

立法會
Legislative Council

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**Paper for the House Committee meeting
of 24 February 2017**

**Questions scheduled for the
Legislative Council meeting of 1 March 2017**

Questions by:

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| (2) | Hon KWOK Wai-keung | (Oral reply) |
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| (5) | Dr Hon CHIANG Lai-wan | (Oral reply) |
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| (10) | Hon Charles Peter MOK | (Written reply) |
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| (20) | Hon CHAN Chi-chuen | (Written reply) |
| (21) | Ir Dr Hon LO Wai-kwok | (Written reply) |
| (22) | Prof Hon Joseph LEE | (Written reply) |

註 :

NOTE :

議員將採用這種語言提出質詢

Member will ask the question in this language

The 2017 Chief Executive Election

(1) Hon KWONG Chun-yu (Oral reply)

Article 45 of the Basic Law provides that the Chief Executive (“CE”) of the Hong Kong Special Administrative Region (“HKSAR”) shall be selected by election or through consultations held locally and be appointed by the Central People’s Government (“CPG”). The 2017 Chief Executive Election will be held on the 26th of this month. However, it has been reported that a candidate remarked during a tea reception with the senior staff of the media industry in January this year that the worst-case scenario for this election was that it was won by a person whom CPG would not appoint, which would result in a constitutional crisis, and it was her responsibility to prevent the occurrence of such a scenario. Besides, it has been reported that some CPG officials met with some Election Committee members earlier in Shenzhen telling them clearly that the said candidate was the only candidate whom CPG supported. A senior adviser of that candidate advised last month that if this report was true, the State President must have been involved in making such an important decision. Some members of the public consider that certain people making the aforesaid remarks have the intention of exerting pressure on Election Committee members, making people query whether this CE election could be conducted in a fair and just manner. In this connection, will the Government inform this Council:

- (1) whether it has approached CPG to gain an understanding of the circumstances under which the winner of a CE election will not be appointed as CE by CPG; if so, of the details; if not, the reasons for that;
- (2) whether it has studied if the remarks, made by any person shortly before a CE election, that the intention of a person to run for the election is to prevent the occurrence of a constitutional crisis and that CPG only supports a particular candidate are in breach of the relevant electoral legislation and Article 22 of the Basic Law (which stipulates that no department of CPG ... may interfere in the affairs which HKSAR administers on its own in accordance with the Basic Law); if it has studied, whether it will relay the results of such a study to CPG; if so, of the means by which and the CPG officials to whom the Government will relay the results; if not, the reasons for that; and
- (3) whether it has assessed if the aforesaid remarks have caused the public to lose confidence in the fairness of this CE election; if it has assessed and the outcome is in the affirmative, of the Government’s measures to restore the confidence of the public; if the assessment outcome is in the negative, the reasons for that?

Handling of unexpected incidents inside railway stations and trains

(2) Hon KWOK Wai-keung (Oral reply)

The MTR South Island Line (“SIL”) was commissioned on 28 December last year. However, a power remote control device at the Wong Chuk Hang Depot malfunctioned right on the following day, affecting the power supply of five railway stations along SIL. On the 14th of last month, South Horizons Station of SIL was closed for four hours due to serious flooding. Some members of the public have relayed to me that the aforesaid incidents have caused inconvenience to them and aroused concerns over the ability of the MTR Corporation Limited (“MTRCL”) in handling unexpected incidents inside railway stations. In this connection, will the Government inform this Council:

- (1) as the Water Supplies Department has indicated that the aforesaid flooding incident was caused by leakage of water from a cracked fresh water main near South Horizons Station following its dislocation due to loosened support, and that the water main had been relocated during the time when the works of SIL were carried out, whether the authorities know the outcome of the investigation of the incident carried out by MTRCL, including whether the structure of the railway station has been affected;
- (2) whether the authorities know if MTRCL has, in the light of the aforesaid flooding incident, examined the structural conditions of the water mains near the various railway stations along SIL, and re-examined the water main alignments near the various railway stations under construction, so as to prevent the reoccurrence of flooding incidents in railway stations; given that flooding inside railway stations can cause electricity leakages, thereby endangering the safety of railway staff and passengers, whether the authorities know if MTRCL has formulated safety guidelines for handling flooding incidents inside railway stations; and
- (3) given that as SIL is plied by unmanned trains and covers the Nam Fung Tunnel which is as long as 3.2 km, MTR staff can only provide support at the next station should an unexpected incident occur in a train passing through the tunnel, whether the authorities know if MTRCL has formulated contingency plans for handling unexpected incidents that occur in trains passing through tunnels along the various railway lines, and whether MTRCL will conduct the relevant drills?

Prevention of divulgence of government confidential information
during the 2017 Chief Executive Election

(3) Hon Dennis KWOK (Oral reply)

It has been reported that during the 2012 Chief Executive Election, a candidate who was a former Member of the Executive Council (“ExCo”) allegedly violated ExCo’s principle of confidentiality by divulging at an election forum the deliberations of ExCo. The incident aroused wide public concern at that time. The 2017 Chief Executive Election will be held on the 26th of this month and the nomination period will end today. Persons seeking nomination include several former ExCo Members who are also former Secretaries of Department or Directors of Bureau. Besides, among such persons’ electioneering team members and advisers, quite a number of them are holding or once held public offices. In this connection, will the Government inform this Council:

- (1) whether it has put in place measures to prevent candidates of the 2017 Chief Executive Election as well as their electioneering team members and advisers from divulging government confidential information to which they have/had access due to their public offices; if so, of the specific measures; if not, the reasons for that; and
- (2) whether it has studied, where there has been such divulgence of government confidential information as mentioned in (1), which ordinance(s) and regulation(s) that the Government may invoke to hold the parties concerned responsible, as well as the penalties concerned; if so, of the details?

Retrofitting air-conditioning systems for public markets

(4) Hon Wilson OR (Oral reply)

At present, where the management consultative committee and a specified percentage of the tenants (“the threshold”) of a public market (including cooked food centre) under the Food and Environmental Hygiene Department (“FEHD”) have pledged their support for retrofitting an air-conditioning system at the market, FEHD will conduct a technical feasibility study on the relevant works. The threshold was lowered from 85% to 80% in July 2015. Shui Wo Street Market Cooked Food Centre had obtained a tenant support rate of not less than 85% before the threshold was lowered, and Ngau Chi Wan Market Cooked Food Centre and Ngau Tau Kok Market Cooked Food Centre have already obtained a support rate of 100% and 90% respectively. The tenants of these markets have complained about the slow progress of the air-conditioning system retrofitting works. They are worried that the hot and stuffy environment of the markets during summer time will deter customers from visiting the markets, thus affecting the livelihood of the tenants. In this connection, will the Government inform this Council:

- (1) of the latest progress of the works for retrofitting air-conditioning systems at the aforesaid three market cooked food centres; whether there are specific implementation schemes; if so, of the arrangements, costs, implementation schedules and anticipated completion dates of the works; if not, the reasons for that;
- (2) according to the authorities’ latest assessment, whether the aforesaid three market cooked food centres need to be closed partially or completely for the works to proceed; of the measures in place to reduce the impact of the works on the tenants; whether it will provide assistance or compensation to the tenants during the period when the works are carried out; if so, of the details; if not, the reasons for that; and
- (3) whether it has reviewed the reasons for the slow progress of the air-conditioning system retrofitting works at some markets, and of the measures that may expedite the progress of the works?

Pardoning persons convicted of criminal offences related to
the occupation movement or commuting their penalties

(5) Dr Hon CHIANG Lai-wan (Oral reply)

It has been reported that quite a number of heads of states or regions exercise from time to time their powers to pardon prisoners. For example, at the end of last year, the French President pardoned a woman who had shot her husband to death because she had been subject to years of serious and physical abuse by her husband. During his eight-year tenure, the last President of the United States pardoned a total of 1 385 prisoners, 395 of whom being prisoners sentenced to life imprisonment. Article 48(12) of the Basic Law also provides that the Chief Executive (“CE”) may exercise his powers and functions to “pardon persons convicted of criminal offences or commute their penalties”. On the other hand, as at the end of January this year, a total of 1 003 persons were arrested by the Police during and after the occupation movement in 2014, and 216 arrestees have undergone or are undergoing judicial proceedings. Among them, 123 persons have to bear legal consequences (i.e. 81 were convicted and 42 were bound over). There are views that quite a number of young people participating in the occupation movement have inadvertently broken the law in pursuit of their ideals, and a small number of law enforcement officers were convicted because they had treated arrestees in an improper manner while they were under provocation. In this connection, will the Government inform this Council whether CE will follow the practice of the heads of other places to pardon some of the aforesaid persons or commute their penalties; if so, of the details; if not, the reasons for that?

Regulation of medical devices and devices for cosmetic purposes

(6) Hon SHIU Ka-fai (Oral reply)

The Government put forward a proposed regulatory framework for medical devices last month. Quite a number of members of the beauty industry have relayed to me that at present, beauticians commonly use various types of high-technology devices for cosmetic purposes, and many of them have taken courses and obtained certificates of qualification on the operation of such devices. However, such devices will be categorized under the new legislation as medical devices the use of which requires supervision on site by a registered medical practitioner. They are worried that upon the implementation of the new legislation, quite a number of beauty salons may close down as they fail to recruit medical practitioners to station on site or cannot afford the relevant expenses. Consequently, the livelihood of many beauticians will be affected and the development of the industry will be hindered. In this connection, will the Government inform this Council:

- (1) given that there is currently no internationally adopted and full-fledged regulatory approach for medical devices, whether the authorities, apart from adopting the risk-based classification rules recommended by the International Medical Device Regulators Forum and making reference to the measures and requirements implemented among the five major economies (i.e. the United States, Australia, United Kingdom, Mainland China and Singapore), have made reference to the relevant practices and regulations of other overseas countries or regions when formulating the aforesaid regulatory framework; if so, of the relevant countries and regions, and the details;
- (2) whether it has assessed the impacts to be brought about by the aforesaid regulatory framework on the business environment of the medical profession, the beauty industry and their related industries, the consumers receiving cosmetic services as well as the Hong Kong economy; if so, of the details; if not, the reasons for that; and
- (3) whether it has studied the feasibility of adopting two separate frameworks for regulating matters (including definition, registration, sale and use) concerning medical devices and devices for cosmetic purposes; if so, of the details; if not, the reasons for that?

Sizes of restaurants holding valid general restaurant licences

(7) Hon Tommy CHEUNG (Written reply)

On 10 January 2007, the authorities replied to my written question on restaurants holding valid general restaurant licences (including full and provisional licences) (“licensed restaurants”). In this connection, will the Government inform this Council:

- (1) given that in the aforesaid reply, the authorities provided the number of licensed restaurants as at 2 January 2007 and a breakdown of those restaurants by size (set out in the table below), of the relevant figures as at 2 January this year; and

Size groups adopted by the Food and Environmental Hygiene Department for determining restaurant licence fees		Number of licensed restaurants (percentage in the total number)	
Exceeding (m ²)	Not exceeding (m ²)	2 January 2007	2 January 2017
	100	3 335 (42.0%)	(%)
100	150	1 086 (13.7%)	(%)
150	200	698 (8.8%)	(%)
200	250	548 (6.9%)	(%)
250	300	390 (4.9%)	(%)
300	350	300 (3.8%)	(%)
350	400	232 (2.9%)	(%)
400	450	156 (2.0%)	(%)
450	500	127 (1.6%)	(%)
500	600	179 (2.3%)	(%)
600	700	138 (1.7%)	(%)
700	800	108 (1.4%)	(%)
800	900	85 (1.1%)	(%)
900	1 000	60 (0.8%)	(%)
1 000	2 000	377 (4.7%)	(%)
2 000	3 000	88 (1.1%)	(%)
3 000	4 000	16 (0.2%)	(%)
4 000	5 000	9 (0.1%)	(%)
5 000		11 (0.1%)	(%)
Total		7 943 (100%)	(100%)

- (2) given that the authorities indicated in the aforesaid reply that they had not studied the trend of the sizes of licensed restaurants, whether the authorities conducted, in the past 10 years, (i) the relevant study and (ii) an assessment of the correlation between the sizes of licensed restaurants and operating costs, labour force as well as economic situation; if they conducted such study and assessment, of the outcome; if not, the reasons for that?

Combating parallel trading activities

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

In replying to questions raised by Members of this Council in the past, the Government repeatedly indicated that it had implemented a number of measures to combat parallel trading activities. However, some residents in the North District have pointed out that such activities are still rampant in the district at present, causing nuisance to their daily living. In this connection, will the Government inform this Council:

- (1) in each of the past three years, of the manpower deployed by (i) the Food and Environmental Hygiene Department (“FEHD”), (ii) the Police and (iii) other government departments to deliver street cleaning services and take law enforcement actions against parallel trading activities at parallel trading black spots;
- (2) of the number of parallel trading black spots last year and their locations; the respective numbers of law enforcement actions taken and Fixed Penalty Notices (“FPNs”) issued, by the departments concerned at such black spots each month;
- (3) of the respective numbers of FPNs issued by FEHD and the Police in each of the past three years to persons who had committed obstruction and cleanliness offences in public places owing to their involvement in parallel trading activities (broken down by residents of Hong Kong and the Mainland); regarding these two categories of residents, of the respective numbers of (i) persons defaulting on payment of fines and their respective percentages, (ii) overdue FPNs and their respective percentages in the total numbers of FPNs issued, and (iii) cases with overdue fines at present and the respective total amounts of fines involved;
- (4) how the authorities serve summonses to and collect default payments from those Mainland residents who have left Hong Kong with overdue fines, and whether they will be arrested or refused entry when they enter the territory again; of the respective numbers of cases in each of the past three years in which summonses could and could not be served;
- (5) regarding shops with repeated offences in relation to parallel trading activities (e.g. having been issued a number of FPNs within a month), whether the authorities took law enforcement actions last year which had a greater deterrent effect (e.g. instituting prosecutions by way of summons); if so, of the details;
- (6) given that three industrial building units, which had breached the permitted uses in land leases as a result of their being converted into retail shops, were re-entered and vested in the Government by the Lands Department (“LandsD”) in 2015 in accordance with law, but it is learnt that the former owners concerned have been granted relief by the

Government to get back their units, of the Government's justifications for granting the relief, and whether it has assessed if such practices will undermine the deterrent effect of such type of law enforcement actions against parallel trading activities;

- (7) in respect of the industrial building units which breached the permitted uses in land leases as a result of their being used for activities related to parallel trading, whether LandsD has commenced, since January last year, the procedure for the units to be re-entered and vested in the Government, or issued warning letters to the owners concerned; if so, of the details (including the number of industrial building units involved and dates on which the law enforcement actions were taken);
- (8) of the details (including the numbers of cases and total amounts of fines imposed on the relevant parties) of the cases in which fire escapes were found, in each of the past three years during inspections of industrial buildings conducted by Fire Services Department personnel, to have been blocked by parallel trading-related activities;
- (9) whether the authorities received complaints in the past three years about units other than those of industrial buildings (including residential buildings) being used for parallel trading-related activities, and whether they conducted inspections targeting such activities in those buildings; if they conducted such inspections, of the outcome;
- (10) of (i) the number of Mainland residents who were put on the watch list of suspected parallel traders by the Immigration Department ("ImmD"), and (ii) the number of persons on the watch list who were refused entry by ImmD, in each month in each of the past three years; since the implementation of the arrangements for one-trip per-week Individual Visit Endorsements ("IVS") in April 2015, (i) of the annual average number of Hong Kong-bound trips made by Shenzhen permanent residents with such endorsements (broken down by fewer than 10 trips, 11-20 trips, 21-30 trips, 31-40 trips, 41-50 trips and 51-52 trips), (ii) whether ImmD has found cases in which Shenzhen permanent residents engaging in parallel trading activities switched to use other travel documents for gaining entry into the territory (if so, of the number), and (iii) whether ImmD or the relevant Mainland departments have put Hong Kong people on the watch list of suspected parallel traders; if so, of the number of Hong Kong people involved and the weekly average number of cross-boundary trips made by such persons; and
- (11) whether the authorities have assessed the effectiveness of the arrangements for one-trip per-week IVS; if so, of the details; whether the Government and the relevant departments of the Mainland have separately or jointly adopted new measures to combat parallel trading activities in recent years?

Smoking ban imposed at bus interchanges

(9) Hon Andrew WAN (Written reply)

In December 2015, the Government amended the Smoking (Public Health) Ordinance (Cap. 371) to impose a smoking ban at bus interchanges (“BIs”) and adjoining facilities located at eight tunnel portal areas in Hong Kong, with an aim to minimize the impact of passive smoking on waiting passengers and protect public health. Such legislative amendments have come into operation since 31 March last year but they do not cover the Tuen Mun Road Bus-Bus Interchange (“BBI”), resulting in members of the public who are waiting there for change of bus being forced to inhale second-hand smoke every day. In this connection, will the Government inform this Council:

- (1) of the reasons why the authorities, when taking forward the aforesaid legislative amendment exercise, did not designate the Tuen Mun Road BBI, which by then had been commissioned for nearly three years, as a statutory no smoking area (“NSA”); and
- (2) of the BIs across the territory which have currently not yet been designated as NSAs, and whether the authorities will extend the smoking ban to such locations; if so, of the timetable; if not, the reasons for that?

Government's requests for information disclosure and removal made to
information and communication technology companies

(10) Hon Charles Peter MOK (Written reply)

According to the transparency reports separately published by seven international information and communication technology ("ICT") companies, namely Google, Yahoo, Microsoft, Apple, Facebook, Twitter and Verizon, such companies received a total of 712 requests for disclosure of user information made by the Hong Kong Government in the first half of 2016, representing a 15% increase over the preceding half year. In particular, Facebook received in the first half of 2016 record-breaking 190 requests, which was a rise of 68% over the 113 requests in the preceding half year and many times more than the one request made in the first half of 2013. In this connection, will the Government inform this Council:

(1) of the following details of the requests for information disclosure made by the Government in each half-year from 2015 to 2016 to ICT companies (set out the information in a table, broken down by government department):

- (i) total number of ICT companies involved;
- (ii) names and types of ICT companies involved (e.g. Internet service providers ("ISP"), device producers, social media and search engines);
- (iii) total number of requests made;
- (iv) total number of user accounts involved;
- (v) types of information requested for disclosure (e.g. user names, Internet Protocol addresses and contact methods) and the respective numbers of the requests concerned;
- (vi) nature of information requested for disclosure (i.e. metadata and/or content of communication) and the respective numbers of the requests concerned;
- (vii) reasons for making the requests (e.g. for investigation of cases, law enforcement and others) and the respective numbers of the requests concerned;
- (viii) number of requests made under a court order;
- (ix) number of requests acceded to; and
- (x) reasons why the requests were not acceded to (e.g. the request not made under a court order, failure to provide appropriate legal documents, insufficient justifications, not in compliance with the policies of ICT companies, and others) and the respective numbers of the requests concerned;

if such information cannot be provided, of the reasons for that;

- (2) of the following details of the requests for information removal made by the Government in each half-year from 2015 to 2016 to ICT companies (set out the information in a table, broken down by government department):
- (i) total number of ICT companies involved;
 - (ii) names and types of ICT companies involved;
 - (iii) total number of requests made;
 - (iv) volume of information requested for removal;
 - (v) types of information involved (e.g. videos, text, images) and the respective numbers of the requests concerned;
 - (vi) nature of information involved (e.g. indecent content, illegal advertisements, copyright infringement and false information) and the respective numbers of the requests concerned;
 - (vii) reasons for making the requests (e.g. for investigation of complaints, law enforcement and others);
 - (viii) number of requests made under a court order;
 - (ix) number of requests acceded to; and
 - (x) reasons why the requests were not acceded to;
- if such information cannot be provided, of the reasons for that;
- (3) of the reasons why the number of requests for information disclosure made by the Government to Facebook has increased continuously since 2013;
- (4) of the legal bases and considerations for the Government's making requests for information disclosure and removal to ICT companies, and set out the ordinances, internal guidelines and codes of practice concerned; and
- (5) whether the Government has plans to improve its procedure for making the aforesaid requests and to increase the transparency of the Government's practices in this respect, e.g. (i) setting up an independent committee to review the relevant practices, (ii) drawing up guidelines for making such requests by making reference to industry-led best practices, and (iii) releasing reports on such requests made by government departments and law enforcement agencies on a half-yearly basis; if it has no such plans, of the reasons for that?

Water quality of swimming pools

(11) Dr Hon KWOK Ka-ki (Written reply)

In recent years, there were from time to time media reports on the poor water quality of certain public and private swimming pools, which might pose threat to the health of swimmers. Regarding the water quality of swimming pools, will the Government inform this Council:

- (1) of the respective water quality standards currently adopted by the Leisure and Cultural Services Department for swimming pools in the public swimming pool complexes under its purview, and those adopted by the Food and Environmental Hygiene Department (“FEHD”) for private swimming pools; if the two sets of standards are different, of the reasons for that, and whether it has plans to align the relevant standards; if so, of the details; if not, the reasons for that;
- (2) of the methods and procedure adopted by the authorities for examining the water quality of the public swimming pools under their purview; the number of cases in the past three years in which the water quality concerned did not comply with the standards and the relevant details;
- (3) whether the authorities deployed personnel in the past three years to take pool water samples from private swimming pools for examination; if so, of the details, and whether they uncovered any case in which the water quality did not comply with the standards;
- (4) whether the authorities received in the past three years complaints about the water quality of public and private swimming pools; if so, of the contents of the complaints and the follow-up actions taken by the authorities; and
- (5) of the criteria and procedure adopted by FEHD for instituting prosecution against the licensee of a private swimming pool the water quality of which did not comply with the standards; whether the authorities reviewed the relevant legal provisions in the past five years; if so, of the details?

Provision of public healthcare services and
dissemination of health information to the ethnic minorities

(12) Hon Alice MAK (Written reply)

Recently, some concern groups on the rights and interests of the ethnic minorities (“EMs”) have relayed to me that EMs who do not understand Chinese and English encounter many difficulties when using public healthcare services due to the language barrier. Also, the Government’s public health education efforts for health promotion and disease prevention can hardly reach EMs. In this connection, will the Government inform this Council:

- (1) whether it knows the number of EMs serviced by each hospital cluster in the past five years;
- (2) whether it knows the numbers of times for which (i) diagnoses and treatments and (ii) interpretation services of each type (including telephone and on-site interpretation) were provided for EM patients by each hospital cluster in each of the past five years; the respective average waiting time for such services; and
- (3) of the details of the authorities’ public health education efforts targeted at EMs (including publishing leaflets and holding talks in the languages of EMs) in the past five years; whether they will step up such efforts; if so, of the details; if not, the reasons for that?

Cost estimates of infrastructure projects

(13) Hon Paul TSE (Written reply)

In recent years, situations of major infrastructure projects experiencing cost overruns and delays are not uncommon. There are views that as major infrastructure projects with “exorbitant construction costs” often involve huge expenditure, cases in which some people use all sorts of pretexts to take advantage of such a situation are heard of from time to time. It has been reported that eight major infrastructure projects in recent years involving a total estimated expenditure of over \$600 billion are expected to incur cost overruns amounting to about \$90 billion, tripling the surplus of \$30.5 billion for the last financial year. The Government established the Project Cost Management Office (“PCMO”) in June last year to review public works projects at the planning and design stage with a view to lowering project costs by improving their designs. Since its establishment, PCMO has reviewed over 60 public works projects to be submitted to the Finance Committee of this Council for vetting and approval. The Government has boasted of achieving a saving of over \$10 billion in project costs. However, the construction cost of the Kai Tak Sports Park (“KTSP”) surges by nearly \$8 billion instead of going down. In this connection, will the Government inform this Council:

- (1) given that the construction cost of KTSP was estimated at \$25 billion in 2014 and PCMO estimated after review that nearly \$2 billion saving could be achieved (i.e. the lowest estimated construction cost was \$23 billion), but the Home Affairs Bureau has released recently that the estimated construction cost of KTSP is about \$23.8 billion in the prices of September last year and about \$31.9 billion in money-of-the-day prices, i.e. a difference of \$8.1 billion between the two figures with the latter exceeding the lowest estimated construction cost by \$8.9 billion, whether PCMO has studied the reasons for the substantial increase in the construction cost of KTSP; if so, of the details;
- (2) among the aforesaid 60 public works projects reviewed by PCMO, of the five projects with the largest differences between the construction costs before and after revisions;
- (3) whether it has studied the reasons for the wrong estimations of the construction costs of those 60 public works projects; if so, of the findings, and whether they involve (i) intentional exaggeration of the cost estimates, (ii) transfer of benefits or (iii) mistakes in work;
- (4) of the measures in place to follow up and monitor the construction progress of those 60 public works projects in order to avoid cost overruns or delays;
- (5) given that a number of major infrastructure projects that have already commenced (e.g. the West Kowloon Cultural District, the Expansion of Hong Kong International Airport into a Three-Runway System project and Hong Kong-Zhuhai-Macao Bridge) have experienced substantial

cost overruns and delays, whether PCMO will review the construction progress of such projects one by one in order to prevent the problems of cost overruns and delays from worsening;

- (6) given that PCMO will need to review some 300 projects in the coming two years, whether the Government (i) has assessed if PCMO has adequate financial resources and staffing to meet its needs, and (ii) has considered allocating additional resources and manpower to PCMO; if it has made such assessment and consideration, of the details; and
- (7) whether it will extend the originally-planned three-year operation period of PCMO or upgrade it as a permanent government department dedicated to reviewing the cost estimates of all infrastructure projects that will commence in the future; if so, of the details; if not, the reasons for that?

Complaints handled by the Hospital Authority

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

Will the Government inform this Council whether it knows:

- (1) the number of complaints received from patients or their families by each public hospital in the past five years, with a breakdown by nature of complaint;
- (2) the number of complaints received from staff members by each public hospital in the past five years, with a breakdown by nature of complaint;
- (3) among the complaints mentioned in (1), the number of those involving medical errors; among them, the respective numbers of cases in respect of which the Hospital Authority (“HA”) (i) arranged mediation and (ii) made compensation, apologies or other remedies to the patients concerned or their families after mediation, as well as the total amount of compensation paid each year;
- (4) among the complaints mentioned in (1), the number of cases with the disputes concerned taken to court eventually and the amount of legal costs incurred by HA each year; among them, the number of cases in respect of which HA was required to pay compensation to the patients concerned or their families, and the total amount of compensation paid by HA each year;
- (5) among the complaints mentioned in (2), the number of cases in respect of which HA arranged mediation; among them, the respective numbers of cases in respect of which HA (i) paid compensation and (ii) arranged for the transfer of the staff members concerned; the total amount of compensation paid by HA each year; and
- (6) among the complaints mentioned in (2), the number of cases with the disputes concerned taken to court eventually and the amount of legal costs incurred by HA each year; among them, the number of cases in respect of which HA was required to pay compensation to the staff members concerned, and the total amount of compensation paid by HA each year?

Entry arrangements for Hong Kong residents and
nationals of the “Belt and Road” countries visiting each other

(15) Hon Jimmy NG (Written reply)

Regarding the entry arrangements for nationals of the countries along the Silk Road Economic Belt and 21st Century Maritime Silk Road (commonly known as “Belt and Road”) and residents of the Hong Kong Special Administrative Region (“SAR”) visiting each other, will the Government inform this Council:

- (1) of the Belt and Road countries which at present have not granted visa-free access to SAR passport holders; whether it has plans to lobby the authorities of such countries to grant visa-free access to SAR passport holders;
- (2) whether it knows the Belt and Road countries which at present have granted visa-free access to the People’s Republic of China passport holders but not to SAR passport holders;
- (3) of the current respective numbers of the Belt and Road countries whose nationals (i) have been granted and (ii) have not been granted visa-free access by SAR Government, and what such countries are respectively;
- (4) whether it has plans to discuss with the authorities of the Belt and Road countries which have not signed visa abolition agreements with SAR Government on making such agreements; if so, of the details; if not, the reasons for that; and
- (5) given that as some of the Belt and Road countries which have not granted visa-free access to SAR passport holders do not have consulates in Hong Kong, SAR passport holders have to go to the embassies/consulates of such countries in Mainland China to apply for visas, whether the Government will discuss with the authorities of such countries to formulate simpler visa arrangements; if so, of the details; if not, the reasons for that?

Use of private cars for illegal carriage of passengers for reward

(16) Hon Frankie YICK (Written reply)

Some members of the transport trade have relayed to me that in recent years, some merchants have lured owners and drivers of private cars not issued with a hire car permit into engaging in illegal carriage of passengers for reward (commonly known as “white licence cars’ service”) and enticed passengers to use such service by offering concessions. Online platforms, bus-stops, etc. abound with advertisements for recruiting drivers to provide, and soliciting passengers to use, such white licence cars’ service. Also, such service is named “car pooling”, “group transport service” etc. in an attempt to evade regulation. The trade members have also pointed out that the third party risks insurance for the vehicles involved in such service may be rendered invalid as a result of their being used illegally for the carriage of passengers, causing passengers using such service and other road users to be deprived of protection. In addition, such service is undermining the interests of public transport service operators, which are operating legally. In this connection, will the Government inform this Council:

- (1) whether the Government proactively investigated the aforesaid online and bus-stop advertisements in the past three years; if so, of the outcome; whether it took measures to clamp down on the placing of such advertisements; if so, of the details and effectiveness of such measures; if not, the reasons for that;
- (2) of the measures in place to remind members of the public about the lacking of protection in using white licence cars’ service, including the fact that the third party risks insurance for the vehicles concerned may have become invalid, and that such service is not subject to monitoring whereas it is the case for public transport services, and hence passengers dissatisfied with the service will have no way to lodge a complaint; and
- (3) of the law enforcement actions taken by the Government in the past three years to clamp down on white licence cars’ service; whether it will step up such law enforcement actions; if so, of the details; if not, the reasons for that; whether it will consider amending the legislation to raise the penalties for the relevant offences?

Regulation of organic food products

(17) Hon HO Kai-ming (Written reply)

There is currently no legislation regulating the production, certification, labelling, sale etc. of organic food products. The Government commissioned in 2011 a consultancy study on whether the production and sale of local organic food products should be regulated. The consultancy study concluded that there was no pressing need to introduce such legislation. In addition, the Government indicated in a consultation document entitled “New Agricultural Policy: Sustainable Agricultural Development in Hong Kong” published in 2014 that the authorities had put in place an “Organic Farming Support Service” and actively encouraged and supported local farmers to develop organic farming. Given the robust development of the organic food market in recent years, will the Government inform this Council:

- (1) whether it will conduct afresh a study on the regulation of the production, sale etc. of local organic food products, including regulation by way of legislation; if so, of the details; if not, the reasons for that;
- (2) of the authorities’ measures to forestall the situation where the regulatory mechanism for organic food products lags behind the development of the industry; and
- (3) as some unscrupulous traders deceive consumers by selling non-organic food products as organic ones, whether the authorities will establish a mechanism to investigate and follow up such complaints; if so, of the details; if not, the reasons for that?

Findings of an investigation into the non-compliance incidents of the new Civil Aviation Department Headquarters project and related follow-up actions

(18) Hon Kenneth LEUNG (Written reply)

The Transport and Housing Bureau (“THB”) indicated on 3 February this year that, in response to the recommendations of Report No. 63 of the Director of Audit and the relevant report of the Public Accounts Committee of this Council, it had completed an investigation into the non-compliance incidents of the new Civil Aviation Department (“CAD”) Headquarters project. THB pointed out that the dedicated investigation team (“the dedicated team”), led by a Deputy Secretary of THB, was responsible for clarifying the specific circumstances and causes of the non-compliance incidents as well as investigating whether there were CAD officers who had misconducted themselves. Pursuant to the evidence gathered from the investigation and in accordance with established civil service procedures, the authorities have taken summary disciplinary action against the officer concerned. In this connection, will the Government inform this Council:

- (1) of the terms of reference and membership list of the dedicated team;
- (2) of the number of CAD officers summoned by the dedicated team to give evidence or provide information during the course of investigation;
- (3) as the investigation findings showed that there was evidence indicating that two directorate officers of CAD had misconducted themselves, of the details of such misconduct, as well as the disciplinary actions taken against them by the authorities and the justifications thereof;
- (4) given that one of the persons mentioned in (3) has already retired causing the civil service disciplinary mechanism inapplicable to that person, whether the authorities have, apart from recording such acts of misconduct on the personnel file of that person, taken any further follow-up actions; if so, of the details; if not, the reasons for that;
- (5) of the findings of the criminal investigation undertaken by a law enforcement agency into the incidents; and
- (6) whether the authorities will make public the investigation report of the dedicated team; if so, of the details; if not, the reasons for that?

Contingency plans for large-scale transport systems and
dissemination of information to passengers

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

On the 10th of last month, the MTR Tsuen Wan Line experienced the most serious alleged arson incident in 38 years since its commissioning. That incident caused injuries to 10-odd persons, with several of them in serious or critical conditions. That incident has aroused public concern about whether proper contingency plans for handling unexpected incidents in large-scale transport systems have been put in place, and whether passengers can obtain sufficient information in a timely manner. In this connection, will the Government inform this Council:

- (1) given that the MTR South Island Line is plied by unmanned trains and some MTR stations (including some stations on the South Island Line and the Kwun Tong Line Extension) have no MTR staff on duty on the platforms, of the current contingency plans formulated by the relevant government departments for handling unexpected incidents which occur on such kind of trains and in such kind of stations;
- (2) whether it has assessed if the MTR Corporation Limited (“MTRCL”) had disseminated sufficient information to passengers in a timely manner during the aforesaid incident;
- (3) whether it knows if MTRCL has, in the light of the aforesaid incident, formulated additional contingency measures for handling unexpected incidents; if MTRCL has, of the details; if not, the reasons for that;
- (4) how far MTRCL staff participated in large-scale emergency drills conducted by government departments in the past two years; whether duty officers of MTR stations and train captains participated in such emergency drills; if not, whether drills involving such MTR staff members will be arranged in the near future; and
- (5) whether it has considered setting up an independent committee to review the contingency plans (including the arrangement for the timely dissemination of information to passengers) for handling unexpected incidents in large-scale transport systems; if so, of the details; if not, the reasons for that?

Issues relating to railway service disruptions

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

A number of railway service disruptions have occurred in recent months, causing inconvenience to passengers. For example, a signalling failure occurred on the Kwun Tong Line Extension (“KTLE”) on 5 December last year (i.e. less than two months after its commissioning), resulting in a disruption of the train services between Whampoa Station and Tiu Keng Leng Station for almost two hours. Under the mechanism established by the Government and the MTR Corporation Limited (“MTRCL”) for notification of service disruptions, MTRCL is required to notify the Transport Department within eight minutes whenever any service disruption that has lasted for eight minutes or is expected to last for eight minutes or more occurs; a fine will be imposed on MTRCL for any service disruption that lasts for 31 minutes or more, and the fines must be used for the provision of fare concessions to passengers in the coming year (“penalty mechanism”). In this connection, will the Government inform this Council:

- (1) whether it knows the respective numbers of service disruptions that have occurred, since last year, on various railway lines (except for KTLE and the South Island Line (“SIL”)) that lasted for (i) not more than eight minutes, (ii) eight minutes or more but less than 31 minutes, and (iii) 31 minutes or more; among such disruptions, of the respective numbers of those caused by (iv) equipment failures, (v) human errors, (vi) passengers’ misbehaviour, (vii) inclement weather and (viii) other problems; the amount of fines payable by MTRCL under the penalty mechanism and, among such fines, the amount that will be used by MTRCL this year for the provision of fare concessions to passengers ;
- (2) whether it knows the respective numbers of service disruptions that have occurred on KTLE and SIL, since their commissioning, that lasted for (i) not more than eight minutes, (ii) eight minutes or more but less than 31 minutes, and (iii) 31 minutes or more since their commissioning; of the amount of fines payable by MTRCL under the penalty mechanism and, among such fines, the amount that will be used by MTRCL this year for the provision of fare concessions to passengers;
- (3) whether it knows if MTRCL has investigated the causes of the service disruptions mentioned in (2); if MTRCL has, of the respective numbers of disruptions caused by (i) equipment failures, (ii) human errors, (iii) passengers’ misbehaviour, (iv) inclement weather, (v) teething problems of new systems and (vi) other problems; if not, the reasons for that;
- (4) whether it knows the number of times for which MTRCL has arranged, since last year, free shuttle bus services for transporting affected passengers during railway service disruptions, as well as the districts, routes and number of passengers involved in each of such arrangements;

- (5) of the current balance of fines collected under the penalty mechanism; given that MTRCL set aside \$186 million for the 10% Same-Day Second-Trip Discount promotion last year, whether the Government knows if MTRCL will benefit its passengers this year by re-introducing such promotional fare discount or through other more direct means; and
- (6) whether it will, in order to ensure that MTRCL will replace train components on a regular basis and enhance train safety and service quality, (i) establish a more stringent penalty mechanism, e.g. by extending the scope of the penalty mechanism to cover service disruptions which last for eight minutes or more, (ii) include the accumulated total amount of fines paid as a consideration under the Fare Adjustment Mechanism, and (iii) require MTRCL to set aside a specified percentage of the operating expenses for repair and maintenance of the railway system; if so, of the details?

Implementation of admission schemes for talents and professionals

(21) Ir Dr Hon LO Wai-kwok (Written reply)

In order to replenish the human capital for Hong Kong and meet the challenges of an ageing population and a dwindling workforce, the Government implemented the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (“ASSG”) in May 2015 to encourage such persons to come to Hong Kong for career development. In the same month, the Government also enhanced a number of admission schemes for talents and professionals, including the relaxation of stay arrangements under the General Employment Policy (“GEP”), the Admission Scheme for Mainland Talents and Professionals (“ASMTP”) and the Quality Migrant Admission Scheme (“QMAS”). In addition, the Government launched the Higher Education Employment Information e-Platform (“e-Platform”) in December last year to furnish job seekers who possess degree qualifications with employment-related information and a job search channel, with a view to providing support for those Hong Kong residents studying overseas and the aforesaid second generation of Chinese Hong Kong permanent residents in their search for jobs in Hong Kong. Regarding the implementation of various admission schemes for talents and professionals, will the Government inform this Council:

- (1) of the respective numbers of persons applying for entry to Hong Kong, in each month in the past three years, under (i) GEP, (ii) ASMTP and (iii) QMAS, as well as the respective numbers and percentages of those persons whose applications were approved; whether the Government has reviewed if the relaxation of stay arrangements under those schemes has achieved the expected results; if it has reviewed, of the outcome; if not, whether it will conduct such a review in the near future; if so, of the details; if not, the reasons for that;
- (2) of the number of persons applying for entry to Hong Kong under ASSG since its implementation;
- (3) whether it knows the number of Hong Kong residents in each of the past three years who returned to Hong Kong after completion of their overseas studies; whether the Government will enrich the relevant information provided by e-Platform so as to encourage those Hong Kong residents who have become the high-end professionals that Hong Kong lacks (such as innovation and technology talents) to return to Hong Kong for career development; if so, of the details; if not, the reasons for that;
- (4) whether it has taken the initiative to contact overseas students pursuing studies in Hong Kong or their relevant student associations so as to know their main concerns and aspirations in considering whether to stay in Hong Kong for career development; and

- (5) whether it has conducted tracking studies on those persons who have come to Hong Kong under the various aforesaid schemes so as to know their periods of stay and career development in Hong Kong; if so, of the details; if not, the reasons for that?

Bed occupancy rates and deployment of nursing manpower
during winter surge of influenza

(22) Prof Hon Joseph LEE (Written reply)

In reply to a question raised by a Member of this Council on the 8th of last month, the Government advised that the in-patient bed occupancy rates in the medical wards of various public hospitals generally exceeded 100% during the winter surge of influenza, i.e. the period from December each year to April of the following year. Some members of the public are concerned about whether the deployment of additional nurses to medical wards by the Hospital Authority during that period has aggravated the shortage of nursing manpower in other wards. In this connection, will the Government inform this Council of the following in the past three months, i.e. from December last year to the end of last month:

- (1) in respect of the medical, paediatric and geriatric wards of various acute hospitals, their respective (i) average in-patient bed occupancy rates and (ii) average numbers of nurses on duty per ward per shift (with a breakdown by rank); and
- (2) in respect of the medical, paediatric and geriatric wards of various convalescent hospitals, their respective (i) average in-patient bed occupancy rates and (ii) average numbers of nurses on duty per ward per shift (with a breakdown by rank)?