement of a fire hose reel system.

However, if the target building is found lack of space, or an authorized person/registered structural engineer confirms that the building structure is unable to support the installation of an

additional fire service water tank, FSD will consider exempting the building from the requirement of providing fire hydrants and/or hose reel systems, and will consider accepting alternative proposals such as providing manual fire alarm and fire extinguishers.

Against the overriding principle of enhancing fire safety, FSD and BD will continue to adopt a flexible and pragmatic approach in handling individual cases. If the relevant owners need more time to prepare for and carry out the improvement works, for example, due to the time needed to form an OC, the departments will consider applications for reasonable extension of time for compliance with the Directions in the light of the justifications provided and/or the scale of works involved and so forth. Government departments concerned will assist owners of old buildings in complying with the Directions. Publicity and educational activities will also be conducted through various channels to enhance public understanding of the objective of the Ordinance and the importance of improving fire safety in old buildings.

Annex

Number of Directions issued by BD and FSD
and Number of Directions complied with or discharged

	2014		2015		2016 (As at 30 September)		Total	
	FSD	BD	FSD	BD	FSD	BD	FSD	BD
Number of Directions issued	16 019	5 988	16 900	5 857	11 167	2 961	44 086	14 806
Number of Directions complied with or discharged	6 520	1 760	7 474	1 703	5 825	1 556	19 819	5 019

Impact of the decline in the population of school-aged Secondary One students

11. **MR IP KIN-YUEN** (in Chinese): *President, it has been reported that the past 13 years saw a continuous decline in the population of school-aged Secondary One ("S1") students. To meet the challenges arising from this trend, the authorities launched in 2010 the Voluntary Optimization of Class Structure Scheme ("the Scheme") to assist schools in optimizing class structure by voluntarily reducing the number of classes with a view to achieving sustainable development. Schools participating in the Scheme are allowed, through "enhanced teaching staff establishment", to retain surplus teachers arising from class reduction for a period of six years ("the retention period"), so that the schools concerned can plan to adjust their teacher manpower through natural wastage and other means. In addition, the authorities implemented in 2012 relief measures with a view to "maintaining the stability and strengths of schools and teachers", including allowing aided schools to apply for extension of the retention period to the 2017-2018 school year. However, quite a number of principals and teachers have relayed to me that the threats of "reduction of classes and closure of schools" linger, and teaching staff even need to carry out promotional activities outside school to recruit students, which is extremely unsatisfactory. Owing to low student intake, some schools (particularly those operating one or two S1 classes) have to reduce the number of the New Senior Secondary ("NSS") elective subjects offered to students. In this connection, will the Government inform this Council:*

- (1) *among the aided and government schools in each District Council ("DC") district, of the respective numbers of those which operate one, two ... six and seven or more S1 classes in the 2016-2017 school year (set out in a table);*
- (2) *of the respective (i) total number of S1 places and (ii) population of school-aged S1 students in each DC district in each of the school years from 2016-2017 to 2021-2022 (set out in a table);*
- (3) *in the school years from 2012-2013 to 2016-2017, of the respective numbers of secondary schools which reduced the number of NSS elective subjects offered, as well as the numbers and names of the subjects reduced; among the schools which reduced the number of such subjects, the number of those operating three or less S1 classes;*

whether the authorities have assessed if such schools have sufficient teacher manpower for offering NSS elective subjects that are no less than the original number of subjects; if they have assessed, of the details; if the assessment outcome is in the negative, of the support measures to be provided by the authorities for such schools to address the problem relating to reduction in the number of elective subjects offered;

- (4) of the number of new teachers employed using the teaching post quota by schools participating in the Scheme (i.e. the new teachers employed by such schools since their participation in the Scheme); the numbers of schools which will have to surrender the teaching post quota in the current and the coming three school years in accordance with the revised teaching staff establishment, as well as the numbers of teachers who will have to be displaced; and*
- (5) given that the population of school-aged S1 students is estimated to rebound gradually from the 2017-2018 school year onwards and return to the previous level in the 2020-2021 school year, whether the authorities have plans to extend the retention period to the 2020-2021 school year, with a view to stabilizing teachers' confidence in job prospects so that they will not have to worry about losing their jobs; if they have such plans, of the details; if not, what specific measures the authorities will take to resolve problem of uncertain job prospects among teachers?*

SECRETARY FOR EDUCATION (in Chinese): President, to address the temporary decline in the number of Secondary One ("S1") students, the Education Bureau has deployed substantial resources since the 2006-2007 school year to implement a number of relief measures. Such measures include relaxing the criteria for approving S1 classes, reducing the number of students allocated to each S1 class and introducing the Voluntary Optimisation of Class Structure Scheme ("the Scheme"), etc. Since the 2013-2014 school year, we have further implemented a basket of targeted relief measures with a view to maintaining the stability and strengths of the schools and teaching force ("targeted relief measures"). These targeted relief measures include adopting a district-/school-based approach to adjust the number of students allocated to each S1 class; allowing schools operating one or two S1 classes to participate in the

next Secondary School Places Allocation with a cap of three S1 classes; relaxing the "not less than three S1 classes" requirement by accepting schools to operate two classes for each level without the need to apply for any school development option and to operate two S1 classes with a minimum intake of 26 S1 students; allowing schools operating one S1 class to continue operation by applying for a school development option; and extending the retention period of surplus teachers arising from reduction of S1 classes in the school years of 2013-2014 to 2015-2016 from one year to three years so as to facilitate the continuous development of schools, stabilize the teaching force and maintain the quality of education. To further stabilize the teaching force and for the benefit of students' learning, it was announced in the 2016 Policy Address that schools with surplus teachers arising from reduction of S1 classes in the school years of 2013-2014 and 2014-2015 may apply to extend the retention period for these surplus teachers up to the 2017-2018 school year when necessary. The host of relief measures have been implemented for stabilizing the education sector. We do not have the so-called "school closure" policy.

Our reply to Mr IP's question is as follows:

- (1) The respective numbers of aided and government secondary schools operating one, two, three, four, five, six, seven or more S1 classes by district in the 2016-2017 school year are at Annex 1.
- (2) The school-age population aged 12 is generally considered appropriate for admission to S1. Projected school-age population aged 12 who are residing in Hong Kong by district for the school years from 2016-2017 to 2021-2022 are at Annex 2. The projections having taken into account a number of factors and assumptions only serve as reference on the overall trend of changes. The changes in the number over the years cannot be accurately projected. Public sector S1 places are planned on a territory-wide basis and there is no perfect match in the demand and supply of school places in each district for each school year. The Education Bureau will keep in view the overall change in the demand for public sector S1 places and communicate with the sector as appropriate. The numbers of public sector S1 places by district for the 2016-2017 school year have yet to be confirmed. The relevant figures for the 2015-2016 school year are at Annex 3 for reference.

- (3) The senior secondary curriculum under the New Academic Structure is student-centred and aiming to cater for the different interests, abilities and needs of students. The kind and number of elective subjects offered by schools may vary from year to year according to the diverse interests, aspirations and abilities of students. Our information shows that as compared with the 2012-2013 school year, there were 180 secondary schools offering fewer elective subjects and 106 secondary schools offering more elective subjects at the senior secondary level in the 2015-2016 school year. The figures for the 2016-2017 school year are not available yet.

We have been encouraging schools to offer more elective subjects by deploying their resources flexibly to meet the learning needs of their students. With the provision of the Diversity Learning Grant, schools are encouraged to expand the choices of elective subjects offered to students by collaborating with other schools through such means as Network Programmes. In the 2015-2016 school year, there were a total of 148 secondary schools offering 155 Network Programmes on Physical Education, Music, Ethics and Religious Studies, etc., with the Diversity Learning Grant. To tie in with the implementation of vocational and professional education and training, Applied Learning courses⁽¹⁾ for senior secondary students are fully-subsidized from the 2016-2017 school year with a view to encouraging more schools to offer Applied Learning courses to cater for the learning needs of students. In a nutshell, the number of subjects that schools can offer at the senior secondary level is subject to various factors. It is not appropriate to simply attribute the changes to any single factor.

Moreover, when formulating the targeted relief measures in full consultation with the education sector, we considered that the senior secondary curriculum had matured over the years and decided to allow schools operating two approved classes for each level to offer diversified elective subjects through flexible deployment of resources, different means and strategies to provide students with a broad, balanced and sustainable senior secondary curriculum,

(1) The Education Bureau has approved 35 senior secondary Applied Learning courses for 2017-2019 cohort.

including senior secondary Applied Learning courses. For schools operating one S1 class only, they can continue to operate by applying for a school development option, such as injection of additional resources by their school sponsoring bodies and provision of network programmes in collaboration with other schools. We will liaise closely with the schools concerned and provide assistance in reviewing the manpower and teaching staffing at the earliest possible time to make necessary arrangements appropriate to the development of schools. Professional advice on the planning of suitable senior secondary curriculum for the cohort of students concerned will also be provided.

- (4) Participating schools under the Scheme are allowed to retain their incumbent teachers on the approved teaching staff establishment in the school year preceding the commencement of S1 class reduction. Within the six years from the commencement of S1 class reduction, schools will be given a maximum quota of six teaching posts for the purpose of alleviating the impact of teacher reduction as a result of class reduction under the Scheme so that they will have sufficient room and time to adjust their manpower resources for orderly transition to the approved establishment to which they are entitled after class reduction. The additional quota of teaching posts will be withdrawn gradually over the subsequent three years, i.e. 2017-2018, 2018-2019 and 2019-2020 school years. Participating schools can resolve the problem of surplus teachers through natural wastage during the nine-year transitional period under the Scheme. For individual schools still having surplus teachers who are eligible for toleration in the 10th year after the commencement of class reduction, we will extend flexibly the toleration period of surplus teachers according to the actual needs of the schools.

On the other hand, in case of departure of teachers who are eligible for toleration during the transitional period, the participating schools may also use the teaching post quota flexibly to employ teachers to fill the vacancies. Since the situation and reasons of teacher wastage of individual schools vary from year to year, we have not collected information on the use of teaching post quota by the schools and their teacher wastage.

- (5) Building on the measures implemented in the past years, Education Bureau further launched in the 2013-2014 school year the targeted relief measures. These measures, including relaxing the criteria for approving S1 classes to 25 students per class and allowing schools with S1 classes reduced to one or two to participate in the next Secondary School Places Allocation with a cap of three S1 classes, are still in force and will continue to be effective in the coming few years. Besides, schools with surplus teachers arising from reduction of S1 classes in the 2013-2014 and 2014-2015 school years may apply for extending the retention period of the surplus teachers to the 2017-2018 school year. From the 2011-2012 to 2015-2016 school years, the number of secondary students reduced by about 30% while that of secondary school teachers just by about 10%. This shows that the targeted relief measures have, to a certain extent, succeeded in stabilizing the teaching force. We expect a progressive rebound in the overall S1 student population in the 2017-2018 and the subsequent school years, which will help stabilize the approved teaching staff establishment of schools affected by class reduction. Furthermore, there is natural teacher wastage of about 5% per year and teaching vacancies so available can, to a certain extent, alleviate the problem of surplus teachers.

Annex 1

Numbers of Aided and Government Secondary Schools
with One, Two, Three, Four, Five, Six, Seven or more S1 Classes by District
in the 2016-2017 School Year

<i>District</i>	<i>1 Class</i>	<i>2 Classes</i>	<i>3 Classes</i>	<i>4 Classes</i>	<i>5 Classes</i>	<i>6 Classes</i>	<i>7 Classes or more</i>
Central and Western	0	1	0	5	3	0	0
Eastern	0	3	6	13	4	0	0
Islands	1	0	2	3	1	0	0
Kowloon City	0	1	1	19	6	1	1

<i>District</i>	<i>1 Class</i>	<i>2 Classes</i>	<i>3 Classes</i>	<i>4 Classes</i>	<i>5 Classes</i>	<i>6 Classes</i>	<i>7 Classes or more</i>
Kwai Tsing	0	1	3	27	0	0	0
Kwun Tong	0	0	2	22	3	0	0
North	0	0	3	15	1	0	0
Sai Kung	0	1	3	15	0	0	0
Sha Tin	0	1	8	24	5	0	0
Sham Shui Po	0	0	1	12	2	1	0
Southern	0	5	1	6	0	1	0
Tai Po	0	1	4	13	0	0	0
Tsuen Wan	0	0	1	12	0	0	0
Tuen Mun	0	10	3	24	0	0	0
Wan Chai	0	1	0	12	1	0	0
Wong Tai Sin	0	1	5	14	3	0	0
Yau Tsim Mong	0	0	2	8	2	1	0
Yuen Long	0	1	3	27	3	0	0

Annex 2

Projected School-age Population Aged 12 Who are Residing
in Hong Kong by District, 2016-2017 to 2021-2022 School Years

<i>District</i>	<i>2016-2017</i>	<i>2017-2018</i>	<i>2018-2019</i>	<i>2019-2020</i>	<i>2020-2021</i>	<i>2021-2022</i>
Central and Western	1 500	1 600	1 700	2 300	3 000	3 300
Wan Chai	1 000	1 200	1 200	1 600	1 900	2 400
Eastern	3 100	3 200	3 500	3 800	4 600	4 700
Southern	1 700	1 900	2 000	1 800	2 100	2 400
Yau Tsim Mong	1 900	2 000	2 000	3 200	3 800	4 200

<i>District</i>	2016-2017	2017-2018	2018-2019	2019-2020	2020-2021	2021-2022
Sham Shui Po	2 600	2 600	2 800	3 500	3 900	4 100
Kowloon City	2 600	2 800	2 900	3 700	4 200	4 200
Wong Tai Sin	2 800	2 600	2 500	2 900	2 600	2 200
Kwun Tong	4 700	4 700	4 600	5 200	5 000	4 500
Sai Kung	3 400	3 500	4 300	4 100	4 800	5 400
Sha Tin	4 200	4 600	5 300	4 600	5 400	5 300
Tai Po	1 800	1 800	2 200	1 900	2 500	2 500
North	2 200	2 000	2 500	1 800	2 300	2 000
Yuen Long	4 700	4 900	5 800	4 600	5 400	5 300
Tuen Mun	2 900	2 900	3 500	3 500	3 900	4 400
Tsuen Wan	2 100	2 300	2 700	2 600	3 200	3 700
Kwai Tsing	3 500	3 600	4 100	3 000	3 400	3 500
Islands	1 300	1 500	1 600	1 500	2 000	2 200
Total	48 100	49 800	55 400	55 800	64 100	66 300

Notes:

- (1) Figures in the above table are compiled with reference to the 2014-based Population Projections released by the Census and Statistics Department ("C&SD") in September 2015 and the "Projections of Population Distribution 2015-2024" released by the Planning Department in December 2015.
- (2) School-age population aged 12 is considered appropriate for secondary education (admission to S1).
- (3) Figures refer to the projected number of local children (i.e. Hong Kong usual residents) aged 12 residing in the districts concerned. The projected figures should not be taken as the projected number of students attending schools in the districts concerned. The latter would be affected by the prevailing distribution of school places, demand for school places and parental choices. Students under or over the age of 12 may also enrol at secondary education (i.e. S1). The above figures do not include cross-boundary students.
- (4) The projections of school-age population residing in Hong Kong are compiled based on the 2014-based Population Projections released by C&SD in September 2015. The projections have taken into account a number of factors and assumptions. Any deviations in the assumptions from the eventual situation may render the projected figures

different from the actual turnout figures. Amongst those assumptions, of particular relevance is that related to babies born in Hong Kong to Mainland women. It should be noted that it is difficult to accurately predict the actual numbers of such babies who would settle in Hong Kong and if so, when.

- (5) Figures are rounded to the nearest hundred and may not add up to the respective totals due to rounding.

Annex 3

Distribution of Public Sector S1 Places by District in the 2015-2016 School Year

<i>District</i>	<i>S1 Place</i>
Central and Western	1 150
Wan Chai	1 668
Eastern	3 453
Southern	1 542
Yau Tsim Mong	1 926
Sham Shui Po	2 613
Kowloon City	4 203
Wong Tai Sin	3 060
Kwun Tong	3 791
Sai Kung	2 477
Kwai Tsing	4 165
Tsuen Wan	1 808
Tuen Mun	4 510
Yuen Long	4 694
North	2 537
Tai Po	2 286
Sha Tin	5 236
Islands	831
Total	51 950

Notes:

- (1) Figures refer to position as at mid-September of the year.
- (2) Figures on places refer to the number of students that can be accommodated in operating classes (excluding vacant classrooms) in accordance with the planned class sizes of the schools concerned.

Measures to combat unscrupulous business practices of financial intermediaries

12. **MS ALICE MAK** (in Chinese): *President, in recent months, quite a number of members of the public have relayed to me that fraudulent cases involving financial intermediaries ("intermediaries") have frequently occurred, even with some victims who had been charged exorbitant intermediary fees committing suicide as they could not withstand the stress. Since 2014, I have received more than 240 complaints totalling over \$380 million, reflecting the severity of the problem. To crack down on the money lending malpractices by intermediaries, the authorities proposed more stringent regulatory measures in April this year. Nevertheless, some members of the money lending industry have pointed out that those measures treat the symptoms but not the root cause of the problem, and the authorities should therefore introduce amendments to the Money Lenders Ordinance (Cap. 163) ("the Ordinance") to step up the regulation of intermediaries. In this connection, will the Government inform this Council:*

- (1) *whether the authorities are currently conducting studies on introducing amendments to the aforesaid Ordinance and setting up a licensing regime for intermediaries; if they are, of the details; if not, the reasons for that;*
- (2) *of the number of prosecutions instituted by law enforcement agencies against illegal practices of intermediaries since 2015; whether the authorities have stepped up law enforcement actions in response to such increasingly rampant practices; if they have, of the specific measures and their effectiveness;*
- (3) *given that Caritas-Hong Kong and Tung Wah Group of Hospitals set up in April this year dedicated telephone hotlines to provide advisory services for people in financial distress, whether the authorities know the number of enquiries and requests for assistance received by such hotlines so far; and*
- (4) *given that some members of the money lending industry have pointed out that there are credit reference agencies ("CRAs") leaking consumer credit data of members of the public to unscrupulous intermediaries, whether the authorities know the legal basis on which CRAs provide consumer credit data of members of the public*

to money lenders such as banks; whether they have taken measures to ensure proper management of consumer credit data of members of the public by CRAs; if they have, of the details?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, in view of public concern about the malpractices by financial intermediaries for money lending, the Financial Services and the Treasury Bureau announced in April 2016 that a four-pronged approach would be adopted to address the issue, viz. enhanced enforcement, enhanced public education and publicity, enhanced advisory services to the public and more stringent licensing conditions on money lender licences. Measures to enhance enforcement, public education and publicity and advisory services to the public have been implemented.

The measure to impose additional licensing conditions on money lender licences mainly seeks to facilitate more effective enforcement of the statutory ban on separate fee charging on borrowers by money lenders and their connected parties, as well as promote prudent borrowing through inclusion of a risk warning statement in all advertisements issued by money lenders. The Licensing Court has started imposing the additional licensing conditions when approving applications for renewal of money lender licences and for new licences with the additional licensing conditions to take effect on 1 December 2016, and is processing the Administration's application for imposition of the additional licensing conditions on other existing money lender licences.

My reply to the four parts of the question raised by Ms MAK is set out below:

- (1) Regarding the charging of exorbitant fees on borrowers by financial intermediaries which is a major issue of public concern, the Money Lenders Ordinance (Cap. 163) ("MLO") expressly prohibits the charging of any fees on borrowers by money lenders, their connected parties (e.g. their employees, agents and persons acting for them) and persons acting in collusion with the money lenders. To ensure effective enforcement of the above mentioned ban on separate fee charging, financial intermediaries and money lenders should not be considered separately as they relate to this issue, in particular since unscrupulous financial intermediaries and related money lenders

may resort to different means to conceal their relationship so as to circumvent the ban on separate fee charging on borrowers.

As for the measure to introduce more stringent licensing conditions on money lender licences, it includes, inter alia, the requirement that before a money lender grants a loan, if the borrower has entered into or signed any agreement with a financial intermediary for or in relation to the loan, the financial intermediary must be appointed by the money lender and such appointment must have been reported to the Registrar of Money Lenders by the money lender and included in the Register of Money Lenders for public inspection. A money lender should take appropriate steps to ensure that its appointed intermediary would not charge any fees on the borrowers. The authorities will follow up with the money lender concerned if there is a breach of the requirement in accordance with the licensing conditions, and the evidence-gathering efforts of the Police could be more effective to facilitate prosecution of the financial intermediary concerned. This measure can tackle the malpractices by financial intermediaries more directly and expeditiously than if a new and separate licensing regime is to be introduced to regulate financial intermediaries, and hence is a more appropriate approach to tackle the issue under the existing circumstances.

We are following up on the above measure so as to ensure smooth implementation of the additional licensing conditions on 1 December 2016. We will make public announcement before the implementation date and publicize the new measure through public education activities. We will review the effectiveness of the measure after six months of its implementation and, subject to the review results, will consider if there is a need to introduce any additional improvement measures.

- (2) Apart from the above mentioned express prohibition under the existing MLO on money lenders, their connected parties (e.g. their employees, agents and persons acting for them) and persons acting in collusion with the money lenders from charging any fees on borrowers, it is also a criminal offence to fraudulently induce any person to borrow money from a money lender by any false, misleading or deceptive statement, or by any dishonest concealment

of material facts. From 2015 to June 2016, six prosecutions were initiated by the Police under the MLO resulting in the conviction of five persons.

If the acts of a financial intermediary involve other criminal elements, the Police will deal with and follow up on the matter in accordance with the other relevant legislation (such as the Crimes Ordinance, Cap. 200 and the Theft Ordinance, Cap. 210). The Government does not maintain any statistics on cases involving financial intermediaries that were or are being followed up in accordance with such other relevant legislation.

The Police are concerned about crimes arising from money lending activities, especially those involving malpractices by financial intermediaries, and have taken a number of enforcement actions against such malpractices. The Police has mounted a number of large-scale enforcement exercises since 2015 during which over 400 people have been arrested. Apart from the prosecution cases mentioned above, the Police is carrying out investigations and gathering evidence for the other cases. Besides, the Police continues to publicize the relevant crime prevention messages through its integrated scam prevention platform "Fight Scams Together", online channels like Facebook and publicity activities at district level, etc.

- (3) In late April this year, the Social Welfare Department commenced a 3-year pilot programme by providing subvention to Caritas-Hong Kong and Tung Wah Group of Hospitals respectively for setting up dedicated telephone hotlines to provide assistance to people in financial distress. The objective is to promote public awareness of the availability of advice, counselling and other supportive social welfare services provided by non-governmental organizations, so that people in need can seek timely assistance through proper channels, which may also help reduce their vulnerability to the deceptive tactics of unscrupulous intermediaries. Besides initial emotional support and counselling service, needy people will also receive general advice on channels for seeking further support and assistance from the related authorities or social service units

according to their respective needs and circumstances. As at 30 September this year, the two organizations have received and handled 806 enquiries or requests for assistance.

- (4) We have consulted the Constitutional and Mainland Affairs Bureau on the issue. The Code of Practice on Consumer Credit Data ("the Code") issued by the Privacy Commissioner for Personal Data under section 12 of the Personal Data (Privacy) Ordinance, Cap. 486 ("PDPO") sets out a series of measures that a credit reference agency ("CRA") should take in its daily operations (including monitoring and reviewing on a regular and frequently basis usage of the database with a view to detecting and investigating any unusual or irregular patterns of access or use), as well as measures to be taken by CRAs in preparation for the provision of consumer credit reference service (including staff training on the PDPO and the Code) so as to safeguard against any improper access to or mishandling of consumer credit data held by a CRA.

Processing company registration applications by the Companies Registry

13. **MR KENNETH LEUNG** (in Chinese): *President, it has been reported that an organization submitted to the Companies Registry ("CR") in March this year an application for registration as a limited company, but the vetting and approval of the application have not been completed so far. In this connection, will the Government inform this Council:*

- (1) *how the time CR generally takes at present to process an application for incorporation of a local limited company compares to that taken in the United Kingdom and Singapore for processing such kind of applications;*
- (2) *of (i) the respective numbers of applications for registration of limited companies received, approved and rejected by CR in each of the past three years, and (ii) among those applications the vetting and approval of which have been completed, the respective numbers of applications which took one month or less and more than one month to complete; and*

- (3) *of the factors considered by CR in vetting and approving applications for registration of limited companies; the reasons why some applications were rejected or have remained outstanding for several months, and whether CR will inform the applicants of the relevant reasons; if CR will, of the details; if not, the reasons for that?*

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, my reply to the three parts of the question raised by Mr LEUNG is set out below:

- (1) and (2)

The numbers of applications for incorporation of local limited companies received by the Companies Registry ("CR") over the past three years are as follows:

<i>Year</i>	<i>Number of applications for incorporation of local limited companies</i>
2013	176 149
2014	168 478
2015	140 673

Applicants who wish to apply for incorporation of a local limited company may either deliver the required documents in hard copy form together with the fees or do so electronically through the "e-Registry" portal of the CR. Over the past three years, the percentage of incorporation applications delivered in hard copy form that could complete the registration procedures within four working days averaged at 97.4%, whereas the percentage of applications delivered electronically that could complete the registration procedures within one hour averaged at 99.7%.

CR does not maintain statistics on the number of applications rejected.

According to the websites of relevant authorities in the United Kingdom and Singapore, for straight-forward incorporation applications, the United Kingdom will normally complete the processing procedures within five days for applications delivered in hard copy form and within 24 hours for applications delivered electronically. In Singapore where all incorporation applications must be delivered electronically, the average processing time is less than one day.

- (3) All applications for incorporation of companies are processed pursuant to the provisions of the Companies Ordinance, Cap. 622 ("the Ordinance"). The CR will consider a company name according to the statutory requirements as stipulated in section 100 of the Ordinance and will examine if the particulars and statements relating to a company (such as those on the registered office address, capital and shareholdings) as contained in the incorporation form meet the requirements specified in Schedule 2 of the Ordinance. According to section 67(2) of the Ordinance, a company may only be formed for a lawful purpose. In deciding whether a company has met the requirements relating to company formation under the Ordinance, the CR will examine the objects stated in the company's articles of association and if necessary request the applicant to provide information on the nature of business and activities to be conducted by the proposed company. In general, if there is a need to obtain further information from the applicant or if the case involves complicated legal issues, more time would be needed by the CR to process the application. The CR will maintain contact with the applicants and follow up on their applications as appropriate. In case an application is not accepted, the CR will inform the applicant of the legal basis and reasons for its refusal.

Pilot Technology Voucher Programme

14. **MR CHARLES PETER MOK** (in Chinese): *President, early this year, the Government announced the allocation of \$500 million to launch a three-year Pilot Technology Voucher Programme ("PTVP") under the Innovation and Technology Fund to subsidize local small and medium enterprises ("SMEs") in using technological services and solutions to improve productivity and upgrade,*

transform or re-tool their business processes. Some members of the information technology ("IT") sector have expressed great concern about the implementation details and timetable of PTVP. In this connection, will the Government inform this Council:

- (1) of the work plan for implementation in the 2016-2017 financial year by the authorities in relation to PTVP and the timetable for launching PTVP;*
- (2) whether the authorities will consult members of the relevant sectors again on PTVP before its launch; if they will, of the details; if not, the reasons for that;*
- (3) whether the authorities will draw up a list of approved providers of information technology services and solutions under PTVP; if they will, of the criteria for drawing up the list, and how they will enable more qualified IT companies to participate in the programme; of the estimated number of service providers to be included in the list; whether they will provide incentives to encourage SMEs to use locally-developed IT products;*
- (4) of the types of technological services and solutions to be funded under PTVP; the estimated average number of working days needed for completing the entire vetting and approval process (from receipt of an application to disbursement of subsidy);*
- (5) given that cloud-based services have gained popularity in recent years, and quite a number of enterprises buy cloud-based services not by one-off payment method, of the appropriate arrangements to be made by the authorities when implementing PTVP in order to cater for such situation; and*
- (6) whether it will formulate simple and convenient procedures for submission, vetting and approval of applications for PTVP and disbursement of subsidies, and accept applications submitted by online paperless means?*

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese):
President, our reply to the six parts of the question is as follows:

- (1) We plan to launch the Technology Voucher Programme ("TVP") by the end of this year.
- (2) Since the announcement of the introduction of the TVP, we have been listening to the views of various sectors (including the information technology sector) regarding the programme through different channels, to which we have given due consideration when formulating details of the programme. We will also set up a committee composed of members from the business sector, technology sector, professional services sector and relevant government departments to provide views on the implementation details before rolling out the TVP. The Committee will also vet the applications and steer the implementation of the TVP.
- (3) The TVP aims to subsidize small and medium enterprises ("SMEs") in using technological services and solutions to improve productivity, or upgrade or transform their business processes. Taking into account the different business and technological needs of SMEs, we encourage SMEs to identify suitable technology consultants or providers according to their needs after examining their business operations, so as to achieve the objective of improving productivity, or upgrading or transforming their business processes. While we do not intend to draw up a list of recognized technology consultants or providers, SMEs need to comply with the procedures set out under the TVP during the course of procurement, such as the requirements for quotations. We believe that local providers can play an active role under the TVP by leveraging on their edge such as their understanding of the business of local SMEs.
- (4) Given the rapid development of technologies, we do not recommend pre-defining the types of technological services that can be subsidized under the TVP. Based on information provided by the applicants, the Committee will assess whether the proposed technological services and solutions can achieve the objective of improving productivity, or upgrading or transforming their business processes. We will assess the time required for vetting applications

and disbursing funding after the implementation details of the TVP have been finalized.

- (5) The TVP will not restrict the payment methods used by SMEs to procure technological services or solutions. The focus of the TVP is that the services or solutions concerned must meet its objective and comply with its terms and conditions, including procurement according to the required procedures. However, approved projects should normally be completed within 12 months in accordance with the project schedule in the approved applications. In other words, the usage duration of the subscription-based technological services or solutions (e.g. cloud-based services) should not exceed the project period, and the subscribed technological services or solutions must be an essential part of the project.
- (6) For technological services and solutions that are commonly regarded as conducive to improving the productivity of enterprises, we will handle the applications through a streamlined process, so as to simplify the vetting procedures and reduce the processing time, with a view to striking a suitable balance between streamlining the process and safeguarding against abuse of the TVP. Both online and written applications will also be accepted.

Management of public records

15. **MR SIXTUS LEUNG** (in Chinese): *President, it has been reported that since the establishment of the current-term Government in 2012 up to April this year, the Government Records Service (GRS) has approved the destroy of records of a total of 259 191 linear metres (a standard measurement unit of the quantity of archival records materials based on the thickness of horizontally filed records materials), equivalent to an annual average of about 280 million pages of documents. The latter doubled the annual average number of records destroyed by the Government of the last two terms (about 30 000 linear metres, i.e. some 140 million pages of documents). On the other hand, the Administration Wing issued in 2009 the General Circular No. 2/2009 "Mandatory Records Management Requirements", setting out the requirements for records management to be met by various policy bureaux and departments. In this connection, will the Government inform this Council:*

- (1) *whether the authorities have regularly reviewed the staffing establishment of various grades in GRS, particularly if the manpower of the archivist grade is commensurate with its workload; if they have, of the outcome of the latest review; if not, the reasons for that;*
- (2) *whether the authorities have identified any instances of non-compliance since the issuance of the aforesaid General Circular; if they have, set out in a table the annual numbers of non-compliance cases by type of non-compliance, including the relevant policy bureaux or departments failing to:*
 - (i) *print email records and file them,*
 - (ii) *prepare and maintain an accurate records inventory,*
 - (iii) *establish classification lists for all business records,*
 - (iv) *keep and store records properly,*
 - (v) *report incidents of loss and unauthorized destroy of records to GRS immediately and investigate such cases,*
 - (vi) *transfer records having archival value to GRS according to the records disposal schedules,*
 - (vii) *obtain GRS's prior agreement before destroy of records, and*
 - (viii) *dispose of time-expired records at least once every two years; and*
- (3) *given that the Law Reform Commission set up a subcommittee in June 2013 to study the introduction of an archives law, whether the authorities know the work progress of the subcommittee, including the expected date of submission of its final report and whether the minutes of the relevant meetings will be made public?*

(The Administration did not provide any written reply)²

² In the letter to the Legislative Council dated 31 October 2016, the Administration states its position that it will only respond to questions or comments from such Members who have duly taken the Legislative Council Oath in accordance with the law.

Provision of dental services for members of the public

16. **MR WONG KWOK-KIN** (in Chinese): *President, at present, there are 39 government dental clinics (dental clinics) across the territory, providing dental services mainly for civil servants and eligible persons (including dependents of civil servants and civil servant pensioners), and only 11 of them provide emergency dental services for members of the public (emergency dental clinics). Quite a number of members of the public have pointed out that the emergency dental services are insufficient to meet public demand and the provision of such services is unevenly distributed across the territory. As a result, they have to queue up for a very long time for consultation quotas and have to seek treatment in other districts. In this connection, will the Government inform this Council:*

- (1) *of the (i) daily quotas and (ii) average usage rates in respect of the services provided for civil servants and eligible persons by each dental clinic;*
- (2) *of the (i) daily quotas and (ii) average usage rates in respect of the emergency dental services provided for members of the public by each emergency dental clinic;*
- (3) *whether it has assessed the instances in which members of the public living in districts without emergency dental clinics (e.g. the Wong Tai Sin district) have received emergency dental services in other districts; if it has, of the details, including the number of cases in the past three years in which emergency dental services were provided by each emergency dental clinic for members of the public who came from other districts to seek treatment;*
- (4) *given that no more than one tooth will be extracted for patients in each consultation session of emergency dental services, whether the authorities will consider allowing patients who need to have several teeth extracted to make appointment for the next consultation session, so as to obviate their need to queue up again for consultation quotas;*

- (5) *whether the authorities will consider expanding the coverage of emergency dental services, so that each of the 18 District Council districts across the territory will have one emergency dental clinic; and*
- (6) *given that dental clinics operate under the Department of Health, whether the authorities will redesignate the Secretary for the Civil Service, in place of the Secretary for Food and Health, as the controlling officer responsible for the expenditure on dental services for civil servants?*

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, the government dental clinics under the Department of Health (DH) are mainly tasked to provide dental services to civil servants/retired civil servants and their eligible dependants (hereunder referred to as "eligible persons") in fulfilment of the Government's contractual obligations laid down in their terms of employment. Such dental benefits are similar to medical benefits provided by other employers to their employees. However, to meet public demand for emergency dental treatments, the DH provides free emergency dental services to the public through designated sessions in 11 government dental clinics (generally referred to as "General Public Sessions" (GP Sessions)). My reply to the various parts of the question is as follows.

- (1) The government dental clinics provide services to eligible persons by appointment. As the time for treatment varies according to treatment needs, the government dental clinics have not set daily quota. In 2015, all the appointment slots of the government dental clinics assigned for the eligible persons had been fully taken up and the average service usage rate of the appointments made by eligible persons was almost 100%. Coupled with the fact that the government dental clinics have to handle very often unscheduled emergency dental care requests from eligible persons, the service usage rates of these clinics have indeed saturated.
- (2) The followings are the maximum quota and the average utilization rate of each government dental clinic in 2015:

<i>Dental clinics with GP Sessions</i>	<i>Time of operation</i>	<i>Maximum quota in each service session</i>	<i>Average utilization rate</i>
Kowloon City Dental Clinic (GP Sessions has started since 2 September 2013)	Monday (AM)	84	83.8%
	Thursday (AM)	42	
Kwun Tong Dental Clinic*	Wednesday (AM)	84	95.5%
Kennedy Town Community Complex Dental Clinic	Monday (AM)	84	75.4%
	Friday (AM)	84	
Fanling Health Centre Dental Clinic	Tuesday (AM)	50	91.9%
Mona Fong Dental Clinic	Thursday (PM)	42	93.7%
Tai Po Wong Siu Ching Dental Clinic	Thursday (AM)	42	95.4%
Tsuen Wan Dental Clinic/ Tsuen Wan Government Offices Dental Clinic [#]	Tuesday (AM)	84	92%
	Friday (AM)	84	
Yan Oi Dental Clinic	Wednesday (AM)	42	98.4%
Yuen Long Jockey Club Dental Clinic	Tuesday (AM)	42	93.1%
	Friday (AM)	42	
Tai O Dental Clinic	2nd Thursday of each month (AM)	32	25.5%
Cheung Chau Dental Clinic	1st Friday of each month (AM)	32	51.6%

Notes:

* Kwun Tong Jockey Club Dental Clinic has renamed as Kwun Tong Dental Clinic since January 2015.

Tsuen Wan Dental Clinic was temporarily closed with effect from 28 August 2015 for renovation. Tsuen Wan Government Offices Dental Clinic has started the GP Sessions since 1 September 2015, until the works at Tsuen Wan Dental Clinic is completed.

- (3) Apart from the 11 government dental clinics which have allocated slots for GP Sessions, specialist oral maxillofacial surgery and dental treatment are provided by the Oral Maxillofacial Surgery and Dental Units (OMS&DUs) of the DH in seven public hospitals for the referred hospital inpatients, patients with special oral health care needs and dental emergency. The Hospital Authority (HA) provided dental services in four public hospitals in which referred inpatients, patients with special oral health care needs and patients with dental emergency needs can receive oral maxillofacial surgery and specialist dental treatments by the dentists employed by the HA. Members of the public in need can receive emergency dental services in the above mentioned government dental clinics or public hospitals.

If needed, citizens can attend the GP Sessions in the government dental clinics in other districts for emergency dental services. The DH does not maintain statistics of attending cross-district GP Sessions.

- (4) Allowing patients to make appointments for follow-up consultations in the existing service hours of the GP Sessions will reduce the number of discs for distribution, thus reducing the chances of other citizens to use the GP Sessions.
- (5) We wish to point out that only a few countries around the world can meet all the dental care needs of their citizens solely with public resources. Even if they can, the citizens in these countries usually have to bear higher medical insurance cost. As for Hong Kong, providing comprehensive dental care services to the public will involve substantial financial resources. For dental care, prevention has more long-lasting benefits than cure. Not only can effective prevention improve the overall level of oral health among the Hong Kong population, it can also mitigate the society's financial burden in providing expensive and sophisticated dental treatment. In this regard, the Government has been focusing resources in promotion, education (including Student Dental Care Service) and publicity with a view to raising public awareness of oral hygiene and oral health, as well as encouraging proper oral health habits to improve oral health and prevent oral diseases.

Apart from promotion, education, publicity and prevention efforts, when allocating limited public resources, the Government has to accord priority to people with special needs, especially elderly with financial difficulties. As such, the Government has launched a series of initiatives to provide low-income elders with special needs with dental care support, including the Outreach Dental Care Programme, Community Care Fund Elderly Dental Assistance Programme and Elderly Health Care Voucher Scheme, and so on. We consider that the above territory-wide yet targeted dental service programmes can allocate limited resources to eligible elders living in different districts in a more effective manner. Therefore, the Government sees no need to provide GP Sessions in each of the 18 districts of Hong Kong.

- (6) As mentioned in the above reply, the government dental clinics under the DH are tasked mainly to provide dental benefits to civil servants/retired civil servants and their eligible dependents in fulfilment of the Government's contractual obligations laid down in their terms of employment. As such, it is appropriate for the Civil Service Bureau to allocate funding to the government dental clinics.

Handling applications for amendment of approved layout plans

17. **MR KWOK WAI-KEUNG** (in Chinese): *President, in January last year, the owner of an industrial building in Chai Wan submitted an application to the Town Planning Board ("TPB") under section 12A of the Town Planning Ordinance (Cap. 131) ("section 12A") for amending the approved Chai Wan Outline Zoning Plan ("OZP") to rezone the site on which the industrial building is situated from "Industrial" to "Other Specified Uses" annotated "Columbarium". Under that provision, TPB shall, within three months after the receipt of the application, hold a meeting to consider the application. However, that owner requested in May last year for deferment of consideration of the application by TPB on the ground that it needed to prepare supplementary information and withdrew the application in July, but re-submitted the application in November. Eventually, TPB considered and made a decision on the application in September this year. Some residents in Chai Wan District have commented that a decision on the application was pending for almost two years, during which they were greatly*

distressed. Regarding applications made under section 12A, will the Government inform this Council:

- (1) whether it knows the number of applications made under section 12A which were received by TPB in the past five years; among them, the respective numbers and percentages of applications (i) the applicants of which requested for deferment of consideration of the applications by TPB, (ii) which were approved, (iii) the vetting and approval of which took more than three months to complete, and (iv) which were repeated submissions and the distribution of such applications by district;*
- (2) as some members of the public have pointed out that according to statutory procedures, TPB shall, upon receipt of an application for plan amendment, make available as soon as reasonably practicable the application for public inspection at a reasonable time, and within the first three weeks of that period, any person may make comment to TPB in respect of the application, but incessant submission of supplementary information by the applicant resulting in incessant changes to the scope and deadline for the public to make comments may affect their willingness to make comments, and the applicant's requests for deferment of consideration of his/her application by TPB will also lengthen the time for which the affected residents suffer from distress, whether the authorities will consider setting a limit on the maximum number of times an applicant may submit supplementary information and lodge requests for deferment of consideration of his/her application, in order to guard against abuse of the procedures;*
- (3) given that some members of the public have pointed out that under the existing procedures, TPB shall, upon receipt of an application for amendment of plan, publish a notice in newspapers and on its website, or post a notice in a prominent position on or near the application site, and send a notice to the Owners' Corporations or other committees of the buildings within 100 feet from the boundary of the application site, but members of the community and residents who are affected may not be aware of such notices, and the ways in which the notices are disseminated appear to be behind the times in an advanced information society nowadays, whether the authorities*

will review the relevant practices (including the target recipients of the notices and the scope and methods of dissemination) so as to make it more likely for the affected parties to become aware of the relevant applications to facilitate their tendering views;

- (4) *as some members of the public have pointed out that TPB is not currently required to actively initiate public consultation on applications for amendment of plans and it just waits passively for public comments, but some applications have significant impacts on the communities concerned, whether the authorities will review the ways in which TPB collects public views on such applications, including adding the practice of taking the initiative to consult the District Councils concerned, in order to better gauge views from local communities on such applications; and*
- (5) *whether the authorities will (i) review section 12A and the relevant procedures to guard against abuse of the mechanism for deferring TPB's consideration of applications by the applicants, (ii) set a higher threshold for submission of repeated applications (e.g. requiring an applicant to consult the Planning Department, the Home Affairs Department and the District Councils concerned prior to the submission of the application), and (iii) in respect of cases in which the application was withdrawn by the applicant or refused by TPB, set a deadline for submission of repeated applications, in order to guard against abuse of the application mechanism by applicants, and thus a waste of administrative resources?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, the Town Planning Board ("TPB") is an independent statutory body established under the Town Planning Ordinance ("the Ordinance") with the Planning Department ("PlanD") serving as its Secretariat. The planning application mentioned in the question involves a lot at 50 Ka Yip Street, Chai Wan. Kerry Warehouse (Chai Wan) Limited ("the Applicant") has submitted two applications for amendment of plan in respect of the lot to TPB under section 12A of the Ordinance, proposing to rezone the lot from "Industrial" to "Other Specified Uses" annotated "Columbarium", with a view to enabling a columbarium development accommodating columbarium niches through conversion of the existing godown building. The Applicant submitted its first application to TPB

in February 2015 and subsequently withdrew it in September 2015. In December 2015, TPB received the second application from the Applicant in respect of the same location. Subsequently, the Applicant submitted further information to TPB several times between April and September 2016 in support of its application. TPB handled the application in accordance with the provisions of the Ordinance taking account of the nature of the information therein, and carried out another round of public consultation for three weeks between 15 July and 2 August 2016. After considering various relevant planning factors, TPB decided not to agree to the above application for amendment of plan on 30 September 2016.

After consulting PlanD, my reply to the various parts of the question is as follows:

- (1) In the past five years (from 1 October 2011 to 30 September 2016), TPB received 194 applications for amendment of plan under section 12A of the Ordinance. Among them, the applicants of 124 applications (about 63.9%) subsequently requested deferment of consideration of their cases after TPB's receipt of their applications; TPB approved deferment of 123 of them (about 63.4% of the total number of applications for amendment of plan). There were 66 applications (34% of the total number of applications) requiring a processing time exceeding three months as a result of the grant of deferment and/or the submission of further information by the applicants. Fifty-six cases (about 28.9%) involved identical/similar rezoning applications in 25 locations in the following districts: Hong Kong Island (nine cases); Kowloon (six cases); Tsuen Wan and West Kowloon (five cases); Fan Ling, Sheung Shui and Yuen Long East (six cases); Tuen Mun and Yuen Long West (18 cases); Sai Kung and Islands (two cases); and Sha Tin, Tai Po and North District (10 cases).

(2) and (5)

In considering requests by applicants for deferment of a decision on their applications for amendment of plan, TPB will follow the Ordinance and the principles set out in the TPB Guidelines No. 33 on "Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning

Ordinance". Reasonable grounds must be provided by the applicants and the proposed deferment period should not be indefinite. TPB will consider such deferment requests on the merits of individual cases, and approval will only be given to cases with adequate justifications.

As regards the supplementary information submitted by an applicant, the TPB Secretary will determine upon receipt whether such information can be accepted in accordance with the TPB Guidelines No. 32 on "Submission of Further Information in relation to Applications for Amendment of Plan, Planning Permission and Review made under the Town Planning Ordinance". If the supplementary information is accepted, the TPB Secretary will consider in accordance with the said guidelines whether the supplementary information is exempted from publication; whether it is necessary to recount the time for consideration of the application; and whether the public consultation procedure should be restarted.

At present, there is no restriction under the Ordinance on the number of times and the time limit for submission of an application. The above mechanism has been running effectively and TPB currently has no plan to review the related procedures for handling application for amendment of plan under section 12A of the Ordinance. As always, TPB will consider each application individually, taking into account the justifications provided by the applicant in relation to the application or the deferment request. If the application site is related to a previous application, the related information will be included in the TPB papers concerned for members' consideration. The public and relevant departments will be consulted on any application in accordance with the Ordinance and the established procedures.

(3) and (4)

TPB will, upon receipt of an application for amendment of plan, make the application available for public inspection as soon as possible in accordance with the Ordinance, so that members of the public can submit their comments within three weeks. To raise public awareness of the application, apart from publishing in

designated newspapers or posting in a prominent location on or near the application site a notice about the application in compliance with the statutory requirements, and taking additional administrative measure of notifying the Owners' Corporation(s) or other committee(s) of the buildings within 100 ft from the application site, TPB will also upload the said notice onto TPB's website and post it at the TPB Secretariat, the Planning Enquiry Counters of PlanD, the relevant District Planning Office, District Office and, where appropriate, the Rural Committee office. Furthermore, the notice will be sent to the registered District Council ("DC") member(s) and relevant Area Committee(s) ("ACs"). For applications of territorial or major local significance, TPB will also mount, where necessary, notice to a roadside railing in the locality of the application site, such that parties potentially to be affected will be more readily informed of the application so as to express their views to TPB.

Since TPB is required to consider an application within a statutory time limit according to the Ordinance, it will be difficult for TPB to arrange consultation with the DC(s) on an individual application within the specified time. That said, TPB will continue to gauge public views on the application within the statutory time limit through the various channels mentioned above, including sending notices to the registered DC member(s) and relevant ACs, so that the member(s) and locals can make their comments on the application.

Development projects in the New Territories

18. **MR CHU HOI-DICK** (in Chinese): *President, in mid-2012, the Government commenced a planning and engineering study on the public housing development at Wang Chau ("Wang Chau development"). The project, which involves 17 000 public housing flats, will be carried out in three phases, with the second and third phases involving large areas of brownfield sites. After conducting informal consultations with a few persons from the local communities, the Government announced in mid-2014 that it would carry out phase one plan of Wang Chau development, under which three non-indigenous villages in green belt areas will be cleared for the construction of 4 000 public housing flats. The incident has aroused wide public concern about land development projects in the*

New Territories, especially their planning procedures. In this connection, will the Government inform this Council:

- (1) *of the details (including the dates of consultation, attendance lists and contents of consultation) of the informal consultations conducted by government departments with any persons or stakeholder groups in respect of the following development projects:*
 - (i) *housing development at San Hing Road, Tuen Mun,*
 - (ii) *North East New Territories New Development Areas,*
 - (iii) *Hung Shui Kiu New Development Area,*
 - (iv) *housing sites in Yuen Long South,*
 - (v) *housing development at Kam Tin South, and*
 - (vi) *Tung Chung New Town Extension;*
- (2) *of the details (including the dates of consultation, attendance lists and contents of consultation) of the informal consultations, conducted by the Lantau Development Advisory Committee or any Government department before the publication of the report entitled "Space for All" by the Committee in January 2016 and the conduct of the three-month public engagement exercise on this, with any persons or stakeholder groups in respect of the proposals on Lantau development;*
- (3) *given that the parties whom the Government has informally consulted on Wang Chau development include a person who is in the multiple capacities of being a member of the District Council concerned, the Chairman of the rural committee concerned and the lessee of the brownfield sites concerned, which has aroused extensive discussions in the community and disputes over conflict of interests, whether Government departments need to comply with any guidelines, practices or requirements when choosing the parties to be consulted informally; if so, of the details;*

- (4) *given that the Secretary for Development indicated in reply to a question raised by a Member of this Council on 29 May 2013 that "[a]s the co-ordination work on planning, development and land supply is now well handled by the Steering Committee on Land Supply and the Committee on Planning and Land Development, we have no plan to set up another inter-departmental committee specifically responsible for land issues in the New Territories", and yet the Government set up a task force for the planning of Wang Chau and Queen's Hill in June 2013 to steer Wang Chau development and the public housing development plan at Queen's Hill, of the discussion process leading to the decision to set up such task force and the list of persons participating in the discussion; and*
- (5) *of the number of inter-departmental ad hoc committees/task forces on land development in the New Territories chaired by the Chief Executive since 1 July 1997, and set out their establishment dates by name of the committees/task forces?*

SECRETARY FOR DEVELOPMENT (in Chinese): President, after consulting the Transport and Housing Bureau, our consolidated reply is as follows:

- (1) When preparing for development/planning studies and land use reviews, the Government will work out the public consultation arrangements for collecting public views in the light of the individual situation of the project and taking into account factors such as the planning objectives, study area, land uses, scale and implementation programme of the project. Taking into account the circumstances of individual planning study or land use review, public consultation can be carried out in different forms, including public forums, community workshops, briefing sessions, focus group meetings and collection of written submissions. We will also consult representative and consultative bodies at appropriate levels, such as the Legislative Council, District Councils ("DCs"), Heung Yee Kuk, rural committees, etc.

In general, a planning study on new development area ("NDA") or new town extension involves larger study area and scale, diversified planning uses, longer development programme and larger

development items. When launching such study, the Government will first conduct public consultation on their scopes and objectives. Further consultation will be carried out upon formulation of development options. For each large-scale planning/development study, the Government will give due consideration to all the views collected and prepare reports setting out the public views and our responses. Comparatively speaking, a land use review or development of individual site involves a smaller area and scale and the subject is mainly a particular area or site(s) in the district or specific zones or land uses. The planned uses are also relatively limited (e.g. residential use). Therefore, extensive public engagement activities will not be arranged for such project as what have usually carried out for the large-scale planning/development studies. Instead, the target of the public consultation will be more focused, including various local consultative bodies as mentioned above.

Regarding the planning studies in question, the studies for the Kwu Tung North and Fanling North NDAs (formerly known as the North East New Territories development), the Hung Shui Kiu NDA, the Yuen Long South development, and the Tung Chung New Town Extension are all NDA or new town extension planning studies which involve many complicated problems. Therefore, during the planning and engineering study process, three stages of public consultation were conducted to consult the public respectively on the development direction and objectives, the preliminary development scheme and the recommended development scheme. Upon completion of the consultations, public consultation reports were prepared, incorporating the public views and the Government's responses. The consultation report is a public record of the entire process which upon its completion, will be uploaded to the web pages of the relevant study for public inspection. The report also serves as the basis for follow-ups in the future.

As for the housing development at Kam Tin South, it is a result of the Land Use Review for Kam Tin South and Pat Heung published in 2014. The Review was a district-based planning project, mainly examining the development potential of the West Rail Kam Sheung Road Station and the Pat Heung Maintenance Centre, as well as the

feasibility of using their adjoining land for housing development. The majority of the parties consulted were local stakeholders, including DC, rural committees and resident/concern groups. That said, the Planning Department has conducted a comprehensive analysis of the comments received and properly responded to the parties concerned. The findings of the consultation were then relayed to the Yuen Long DC ("YLDC") and the Rural and New Town Planning Committee ("RNTPC") under the Town Planning Board. Related documents of the YLDC and the RNTPC have been uploaded to their respective web pages for public inspection.

The comments received through the aforementioned studies can be inspected at the following weblinks:

Kwu Tung North/Fanling North NDAs—
<http://www.nentnda.gov.hk/doc/pe/PER3_e.pdf>

Hung Shui Kiu NDA—
<<http://www.hsknda.gov.hk/files/sotr/stage3/Stage%203%20Community%20Engagement%20Report.pdf>>

Yuen Long South Development (Stage 3 Community Engagement Report under preparation)—
<<http://www.yuenlongsouth.hk/community3.html>>

Tung Chung New Town Extension—
<http://www.tung-chung.hk/eng_public_report_3.html>

Land Use Review for Kam Tin South and Pat Heung—
<http://www.info.gov.hk/tpb/en/papers/RNTPC/532-rntpc_6-15.pdf>
(RNTPC paper—English version only)

<http://www.districtcouncils.gov.hk/yl/doc/2012_2015/en/dc_meetings_doc/611/dc_paper_2015_027.pdf> (YLDC paper—Chinese version only)

Regarding the public housing development at San Hing Road in Tuen Mun, according to the Transport and Housing Bureau, it is the Government's practice to conduct consultation for large-scale

projects in accordance with established procedures. Lobbying is also commonly carried out for projects that have impact to the local community with the objective to understand local concerns and gauge feedbacks on the proposals, in order to facilitate the Government to formulate proposals and to better address concerns and suggestions from the public during the public consultation process. Informal lobbying is not intended for substituting formal consultation procedures. Housing Department ("HD") located the following reference to the informal lobbying for San Hing Road housing development. The information indicates that prior to the DC meeting on 2 September 2014, HD and relevant department conducted five informal lobbying sessions from May to August that year. Local representatives who attended the meetings included the then Vice-chairman of Tuen Mun DC ("TMDC"), Chairman of the Environment, Hygiene and District Development Committee of TMDC, Chairman of the Commerce, Industry and Housing Committee of TMDC, DC member of the concerned constituency, the 1st Vice-chairman of the Tuen Mun Rural Committee and village representatives concerned. Local representatives expressed various concerns on the proposal, including transportation, traffic, impacts on the existing operations in the development area, etc.

Subsequently, the Government consulted TMDC on 2 September 2014. At the meeting, members expressed concerns over transportation, rural industries, demolitions and relocation, compensation issues, etc. The proposal was not supported by the DC in the end. Members also decided to issue a letter to the Town Planning Board to express their views on San Hing Road public housing development and urge the HD to conduct local consultation within the subsequent two weeks. In this connection, the relevant government departments conducted a site inspection with the DC member of the concerned constituency, the First Vice-chairman of Tuen Mun Rural Committee, village representatives and villagers on 11 September 2014, and attended a local consultation to gather views and concerns from local residents on 13 September 2014. At present, the study on the public housing development at San Hing Road has yet been completed and various issues are subject to change. As such, details of the development proposal, including flat number, are yet to be confirmed.

- (2) Before the public engagement exercise titled "Space for All" launched in January 2016, Development Bureau and relevant departments had not conducted any informal consultation on the details with any persons or stakeholder groups. Nevertheless, after formulation of the strategic positioning and development directions for Lantau in July 2014 by the Lantau Development Advisory Committee ("LanDAC"), the Public Relation and Engagement Subcommittee of the LanDAC and government departments held 38 briefings to key stakeholders (including 18 DCs and local organizations, etc.) from October 2014 to September 2015 on the development plan for Lantau and solicit their views; and arranged many visits to Lantau for the 18 DCs and the media. The information on the above activities were stated in Paper No. 09/2015 of the Public Relation and Engagement Subcommittee of the LanDAC: <[https://www.devb.gov.hk/filemanager/en/content_926/PRE_SC_Paper_No._09_2015_\(eng\).pdf](https://www.devb.gov.hk/filemanager/en/content_926/PRE_SC_Paper_No._09_2015_(eng).pdf)>.
- (3) As pointed out by the Secretary for Transport and Housing at the press conference on 21 September 2016, representatives of HD and relevant government departments lobbied the Chairman of YLDC, DC member of the concerned constituency, the Chairman and the 1st Vice-chairman of Ping Shan Rural Committee and the Special Councillor of Heung Yee Kuk representing Ping Shan in July and September 2013 for the Wang Chau public housing development. Subsequently in March 2014, lobbying sessions with the aforesaid persons and DC members of the nearby affected areas were carried out for Phase 1 of the Wang Chau public housing development.

Public consultation will not be replaced by informal lobbying. According to Transport and Housing Bureau, the Government has in fact conducted public consultations for Phase 1 of the Wang Chau public housing development through various means. As recorded under public documents, the Government consulted the Ping Shan Rural Committee on the Wang Chau Phase 1 on 23 May 2014 and YLDC on 24 June 2014 and submitted the rezoning proposal to the RNTPC for consideration on 17 October 2014. The rezoning of a portion of land within the "Green Belt" zone at Wang Chau for the development of public housing was gazetted on 31 October 2014, inviting representations and comments from the public. The Town

Planning Board subsequently considered the received representations and comments on 10 April 2015. The public has many opportunities to express their opinions during the process.

(4) and (5)

The Government has put in place the Steering Committee on Land Supply and the Committee on Planning and Land Development, as a standing mechanism, to coordinate works on planning, development and land supply. Land and housing supply is high in the priority list of the current-term Government. Depending on the need, the Chief Executive will chair inter-departmental meetings to take forward high-level coordination work of large-scale land supply projects. The Task Force on Wang Chau and Queen's Hill Site is one of the examples. The directions given by the Chief Executive will be followed up by relevant Policy Bureaux and departments in accordance with the established mechanism, which includes reporting the work progress and detailed follow-ups to the above mentioned Committees. Development Bureau so far has no separate statistics on the number of the related meetings. We cannot afford to give priority to searching for government records starting from 1997 which would require a large amount of resources, manpower and time. As such, we cannot provide the requested information at this stage.

Regarding Wang Chau in Yuen Long and Queen's Hill in North District, the Government is committed to identifying land for public housing developments. Both Wang Chau and Queen's Hill developments are important projects because of their especially large development sites which may provide almost 30 000 public housing units, the amount of the target of the public housing supply in a year. As such large-scale developments usually involve complicated issues of planning, infrastructure, transport, environmental protection, etc., the Chief Executive has personally chaired the task force to make high-level directional decisions for these two developments with a view to taking them forward as soon as possible and thereby solving the housing problem of the grassroots. The task force held its meeting in June 2013 and those in attendance included officials responsible for the policy areas of land, housing, planning and environmental protection.

ThunderGo

19. **DR ELIZABETH QUAT** (in Chinese): *President, earlier on, an academic launched the "ThunderGo" campaign for the 2016 Legislative Council General Election to facilitate electors who had joined the campaign to participate in strategic voting by coordinating the lists of candidates fielded and disseminating to them on the polling day data gathered from opinion polls ("poll data") and recommended lists of candidates, with a view to boosting the number of elected candidates from a particular camp. It was reported that, as a result of the poll data disseminated by ThunderGo, seven candidates respectively announced their "withdrawal of candidature" several days before the election day. Quite a number of members of the public consider that ThunderGo has caused electors not to vote according to their genuine preferences, and hence has done injustice to other candidates, allegedly manipulated election results, and seriously prejudiced the fairness of elections. In this connection, will the Government inform this Council:*

- (1) *whether it has studied if ThunderGo was in breach of legislation and guidelines relating to elections, including the Electoral Affairs Commission Ordinance (Cap. 541), the Elections (Corrupt and Illegal Conduct) Ordinance (Cap. 554) and Guidelines on Election-related Activities in respect of the Legislative Council Election; if it has studied and the outcome is in the negative, of the justifications; if the outcome of the study is in the affirmative, whether the authorities will conduct an investigation; if they will, how the investigation will proceed; whether the authorities will review the relevant legislation with a view to curbing the use of opinion poll results to allocate or canvass votes in an unfair manner during polling;*
- (2) *as it is stipulated in Cap. 554 that "election advertisement" ("EA") includes any message published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election, whether the authorities have studied (i) if ThunderGo had published EAs, and (ii) if the candidates concerned had to declare the costs incurred by such EAs as election expenses; if they have studied and the outcome is in the affirmative, of the relevant considerations and the method for calculating such election expenses; if the outcome of the study is in the negative, the justifications for that; whether the*

authorities will review the definition of "EA" and draw up a clearer method for calculating election expenses to ensure that elections are conducted in a fair manner;

- (3) as the aforesaid seven candidates announcing withdrawal of candidature had appealed to electors to vote for some other candidates, whether the authorities have assessed (i) if such acts were in breach of the legislation relating to elections, (ii) if such types of appeals are considered as EAs, and in case such appeals are considered as EAs, (iii) which candidates have to declare the costs incurred by such EAs as election expenses; if they have assessed and the outcome is in the negative, of the justifications; and*
- (4) whether the authorities will review the relevant legislation with a view to stepping up the regulation of opinion polls conducted on electors' preferences, and the dissemination of poll results, on the polling day so that electors' voting intention and election results will not be affected?*

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Chinese): President,

(1) to (3)

The Elections (Corrupt and Illegal Conduct) Ordinance ("ECICO") (Cap. 554) and the Guidelines on Election-related Activities in respect of the Legislative Council Election ("the Guidelines") provide clear definitions and guidelines on "election advertisements" and "election expenses". "Election advertisements" refer to any form of publication published for the purpose of promoting or prejudicing the election of a candidate or candidates at the election, while "election expenses" mean expenses incurred before, after or during the election period, by or on behalf of a candidate for the purpose of promoting the election of the candidate or prejudicing the election of other candidates. Whether a particular item of expenditure should be regarded as an election expense is a question of fact to be answered in the circumstances of each case. Each case should be determined by reference to the

purpose behind the expenses, taking account of the nature, circumstances and context of the expenditure.

The ECICO and the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D) set out the regulations related to election advertisements and election expenses. Any person who fails to comply with the regulations commits an offence. Upon receipt of a complaint that someone may have breached the electoral legislation, the Electoral Affairs Commission ("EAC") will refer it to the relevant law enforcement agencies for follow-up action. The complaint will be taken up seriously by the law enforcement agencies.

Pursuant to section 42 of the Legislative Council Ordinance (Cap. 542), a candidate may only withdraw his/her nomination before the end of the nomination period. There is no such mechanism for the so-called "withdrawal of candidature" after the end of the nomination period. Therefore, candidates who publicly declared to "withdraw their candidature" are still required to observe the provisions regarding electoral expenses, election advertisements and all the other requirements under the electoral legislation.

- (4) According to section 96(7) of the Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation (Cap. 541D), any person or organization that conducts exit poll in a non-canvassing zone without approval from the EAC commits an offence. The EAC has promulgated guidelines in relation to the exit poll with details set out in Chapter 15 of the Guidelines. Applicant or applying organization is required to make a statutory declaration undertaking to abide by the conditions on the conduct of exit poll and the Guidelines.

There are different views in the community on the various kinds of election-related opinion survey, and some are of the view that statutory regulation should be strengthened. We welcome views on this matter. If necessary, we may also arrange a detailed discussion of the specific issues at the Legislative Council Panel on Constitutional Affairs to further examine the arrangements under the existing legislation.

Monitoring the performance of the Mandatory Provident Fund Schemes Authority and fund managers

20. **MR PAUL TSE** (in Chinese): *President, a number of academics have repeatedly stated that the Mandatory Provident Fund ("MPF") Schemes are full of drawbacks and completely worthless as their high fees and low returns have gnawed retirement fund contributions for a long time. Another academic has recently pointed out that the expenditure of the Mandatory Provident Fund Schemes Authority ("MPFA") increased sharply by 36% in the past five years. Apart from its rental expenses which are as high as \$70 million per annum, MPFA's previous managing directors were even offered huge amounts of emoluments, with the incumbent managing director having received a total of about \$70 million over the past 13 years. In the year ended March this year, MPFA incurred a deficit as high as \$510 million, and recorded losses for six consecutive years. MPFA has not only failed to monitor MPF Schemes properly, but has also failed to make ends meet for a long time, not practising what it preaches. Also, the aforesaid academic has cited various profiteering tricks deployed by fund managers who act in disregard of contributors' interests, resulting in the long-term underperformance of most of the equity funds. Such tricks include: charging fund fees up to 2% and engaging in frequent trading of shares, thereby gnawing MPF contributions for a long time; embezzling dividends payable to clients; charging fund switching fees under all sorts of pretexts; buying investment products at high prices even when the market is overheating on the excuse that fund accounts cannot hold too much cash; and selling investment products at low prices during market downturns for fear that clients may make redemption and switch positions. Furthermore, in the past 10-odd years, fund managers often bought stocks at high prices based on rumours, leading to the underperformance of fund investments and incurring huge losses to clients. Those fund managers, however, were awarded large sums of bonuses or exercised warrants, with their affiliated financial institutions even gaining huge profits from such acts. In this connection, will the Government inform this Council:*

- (1) *given that the average annual return of MPF equity funds in the past 15 years was less than 4%, lagging substantially behind the rate of increase of the Hang Seng Index in the same period, whether the Financial Services and the Treasury Bureau and MPFA have studied the reasons, other than the exorbitant fund fees charged by fund managers, that lead to the long-term underperformance of MPF*

equity funds in terms of investment return; if they have, of the study findings; if not, whether a study can be conducted immediately;

- (2) *of the policies in place to regulate and monitor various acts disregarding clients' interests committed by equity fund managers, or even their undesirable investment habits which enable them to profiteer from such acts;*
- (3) *whether the Government, in the past 15 years, raised questions or issued warnings to fund managers alleged of having engaged in misconduct or acts disregarding clients' interests; if it did, of the number of cases and details of such acts, and the outcome of follow-up actions; if not, the reasons for that; whether it has reviewed the circumstances under which MPFA has not monitored MPF Schemes sufficiently or has not monitored at all, and whether it will expeditiously establish a new regime to regulate fund managers or tighten the existing regime;*
- (4) *as there are views that MPFA has failed to monitor MPF Schemes properly, has completely no knowledge of the total amount of management fees received by fund managers in the past 15 years, and such fees are of an exorbitant level, whether the Government has regularly reviewed the performance of MPFA, and what policies are in place to impose strict control on MPFA's expenditure; and*
- (5) *as an academic has pointed out that "the financial sector and the so-called governing elites have been targeting at the general public for making every possible gain and, if this situation goes on, there will be increasing calls for the abolition of MPF Schemes" and that "after the abolition of MPF Schemes, the problems associated with the offsetting arrangement will be gone", whether the Government will, in response to the concerns over the problems of "high fees and low returns" and the offsetting arrangement of MPF Schemes raised by the academic and more and more members of the public, conduct an objective value-for-money assessment on MPFA and the entire MPF system to study if public funds (the Government allocated \$5 billion of public money to fund the operation of MPFA in 1998) and MPF contributions are used properly and, at the same time, consider whether MPF Schemes should be abolished so as to completely solve the problems*

associated with the offsetting arrangement; if it will, of the details; if not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, the main duties of the Mandatory Provident Fund Schemes Authority ("MPFA") include:

- (i) regulating the approved trustees of registered mandatory provident fund ("MPF") schemes to ensure that they administer the registered schemes in a prudent manner;
- (ii) registration of MPF schemes and occupational retirement schemes ("ORSO schemes");
- (iii) monitoring compliance with relevant legislation by approved trustees and intermediaries, investigating suspected breaches and non-compliance, and taking enforcement actions;
- (iv) providing employees and employers with guidelines for the payment of mandatory contributions, and recovering outstanding contributions from employers on behalf of employees and instituting prosecutions against employers who fail to fulfil their obligation of making contributions;
- (v) considering and proposing reforms of the law relating to MPF schemes and ORSO schemes; and
- (vi) implementing public education so as to enhance public understanding of the MPF System and their knowledge of financial planning for retirement.

The replies to the questions raised by Mr Paul TSE are as follows:

- (1) As at August 2016, the annualized internal rates of return (net of fees and charges) of MPF equity funds and all MPF constituent funds since the inception of the MPF System in December 2000 were 4.2% and 3.2% respectively, broadly comparable to the overall investment returns of similar retail funds.

(2) and (3)

The MPF legislation requires all MPF schemes to be administered by approved trustees. To ensure that the accrued benefits of scheme members are adequately protected, approved trustees are required to administer and deal with scheme assets as trust property. Also, they are required to arrange for the scheme accounts to be audited; appoint investment managers to invest scheme members' contributions and accrued benefits; and ensure that all investments of the scheme are in the interest of scheme members. Fund managers are not allowed to charge scheme members any fees for fund switching. The MPF System is designed in such a way that the MPFA would approve and regulate the approved trustees who would proactively supervise their fund managers to enhance the performance of MPF constituent funds.

Furthermore, investment managers of all MPF constituent funds must be licensed by the Securities and Futures Commission ("SFC") under the Securities and Futures Ordinance ("SFO"). The fund managers shall observe and comply with all the relevant provisions in the SFO and its subsidiary legislation, and the relevant codes and guidelines issued by the SFC. Operation and conduct of fund managers are under the ongoing supervision of the SFC.

Under the existing mechanism, when the MPFA is aware of any non-compliance relating to fund managers' misconduct or reckless disregard for members' interests, it would refer the cases to the SFC for follow-up. Up till now, no fund managers have been questioned or warned for misconduct involving MPF constituent funds or inappropriate investment practices that have undermined the interests of the clients.

(4) The operations of the MPFA are mainly financed by the investment income generated from a one-off Capital Grant of \$5 billion from the Government in 1998. The MPFA's accounting records and financial statements must be audited by its auditor. In addition, the MPFA's annual reports, together with its financial statements, are available to the public on its website.

The MPFA has all along exercised stringent financial discipline and made efforts in controlling its expenditure. Along with various cost-saving measures, the MPFA consolidated its offices in early 2016 to maximize the efficient use of office space, and also relocated its offices away from prime commercial districts to reduce rental expenses. Efforts have also been made to reduce headcount to strictly contain the rise in staff costs. The Government and the MPFA review the income and expenditure of the MPFA regularly and explore options to ensure its long-term financial sustainability to support its regular duties and the launch of new regulatory measures.

- (5) The MPF System is an integral part of Hong Kong's retirement protection system. It plays the role of Pillar 2 under the retirement protection framework advocated by the World Bank. Before the MPF System was implemented, only one third of Hong Kong's employed population had retirement protection. Now 85% of Hong Kong's employed population (i.e. over 3.2 million employees and self-employed persons) are covered by the MPF System or some other form of retirement scheme, enjoying varying degrees of retirement protection. MPF assets have been growing since the inception of the System, and as at August 2016, MPF contributions together with investment returns reached \$646.6 billion. The annualized internal rate of return (net of fees and charges) of the System was 3.2%, higher than the annualized growth rate of the Consumer Price Index for the same period at 1.8%. This shows that the System has added value to scheme members' assets. Nevertheless, the Government and the MPFA have been refining the MPF System, for example, by introducing a fee-controlled Default Investment Strategy ("DIS"). The DIS will provide a better investment solution for scheme members who have not made or do not want to make investment choices, and will directly reduce MPF fees.

We must point out that the operations of the MPFA are mainly financed by the investment income from the Capital Grant of \$5 billion from the Government in 1998. The contributions of MPF scheme members and the investment income derived therefrom will not be used to finance the MPFA's operations.

Parking spaces for school private light buses

21. **MR FRANKIE YICK** (in Chinese): *President, in reply to a question raised by a Member of this Council on 3 December 2014, the authorities stated that regarding the demand for parking spaces for school private light buses (commonly called "nanny vans") which could not be parked at parking spaces for private cars owing to their longer bodies, the Government would implement the following measures as and when necessary: (i) provide on-street parking spaces as long as road safety and other road users are not affected; (ii) allow temporary car parks to operate at sites with no immediate development plans; (iii) require developers to include a suitable number of parking spaces for use by nanny vans, where appropriate, in development projects; and (iv) if the demand for parking spaces for student service vehicles is particularly high in a certain district, the authorities will consider designating some parking spaces at existing temporary car parks for the exclusive use of this class of vehicles when renewing the tenancies of these car parks. In this connection, will the Government inform this Council:*

- (1) *of the increase in the number of nanny vans in each of the past three years and the current total number of nanny vans;*
- (2) *whether it has, since December 2014, taken any of the aforesaid measures to increase the number of parking spaces for nanny vans; if it has, of the details (including the locations of implementation and the increase in the number of parking spaces) of such measures;*
- (3) *whether it has plans to implement the aforesaid measures in the coming three years to increase the number of parking spaces for nanny vans; if it does, of the details (including the locations of implementation and the projected increase in the number of parking spaces); if not, the reasons for that; and*
- (4) *apart from the aforesaid measures, whether the authorities will explore the adoption of other measures to increase the number of parking spaces for nanny vans (such as requiring the schools concerned to provide parking spaces); if they will, of the details; if not, the reasons for that?*

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of Mr Frankie YICK's question is as follows:

- (1) In the past three years, the net increase in the number of school private light buses ("SPLBs") by year was 159, 60 and 18 in 2014, 2015 and 2016 (January to September) respectively. As of September this year, the total number of SPLBs in Hong Kong is 1 980.

(2) and (3)

The Transport Department ("TD") has been monitoring the parking demands of various types of vehicles (including SPLBs) in the territory, and has taken various measures to increase parking spaces having regard to actual circumstances. During the period from January 2015 to June 2016, the number of on-street parking spaces available for SPLBs in the territory has increased by about 60; while the number of short-term tenancy car parks has increased by 13, providing about 1 500 parking spaces for all types of vehicles (including SPLBs). Operators could flexibly adjust the number of various types of parking spaces in these short-term tenancy car parks in accordance with the land lease condition to cater for the parking demands of different types of vehicles.

The TD has also increased the number of parking spaces for SPLBs to address the demands of individual districts. For example, in the above mentioned period, when renewing the tenancy for two short-term tenancy car parks on Po Yap Road and Wan Po Road in Tseung Kwan O, the Government has stipulated a requirement in the tenancy agreements that at least 45 parking spaces in total should be provided for parking by SPLBs. Also, for the short-term tenancy car park on Wong Tai Sin Road in Wong Tai Sin, the Government has stipulated a requirement that only buses, minibuses (including SPLBs) and goods vehicles are allowed to use the car park.

The TD will continue to take appropriate measures to increase the number of parking spaces (in particular those for commercial vehicles) in accordance with the parking demand of various types of

vehicles and actual circumstances. The actual location for implementing these measures and the number of additional parking spaces to be provided will depend on a number of factors, including the parking demands of various districts, the suitability of designating parking spaces on the concerned road, the implementation schedule of new developments or redevelopments, the terms and conditions of existing short-term tenancy car parks, as well as the views of the local community, etc.

- (4) Apart from the above measures, the Housing Department ("HD") is discussing with the TD to change dozens of parking spaces for light goods vehicles and private cars in car parks under the HD's management to also allow parking by private light buses (including SPLBs). Moreover, the TD has commenced preparatory work for a review on parking policy and standard. The review will accord priority to considering and meeting the parking need of commercial vehicles (including SPLBs).

As regards the feasibility of providing parking spaces in school campus, according to the Education Bureau, to meet schools' operational needs, they normally make available car parking facilities in school premises in accordance with the provisions in the land leases or tenancy agreements. According to the relevant provisions, the use of such facilities is restricted to school staff or visitors only. In fact, SPLBs, mostly commercially-run and profit-making in nature, may serve schools or organizations both within and beyond the districts concerned. It is against the land use provisions and other conditions specified in the land leases or tenancy agreements to request schools to grant SPLBs access to their parking facilities. This also involves complicated school security arrangements and insurance issues. Moreover, allowing SPLBs access to campus may affect the daily operation of schools and pose risks to the safety of the school staff, students and other users of the school premises. Therefore, it is difficult for the Government to request schools to make available parking spaces for operators of SPLBs.

Provision of walkways and installation of barrier-free access facilities at walkways

22. **MR WU CHI-WAI** (in Chinese): *President, notwithstanding a government policy that the Government will not construct footbridges connecting private developments, the Government sought funding approval from the Finance Committee of this Council in May this year to construct a footbridge connecting private developments in Tsuen Wan District. Moreover, the Government announced in January this year a new policy of waiving land premium for land lease modification for provision of pedestrian links to encourage the private sector to provide pedestrian links on private land. In addition, the Government launched the "Universal Accessibility" Programme in 2012 to install barrier-free access facilities, such as lifts, at public walkways, including footbridges, etc. in various districts. In this connection, will the Government inform this Council:*

- (1) *whether the policy that the Government will not construct footbridges connecting private developments is still in force now; if so, of the circumstances under which exceptional treatment is allowed;*
- (2) *as I have learnt that the Government has refused to provide footbridges and lifts for the residents of quite a number of areas in Kowloon East, including Po Pui Court in Kwun Tong and Chuk Yuen North Estate in Wong Tai Sin, on the ground that certain road sections involved private land ownerships, whether the Government will reconsider providing such facilities for the residents of the areas concerned; if it will, of the details; if not, the reasons for that;*
- (3) *apart from waiving land premium, whether the Government will consider providing financial support or meeting the expenses on the operation and maintenance of the relevant pedestrian links, so as to further encourage the private sector to provide pedestrian links such as footbridges and lifts on private land for the convenience of local residents; if it will, of the details; if not, the reasons for that; and*
- (4) *as some residents of Ngau Tau Kok have relayed that in Lok Wah North Estate, there is no barrier-free access leading to Chun Wah Road, On Kay Court and Jordan Valley Playground, and they therefore hope that the Government will provide a lift which directly reaches Chun Wah Road or install a lift next to the existing*

footbridge, whether the Government will include such items in the Universal Accessibility Programme; if it will, of the details?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of Mr WU Chi-wai's question is as follows:

- (1) When using public funds to construct public footbridge links, the Government will consider the necessity of such projects on the basis of a host of factors, including the anticipated pedestrian flows, road safety, availability of alternative walkways, cost-effectiveness and public views, etc. Whether the footbridge will be connected to private developments is not a primary factor for consideration.

In some cases, staircases and lifts of public footbridges which are constructed on public footpaths will reduce the space of footpaths. If the Government considers it necessary to maintain the space of footpaths or has full justifications for constructing public footbridge facilities connecting to private developments, provided that it is operationally and technically feasible the Government may specify such requirement in the Conditions of Sale, arrange gazettal of the project under the Roads (Works, Use and Compensation) Ordinance (Cap. 370), or add the requirements when the opportunity arises at the time of the lease modification of existing developments.

Regarding the planned footbridge connected to private developments in Tsuen Wan mentioned in the question, the decision to construct the footbridge is made by the Government having regard to the above factors. The footbridge concerned will connect Tsuen Wan Plaza, footpath on Hoi Shing Road and adjacent landscaping area, as well as Skyline Plaza. As mentioned in the paper submitted to the Public Works Subcommittee of the Finance Committee (Item No. PWSC(2016-17)5) by the Transport and Housing Bureau in April this year, the footbridge can relieve the congestion at the existing pedestrian crossing at Hoi Shing Road, and minimize potential risks due to a shared use of the same road by pedestrians and vehicles. It will also enhance the existing local public footbridge network and strengthen the connection between the northern and southern parts of the area. The footbridge has long been included in the planned pedestrian facilities of Tsuen Wan Central Outline Development Plan. It has also been stipulated in

the land leases of Tsuen Wan Plaza and Skyline Plaza that a connection point should be provided at the two lots concerned for future footbridge and that the private landowners have to provide public access round the clock for connection to the public walkway system in the area so as to give full play to the functions of the footbridge.

- (2) We understand that the suggestions raised by Mr WU involve lift retrofitting works at staircases within the boundary of Po Pui Court in Kwun Tong and Chuk Yuen North Estate in Wong Tai Sin. Po Pui Court in Kwun Tong is under the "Home Ownership Scheme", and Chuk Yuen North Estate in Wong Tai Sin is under the "Tenants Purchase Scheme". The walkways where the proposed lifts are located fall entirely within privately-owned land. Based on consideration of principles and to ensure the proper use of public funds, we are of the view that lift retrofitting works within privately-owned land should not be implemented by the Government.
- (3) The Government understands that there is increasing expectation from the public that the pedestrian network in the city should be convenient, pleasant and comfortable, and should reach out to more potential users by connecting with nearby developments and other existing walkway systems. The Government acknowledges the need to review the existing policy and will consider adopting a more pragmatic approach to facilitate proposals from private owners for early provision of planned pedestrian links to enhance walkability and promote the quality of living. As such, the Chief Executive announced in 2016 Policy Address a trial scheme to waive the land premium payable for lease modification for provision of the pedestrian links under prescribed conditions, which is intended to provide a suitable incentive to private owners, so as to help achieve a comprehensive pedestrian network for the overall benefits of the community.

The Government initially takes Kowloon East ("KE"), particularly for the built-up areas of Kowloon Bay Business Area and Kwun Tong Business Area, as a pilot area under the Energizing Kowloon East ("EKE") policy initiative to facilitate the transformation of KE and for which two pedestrian environment improvement studies on construction of a comprehensive pedestrian network have already

been initiated by EKE Office. As the trial scheme has just commenced, the Government does not have plans at the present stage to launch supporting measures other than waiving land premium. To determine the effectiveness of the trial scheme in KE, the Government expects to conduct a mid-term review in 2018 and may suitably consider the issues concerned at that time. As the trial scheme is intended to facilitate the provision of pedestrian link by private owners, it does not have any conflict with the existing arrangements of the Government on the construction of public pedestrian walkways.

- (4) To further take forward the Universal Accessibility Programme, the Government will, from the fourth quarter of this year to the second quarter of 2017, again invite the District Councils ("DCs") to further nominate not more than three existing walkways in each district for the next phase of the programme. The walkways eligible for consideration by the DCs will no longer be confined to public walkways maintained by the Highways Department ("HyD"), provided that the following criteria are met to ensure proper use of public funds:
- (i) the walkways span across public roads maintained by the HyD;
 - (ii) they are open for public access from public roads at all times;
 - (iii) the walkways are not privately owned; and
 - (iv) the parties responsible for the management and maintenance of these walkways agree to such lift retrofitting proposals and are willing to cooperate with the Government during the implementation of the said lift retrofitting works as well as the subsequent management and maintenance works of the lifts.

The lifts installed would be maintained by the HyD.

If the footbridge across Chun Wah Road near Lok Wah North Estate satisfies the above criteria, the DC concerned can consider selecting it as one of the items in the next phase of the programme.