

Legislative Council

Agenda

Wednesday 22 May 2019 at 11:30 am
(or immediately after the meeting for the Chief Executive's Question Time
to be held at 11:00 am that day)

I. Papers to be laid on the Table of the Council

7 items of subsidiary legislation/instruments and 2 other papers to be laid on the Table of the Council are set out in **Appendix 1**

II. Questions

Members to ask 21 questions (6 for oral replies and 15 for written replies)

Questions for oral replies to be asked by

Public officers to reply

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| 1. Hon LEUNG Che-cheung
(<u>Conservation of the stilt houses at Tai O</u>) | Secretary for Development |
| 2. Hon Frankie YICK
(<u>Use of van-type light goods vehicles by government departments</u>) | Secretary for Financial Services and the Treasury |
| 3. Dr Hon KWOK Ka-ki
(<u>Amending the law so as to transfer suspects to other jurisdictions for trial</u>) | Secretary for Security |
| 4. Hon CHAN Hoi-yan
(<u>Impacts of tourist coaches on To Kwa Wan and Hung Hom districts</u>) | Secretary for Transport and Housing
Under Secretary for Commerce and Economic Development |
| 5. Hon LEUNG Yiu-chung
(<u>Community care services for the elderly</u>) | Secretary for Labour and Welfare |
| 6. Hon Alice MAK
(<u>Care services for children</u>) | Secretary for Labour and Welfare |

Contents of the 21 questions, the Members to ask such questions and the public officers to reply are set out in **Appendix 2**

III. Members' Motions

(The following items all stand over from the meeting of 15 May 2019)

1. Motion on “Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims”

Dr Hon Elizabeth QUAT to move the motion in **Appendix 3**

Public officers to attend : Secretary for Security
Under Secretary for Security

2. Motion on “Keeping up with technological development and enhancing the protection of people’s privacy”

Dr Hon Priscilla LEUNG to move the motion in **Appendix 4**

3 Members (Hon Alvin YEUNG, Hon Charles Peter MOK and Dr Hon Elizabeth QUAT) to move amendments as set out in LC Paper No. CB(3) 596/18-19 issued on 10 May 2019

Public officers to attend : Secretary for Constitutional and Mainland Affairs
Under Secretary for Constitutional and Mainland Affairs

3. Adjournment motion under Rule 16(4) of the Rules of Procedure

(Issue for debate : The relaxation of the internship requirement of the non-locally trained specialist doctors by the Medical Council of Hong Kong)

Hon Tommy CHEUNG to move the motion in **Appendix 5**

Public officers to attend : Secretary for Food and Health
Under Secretary for Food and Health

Clerk to the Legislative Council

Council meeting of 22 May 2019

Papers to be laid on the Table of the Council

Subsidiary legislation/instruments	Legal Notice No.
1. <u>Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation</u>	74 of 2019
2. <u>Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) (Amendment) Order 2019</u>	75 of 2019
3. <u>Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) (Amendment) Rules 2019</u>	76 of 2019
4. <u>Insurance Companies (Amendment) Ordinance 2015 (Commencement) Notice 2019</u>	77 of 2019
5. <u>Insurance (Maximum Number of Authorized Insurers) Rules</u>	78 of 2019
6. <u>Insurance (Financial and Other Requirements for Licensed Insurance Broker Companies) Rules</u>	79 of 2019
7. <u>Financial Reporting Council (Amendment) Ordinance 2019 (Commencement) Notice</u>	80 of 2019

Other papers

8. Kowloon-Canton Railway Corporation Annual Report 2018 (including Financial Statements and Independent Auditor's Report)
(to be presented by Financial Secretary)
9. Qualifications Framework Fund Financial statements for the year ended 31 August 2018 (including Report of the Director of Audit)
(to be presented by Secretary for Education)

21 questions to be asked at the Council meeting of 22 May 2019

		Subject matters	Public officers to reply
Questions for oral replies			
1	Hon LEUNG Che-cheung	<u>Conservation of the stilt houses at Tai O</u>	Secretary for Development
2	Hon Frankie YICK	<u>Use of van-type light goods vehicles by government departments</u>	Secretary for Financial Services and the Treasury
3	Dr Hon KWOK Ka-ki	<u>Amending the law so as to transfer suspects to other jurisdictions for trial</u>	Secretary for Security
4	Hon CHAN Hoi-yan	<u>Impacts of tourist coaches on To Kwa Wan and Hung Hom districts</u>	Secretary for Transport and Housing Under Secretary for Commerce and Economic Development
5	Hon LEUNG Yiu-chung	<u>Community care services for the elderly</u>	Secretary for Labour and Welfare
6	Hon Alice MAK	<u>Care services for children</u>	Secretary for Labour and Welfare
Questions for written replies			
7	Hon CHAN Hoi-yan	<u>Promoting the development of new sports</u>	Secretary for Home Affairs
8	Hon CHAN Kin-por	<u>The Lift Modernization Subsidy Scheme</u>	Secretary for Development
9	Hon Tanya CHAN	<u>Hung Hom Station Extension works under the Shatin to Central Link project</u>	Secretary for Transport and Housing
10	Dr Hon Priscilla LEUNG	<u>Quality of coastal waters of the Victoria Harbour</u>	Secretary for the Environment
11	Hon Jimmy NG	<u>Security issues of the use of QR codes</u>	Secretary for Financial Services and the Treasury
12	Hon CHAN Chi-chuen	<u>Air quality in Tung Chung</u>	Secretary for the Environment
13	Hon Vincent CHENG	<u>Employment situation of the ethnic minorities</u>	Secretary for Labour and Welfare
14	Hon Mrs Regina IP	<u>Hiring of part-time doctors</u>	Secretary for Food and Health
15	Dr Hon CHIANG Lai-wan	<u>Advance directives in relation to medical treatment</u>	Secretary for Food and Health
16	Hon HO Kai-ming	<u>Management of the shopping arcades under the Hong Kong Housing Authority</u>	Secretary for Transport and Housing
17	Hon Jeremy TAM	<u>Units offered for sale by way of tender under the Lands Department Consent Scheme</u>	Secretary for Transport and Housing
18	Hon CHAN Hak-kan	<u>Encouraging the transport trade to switch to the use of electric vehicles</u>	Secretary for the Environment
19	Hon Charles Peter MOK	<u>The Innovation and Technology Venture Fund</u>	Secretary for Innovation and Technology
20	Hon Andrew WAN	<u>Repair and maintenance costs of slopes/retaining walls within or adjoining subsidized sale housing courts</u>	Secretary for Transport and Housing
21	Hon Paul TSE	<u>Mobile applications developed by the Government and relevant organizations</u>	Secretary for Innovation and Technology

Note: In addition to six oral questions, only 15 (instead of 16) written questions will be asked by Members at the meeting, as the notice of a written question as required by Rule 24 of the Rules of Procedure was not received by the Secretariat.

Question 1
(For oral reply)

(Translation)

Conservation of the stilt houses at Tai O

Hon LEUNG Che-cheung to ask:

The scale of the stilt houses at Tai O has become very small as a result of natural ageing and repeated damages caused by typhoons, rainstorms and fires, and the stringent control on the refurbishment and reconstruction of the stilt houses under the prevailing squatter control policy and Government Land Licences. Some members of the public have pointed out that the stilt houses are described on the website of the Hong Kong Tourism Board as an iconic feature of the fishermen's village in Tai O and one of the most unique scenic spots in Hong Kong. The Government should therefore regard the stilt houses as cultural heritage and conserve them properly, instead of regulating the stilt houses as squatters. In this connection, will the Government inform this Council:

- (1) whether it will turn a blind eye to the disappearance of the stilt houses at Tai O through natural wastage; if not, whether it will formulate a new policy on the control and conservation of the stilt houses; if it will, of the objectives, details and implementation timetable of the new policy;
- (2) whether it will change the stipulation that the stilt houses at Tai O may be succeeded to only by immediate family members, so as to facilitate the succession and preservation of the stilt houses; and
- (3) whether it will take measures to improve the various systems of the stilt houses at Tai O concerning fire safety, water supply, sewage, electricity supply, public lighting, external access walkways, etc.; if not, of the reasons for that?

Question 2
(For oral reply)

(Translation)

Use of van-type light goods vehicles by government departments

Hon Frankie YICK to ask:

At present, certain government departments have signed contracts with cargo transportation services companies or platforms for hiring van-type light goods vehicles (“vans”) on a long-term basis. Although vans may, under the law, only be used for transporting goods, it has been reported that some government departments have used vans for other purposes, such as transporting staff to and from workplaces and transferring suspects. Some staff members who travel on such vehicles are worried that the third party risks insurance for such vehicles may have been rendered invalid as a result of such vehicles being used for illegal purposes, thereby depriving them of the protection. Moreover, as van drivers are not government officers, the use of vans for carrying out law enforcement operations increases the risk of leakage of confidential information. In this connection, will the Government inform this Council:

- (1) of the details of the hiring of vans by the various government departments in each of the past three years, including the respective numbers of vehicle hiring companies and vehicles involved, the numbers of hires, the uses of the vehicles, and the amounts of expenditure incurred;
- (2) whether the various government departments have issued their staff with directives which forbid the use of vans for purposes other than transporting goods; if so, of the details, and whether any government officer was penalized in the past three years for contravening such directives; if so, of the details; if not, whether it has studied if it was due to inadequate monitoring; and
- (3) of the measures put in place to ensure that the various government departments use vans in a lawful way to avoid the third party risks insurance for such vehicles being rendered invalid and the Government’s confidential information being leaked?

Question 3
(For oral reply)

(Translation)

Amending the law so as to transfer suspects to other jurisdictions for trial

Dr Hon KWOK Ka-ki to ask:

For the purpose of handling a homicide case involving Hong Kong residents which happened in Taiwan last year (“the Taiwan homicide case”), the Government submitted to this Council last month proposed legislative amendments, which sought to enable the Government to transfer suspects under a case-based approach to jurisdictions (including Mainland China) with which Hong Kong has not entered into any long-term surrender arrangements. Some members of the public have pointed out that upon passage of the proposed amendments, Hong Kong residents may be sent, for trial, to places where a fair and open judicial system is lacking, thus depriving them of the human rights protection under the Basic Law. In this connection, will the Government inform this Council:

- (1) whether it will transfer the suspect of the Taiwan homicide case to Taiwan only on the condition that the Taiwan side acknowledges that Taiwan is part of China; if so, whether it has sought confirmation from the Taiwan side on its acceptance or otherwise of this condition; if so, of the outcome; if the outcome is in the negative, how the Government handles the situation;
- (2) as some Members of this Council have suggested that a sunset clause be made in respect of the proposed legislative amendments, or that the Offences against the Person (Amendment) (Extra-territoriality) Bill 2019 be enacted to handle the Taiwan homicide case, whether it has studied the feasibility of these options; if it has studied and the outcome is in the negative, of the justifications for that; and
- (3) since the Government has, in response to the concerns of the business sector, decided earlier within a short period of time to reduce the categories of offences covered by the proposed legislative amendments from all the 46 categories set out in the Fugitive Offenders Ordinance to 37, whether the Government will withdraw the proposed legislative amendments in response to the strong opposition expressed by the 130 000 people who took to the street to join a march last month?

Question 4
(For oral reply)

(Translation)

Impacts of tourist coaches on To Kwa Wan and Hung Hom districts

Hon CHAN Hoi-yan to ask:

Some residents of To Kwa Wan and Hung Hom districts have relayed that tourist coaches often bring a large number of Mainland inbound tour groups to the districts for dining and shopping, but parking spaces in the districts are in short supply and the roads therein are narrow. The illegal pick-up/drop-off of passengers by and parking of tourist coaches have from time to time caused traffic obstructions and accidents (e.g. a pedestrian was knocked down and killed last month), thereby impacting gravely on the daily lives and safety of the residents. In this connection, will the Government inform this Council:

- (1) of the number of complaints received from residents of To Kwa Wan and Hung Hom districts about the traffic obstructions in the districts caused by tourist coaches, the number of the relevant law enforcement operations conducted, and the number of fixed penalty notices issued for traffic contraventions involving tourist coaches, by the Police in each month of the past three years;
- (2) whether it has compiled statistics on the traffic flows of tourist coaches and the black spots of their illegal parking in the two districts to facilitate transport planning and law enforcement; if so, of the details; if not, whether it will compile such statistics immediately; and
- (3) whether it has plans to make use of smart systems to assist in law enforcement against illegal parking in the two districts and to extend the prohibition area for tourist coaches, with a view to reducing the impact on residents' daily lives?

Question 5
(For oral reply)

(Translation)

Community care services for the elderly

Hon LEUNG Yiu-chung to ask:

Community care services for the elderly include: “Integrated Home Care Services (Frail Cases)” and “Enhanced Home and Community Care Services” (“EHCCS”) which target at the frail elderly, as well as “Integrated Home Care Services (Ordinary Cases)” (“Ordinary Case Services”) which target at the elderly who have no or mild level of impairment. In December last year, the Government amended the Hong Kong Planning Standards and Guidelines (“HKPSG”) by reinstating population-based planning standards for elderly services and facilities, but such planning standards do not cover Ordinary Case Services. In this connection, will the Government inform this Council:

- (1) whether the amended HKPSG is applicable to those public housing development projects the planning of which was made before December last year; in respect of those public housing development projects for which elderly services and facilities were planned in accordance with the pre-amended HKPSG, of the measures put in place by the Government to alleviate the shortfalls in such services and facilities;
- (2) as the aforesaid amendments to HKPSG do not cover Ordinary Case Services, whether the Government will set out in HKPSG a population-based planning standard for such services; if so, of the details; if not, the reasons for that; and
- (3) as the Secretary for Labour and Welfare advised last month that the Government planned to restructure the scope of Integrated Home Care Services and EHCCS, as well as to provide the additional resources needed without increasing the number of service teams, of the details of the restructuring work (including the restructuring approach, implementation timetable, and whether this will also cover the Ordinary Case Services) and the provision of additional resources (including manpower, offices and kitchens)?

Question 6
(For oral reply)

(Translation)

Care services for children

Hon Alice MAK to ask:

The Social Welfare Department (“SWD”) implements the foster care service to provide residential family care for children in need under 18 years of age, and provides children under nine years of age with day care services through the home-based child carers under the Neighbourhood Support Child Care Project. Regarding these two types of care services for children, will the Government inform this Council:

- (1) of the following information on foster care service in each of the past three years: the respective numbers of foster families, foster children and children waiting to be placed, as well as the respective average time for which the children waited to be placed and stayed with the foster family; the number of home-based child carers and the number of children they took care of in each of the past three years;
- (2) as it is learnt that SWD has encountered difficulties in recruiting foster families and home-based child carers, whether the Government will raise the allowance and incentive payment for foster parents, as well as the incentive payment for home-based child carers; whether SWD will set target numbers of these two types of carers to be recruited; if so, of the details; if not, the reasons for that; and
- (3) of the measures put in place to enhance public recognition for the contributions made by these two types of carers; whether it will formulate new measures for stepping up its support for these two types of carers; if so, of the details; if not, the reasons for that?

Question 7
(For written reply)

(Translation)

Promoting the development of new sports

Hon CHAN Hoi-yan to ask:

Some participants of new sports, or alternative sports, such as kin-ball, dodgebee and cycle ball, have relayed that such sports have been gaining popularity in Hong Kong in recent years, and they are fairly popular among members of the education sector and members of the community. However, the tight supply of local sports venues has made it difficult for athletes as well as members of the public to find suitable venues for such activities. Furthermore, as the majority of new sports are at an early stage of development and are not known to members of the public, efforts made to promote such sports have been rather ineffective. In this connection, will the Government inform this Council:

- (1) of the terms and conditions adopted by the Leisure and Cultural Services Department (“LCSD”) for vetting and approval of applications for hiring its venues for conducting activities relating to new sports;
- (2) of the respective numbers of applications (i) received and (ii) approved by LCSD in each of the past five years for conducting activities relating to new sports in its venues, with a breakdown by the District Council districts in which the venues are located;
- (3) whether the needs and demands relating to the various types of new sports have been taken into account in the planning and design of sports venues, so that sufficient and suitable venues will be provided for such kind of activities; if so, of the details; if not, whether it will conduct relevant studies;
- (4) whether it will develop multi-purposes sports venues for new sports in order to address the problem of the lack of venues for such sports; if so, of the details; if not, whether it will conduct relevant studies;
- (5) whether it will take measures to assist in the development and promotion of new sports and facilitate their popularization; if so, of the details; if not, the reasons for that;
- (6) of the roles and duties of the Commissioner for Sports in promoting new sports; and
- (7) given that a list of sports organizations eligible for hiring school facilities is provided under the “Opening up School Facilities for Promotion of Sports Development Scheme”, whether the authorities

have put in place any mechanism for selecting organizations relating to new sports for inclusion in the list?

Question 8
(For written reply)

(Translation)

The Lift Modernization Subsidy Scheme

Hon CHAN Kin-por to ask:

The Government has allocated \$2.5 billion to implement the “Lift Modernization Subsidy Scheme” (“LIMSS”), which is administered by the Urban Renewal Authority. Under LIMSS, those residential or composite buildings whose average rateable values of the domestic units therein do not exceed the prescribed amount are eligible for subsidies on modernizing aged lifts not meeting the current technical standards. LIMSS is open for the first-round applications from 29 March to 31 July this year. In this connection, will the Government inform this Council:

- (1) of the current number of buildings eligible for joining LIMSS, and the number of buildings for which applications have been received so far;
- (2) whether it has compiled statistics on the current number of aged lifts which have to be replaced completely as they do not meet today’s safety standards of lifts, as well as the average age of the buildings in which such lifts are located;
- (3) how the authorities publicize LIMSS; and
- (4) notwithstanding that for a building for which an owners’ corporation has not been formed and an owners’ organization is not in place, an application for LIMSS may be still made by a minimum of two owners who have been authorized by all owners of the building, but the authorization of all owners cannot be secured for some of this type of buildings (e.g. as some of the owners are out of town and cannot be reached), how the authorities provide assistance to the owners of such buildings?

Question 9
(For written reply)

(Translation)

Hung Hom Station Extension works under
the Shatin to Central Link project

Hon Tanya CHAN to ask:

According to the holistic assessment strategy regarding the platform slabs and diaphragm walls of the Hung Hom Station Extension works under the Shatin to Central Link project (“the assessment strategy”) proposed by the MTR Corporation Limited (“MTRCL”) and accepted by the Government, the assessment should be conducted in three stages. The concrete opening-up work conducted under the second stage serves two purposes: A. to carry out physical investigations by opening up the concrete at locations without complete documentations, so as to verify the as-constructed conditions of the connections between the platform slabs and diaphragm walls of the Hung Hom Station Extension, and the relevant work involves opening-up of the concrete for investigations at 24 locations of the platform slabs of the East West Corridor (“EWC”); B. in view that some reinforcement bars (“rebars”) are suspected to have been cut short, MTRCL needs to open up some of the connections between the platform slabs and diaphragm walls for detailed inspection and use non-destructive tests to verify the workmanship of the coupler connections. MTRCL will, based on random sampling results, open up 28 locations respectively of the platform slabs of the EWC and those of the North South Corridor (“NSC”), i.e. 56 locations in total, to expose at least 168 rebars or couplers for inspection. MTRCL had since 10 December of last year conducted tests on the couplers (“the first-round tests”) but suspended the tests due to deviations between the test results and the actual conditions. MTRCL subsequently used the enhanced test procedures to re-do the tests (“the second-round tests”). The Highways Department uploaded all the test results involving a total of 225 locations to the relevant website on the 29th of last month. In this connection, will the Government inform this Council:

- (1) whether it knows the following details of each of the aforesaid 225 testing locations (set out by (i) and (ii)):
 - (i) whether it was located at EWC or NSC,
 - (ii) the purpose(s) of the opening-up investigation is/are A, B, or both A and B,
 - (iii) the specific location,
 - (iv) the result of the first-round tests (if conducted), and

- (v) the result of the second-round tests;
- (2) whether it knows, for purpose A of the opening-up investigation, the minimum number of rebars or couplers that MTRCL was required to test under the assessment strategy, and the actual number tested; if the latter is smaller than the former, the reasons for that and the impact of such situation on the relevant conclusions; for purpose B of the opening-up investigation, the number of rebars or couplers tested by MTRCL; if the number is smaller than 168 as originally planned, the reasons for that;
- (3) given that out of the 191 samples for which the tests on the embedded length of the threaded rebars inside the couplers had been completed, 39 were regarded as not meeting the requirements, of the maximum percentages of the coupler population with improper connections (estimated under a 95% confidence level) inferred on the basis of the statistical method used in Table 6.3 of the assessment strategy;
- (4) given that the tests were not successfully completed at 34 of the 225 testing locations due to various reasons, of the follow-up actions that the Government will request MTRCL to take, e.g. whether MTRCL will cut and remove the rebars with couplers connected for measuring the actual embedded length of the threaded rebars inside the couplers; and
- (5) as paragraph 6.4.22 of the assessment strategy has pointed out that if defective coupler connections are found in the tests, a greater sample size, in terms of the number of testing locations, may be considered, whether the Government will request MTRCL to do so; if so, of the details; if not, the reasons for that?

Question 10
(For written reply)

(Translation)

Quality of coastal waters of the Victoria Harbour

Dr Hon Priscilla LEUNG to ask:

Some members of the public have complained to me that coastal waters (particularly in the vicinity of the Hung Hom Promenade) of the Victoria Harbour (“the Harbour”) give off unbearable stench, causing serious nuisance to members of the public. It is learnt that one of the sources of the stench is the sewage discharged from some private buildings in Hung Hom as their foul water pipes have been wrongly connected to the storm drain systems (“misconnections of foul water pipes”). On the other hand, a consultancy study on further enhancing the quality of coastal waters of the Harbour (“the consultancy study”) commissioned by the Environmental Protection Department in 2016 has been substantially completed. In this connection, will the Government inform this Council:

- (1) of the annual and monthly compliance rates of the Water Quality Objectives (“WQOs”) of the Harbour water control zone (“WCZ”) in each of the past five years (set out in the table below);

Month	Compliance rate of WQOs				
	2014	2015	2016	2017	2018
January					
.....					
December					
Whole Year					

- (2) of the number of cases of misconnections of foul water pipes causing discharge of sewage into the Harbour WCZ which were followed up by the Government in each of the past five years and, among such cases, the number of those which have now been rectified, with a breakdown by District Council district;
- (3) among the cases mentioned in (2) of the respective numbers of those in which (i) rectifications were made after the owners had been given warnings/advice, (ii) rectifications were made after the owners had received statutory repair/removal orders or had been prosecuted, (iii) rectifications were yet to be made despite that law enforcement actions had been taken by the Government, and (iv) rectification works were carried out by government contractors; whether it has reviewed the effectiveness of the relevant law enforcement actions; if so, of the outcome; and
- (4) when it will publish the report of the consultancy study; of the measures to be taken to follow up the recommendations put forward in the report for improving the quality of the coastal waters of the

Harbour, as well as the implementation timetable and estimated expenditure for such measures?

Question 11
(For written reply)

(Translation)

Security issues of the use of QR codes

Hon Jimmy NG to ask:

It has been reported that while electronic payment systems whose transactions are conducted by scanning QR codes have become increasingly popular in recent years, this mode of transactions involves certain security risks. For instance, hackers can make use of fake QR codes to trick members of the public into downloading malware, thereby stealing their electronic identities, carrying out overhearing and position tracking, conducting surveillance via their mobile phones, and blackmailing them after stealing sensitive information. In this connection, will the Government inform this Council:

- (1) of the respective numbers of cases received by the Police in each year from 2014 to 2018 about, and the amounts of money involved in, the technology crimes concerning (i) thefts of credit card information via the Internet, (ii) hacking of computers for stealing information and (iii) blackmailing by using encryption ransomware; among such cases, the respective numbers of those which involved the use of QR codes;
- (2) whether it will consider enacting legislation to stipulate the required format for QR codes (e.g. the inclusion of information for authentication of the provider's identity) to facilitate users to identify the sources of QR codes, if so, of the details; if not, the reasons for that; and
- (3) of the targeted measures that the Government will introduce to ensure that adequate information security protection is in place to dovetail with the growing popularity of financial technology applications such as QR codes?

Question 12
(For written reply)

(Translation)

Air quality in Tung Chung

Hon CHAN Chi-chuen to ask:

In its reply to a question raised by me on 28 February last year, the Government said that the air quality in Tung Chung continued to improve from 2013 to 2017. However, quite a number of Tung Chung residents have recently relayed to me that they feel that the air quality in Tung Chung has continued to deteriorate in recent months (especially after the commissioning of the Hong Kong-Zhuhai-Macao Bridge). In this connection, will the Government inform this Council:

- (1) of the respective numbers of exceedances of concentrations of various pollutants (including respirable suspended particulates (i.e. PM₁₀), fine suspended particulates (i.e. PM_{2.5}), ozone, sulphur dioxide, nitrogen dioxide and carbon monoxide), as recorded by the air quality monitoring station in Tung Chung last year, against the Air Quality Objectives or other relevant objectives, and the details of the exceedances of each type of pollutants, including the respective average and maximum extent of exceedances and concentrations;
- (2) of the measures to be implemented to ensure that the air quality in Tung Chung will not further deteriorate; and
- (3) whether it has regularly reviewed the effectiveness of the various air quality improvement measures for improving the air quality in Tung Chung; if so, of the outcome; if not, the reasons for that?

Question 13
(For written reply)

(Translation)

Employment situation of the ethnic minorities

Hon Vincent CHENG to ask:

Regarding the employment situation of the ethnic minorities (“EMs”), will the Government inform this Council:

- (1) of the numbers of EMs in employment, their unemployment rate and underemployment rate, in each of the past three years, together with a breakdown by ethnicity;
- (2) given that since March 2015, the Labour Department (“LD”) has added an option of “Ethnic minorities are welcome for the post” in the Vacancy Order Form for employers to complete, so as to facilitate employment officers in matching suitable jobs for EM job seekers and encourage EMs to apply for the posts, how the percentages of the relevant posts being taken up by EMs in each of the three years following the implementation of the aforesaid measure compare with the percentage of all posts being taken up by EMs in each of the preceding three years;
- (3) as LD will launch a pilot programme in which employment services are provided for EMs under a case management approach through non-governmental organizations, of the details and the implementation progress of the programme;
- (4) of the latest progress in expanding the range of the language and industry-specific training courses provided by the Employees Retraining Board for EMs;
- (5) whether it has reviewed the effectiveness of the work of the Government in the past three years on encouraging employers to hire EMs; if so, of the outcome, and whether improvements will be made; if so, of the details; if not, the reasons for that; and
- (6) given that a concern group on EM rights and interests has proposed the setting up of a EM employment subsidy and support scheme, under which subsidies will be provided by the Government for employers on a short-term basis, and services such as pre-employment training, employment support and post-employment follow-up will be provided for EMs through relevant organizations, whether the Government has explored the feasibility of the proposal; if so, of the outcome; if not, the reasons for that?

Question 14
(For written reply)

(Translation)

Hiring of part-time doctors

Hon Mrs Regina IP to ask:

Some doctors have relayed to me that while the training cost for doctors is high and both the number and ratio of female medical students have been increasing incessantly in recent years, quite a number of female doctors quit their jobs after getting married because of the excessively long working hours in the public hospitals, so that they can be dedicated to taking care of their families. Such doctors consider that the Hospital Authority (“HA”) may provide married female doctors with special part-time arrangements to enable them to attend to both family and work. On the other hand, in order to alleviate the manpower shortage situation, HA has implemented measures for retaining staff and strengthening manpower, including (i) rehiring retired or departed doctors, (ii) recruiting locum doctors and nurses since 1 December 2018, and (iii) piloting the fractional work arrangement in the first quarter of 2019 to provide frontline professional staff who cannot work full-time temporarily due to special needs or reasons with special arrangements to work fractionally for a fixed period of time. In this connection, will the Government inform this Council:

- (1) of the respective (i) numbers and (ii) male-to-female ratios of students admitted to the faculties of medicine of the various universities in each of the past five years;
- (2) whether it knows the (i) number, (ii) male-to-female ratio and (iii) hourly wages of retired or departed doctors rehired by HA in each of the past five years;
- (3) whether it knows the respective current (i) numbers and (ii) male-to-female ratios of locum doctors in the ranks of Non-specialist and Specialist hired by HA;
- (4) whether it knows the current (i) number and (ii) male-to-female ratio of Specialists who are currently provided with fractional work arrangements by HA; and
- (5) as the findings of a survey have indicated that the fees charged by general practitioners and specialists in private practice last year were \$300 and \$800 per consultation respectively, and the workload in the public hospitals is generally heavier than that in private clinics, whether the Government has assessed if the remunerations currently offered by HA to locum doctors in the ranks of Non-

specialist and Specialist (the maximum hourly wages for them being \$685 and \$762 respectively) are attractive enough; if it has assessed and the outcome is in the negative, whether it will allocate additional resources to HA in order to raise the relevant remunerations and provide married female doctors with special part-time arrangements?

Question 15
(For written reply)

(Translation)

Advance directives in relation to medical treatment

Dr Hon CHIANG Lai-wan to ask:

An advance directive in relation to medical treatment (“advance directive”) is a statement (usually in writing) in which a person indicates, when he is mentally competent to make decisions, the form of health care he would like to receive in case he is no longer competent to make decisions. The Law Reform Commission of Hong Kong (“LRC”) published a report in 2006 putting forward a number of recommendations regarding advance directives, including the one that the person making an advance directive may specify that he does not agree to receive any life-sustaining treatment if he is in any of the following three conditions: being (i) terminally ill, or (ii) in a state of irreversible coma, or (iii) in a persistent vegetative state. The Hospital Authority (“HA”) formulated a guidance note and prepared a model form on advance directives in July 2010 for patients’ reference. Besides, it was mentioned in the 2018 Policy Address that the Government would consult the public in 2019 on arrangements of advance directives and the relevant end-of-life care. In this connection, will the Government inform this Council:

- (1) whether it knows (i) the number of valid forms on advance directives received, and the number of cases in which the advance directives as set out in the forms were executed, by healthcare workers in public hospitals, and (ii) the number of patients in public hospitals who produced to healthcare workers advance directives that were not made in accordance with the model form (e.g. advance directives signed under the witness of private doctors), in each year since July 2010;
- (2) whether it knows if HA has established a registration system for advance directives; if HA has not, of the reasons for that;
- (3) when the Government will launch the public consultation on advance directives and the relevant end-of-life care, and the timetable for the consultation exercise;
- (4) whether the Government will make reference to the Patient Right to Autonomy Act in Taiwan and stipulate the following two kinds of conditions of patients as the conditions under which advance directives will become operative: (i) suffering from severe dementia, and (ii) other announced disease conditions of patients or sufferings being unbearable, the disease being incurable and there

- being no other appropriate treatment options available given the medical standards at the time of the disease's occurrence; and
- (5) of the resources allocated in each of the past 10 years by the Government to the research and promotion of advance directives as well as life and death education, and the details thereof?

Question 16
(For written reply)

(Translation)

Management of the shopping arcades under
the Hong Kong Housing Authority

Hon HO Kai-ming to ask:

I have received a complaint that the Hong Kong Housing Authority (“HA”) earlier on refused to renew the tenancy of a shop operator, who had been operating Chinese medicine beauty business in a shopping arcade under HA for as long as three years, on grounds that Chinese medicine beauty was not within the business scope of the designated trade (i.e. “beauty services and cosmetics”) of the shop concerned. Regarding HA’s management of its shopping arcades, will the Government inform this Council:

- (1) of the criteria based on which HA (i) formulates asset enhancement programmes for its shopping arcades and (ii) determines the trade mix of the tenants; the procedure for HA to determine whether it was the business of beauty services and cosmetics or Chinese medicine clinic that the shop operator concerned was operating;
- (2) whether HA has regularly reviewed the trade mix of the tenants of its shopping arcades, with a view to keeping the trade mix of the tenants in pace with the times and attracting shop operators from emerging industries; if HA has, of the year in which a review was last conducted and the contents;
- (3) whether a mechanism is currently in place for shop operators whose tenancies are not renewed to make representations or lodge appeals; if so, of the procedure, and the number of appeal cases in the past three years; and
- (4) as some members of the public have pointed out that the approach of HA in managing its shopping arcades is outdated and inflexible, resulting in the types of trades in which tenants are engaged being not diversified and out of tune with the needs of the residents, of HA’s improvement measures?

Question 17
(For written reply)

(Translation)

Units offered for sale by way of tender under
the Lands Department Consent Scheme

Hon Jeremy TAM to ask:

On 29 June last year, the Government announced amendments to the Consent Scheme for the pre-sale of uncompleted flats, requiring developers to offer for sale, at each turn of sale, no less than 20% of the total number of residential units subject to the relevant pre-sale consent, regardless of the sales method (including public sale, tender and auction) used. However, it has been reported that developers can achieve offering for sale less than 20% of the units and yet satisfying the aforesaid requirement, just by announcing that certain pre-sale flats, which they have no intention to sell, are offered for sale by way of tender (and they can simply announce after the completion of the sales activities that the units offered for sale by way of tender have not been sold as the bids of prospective buyers were lower than the reserve prices). On the other hand, the Real Estate Developers Association of Hong Kong (“REDA”) announced on 4 April this year the introduction of three measures, including that the first sale of units in non-luxury residential developments will be conducted by way of public sale. There are views that the relevant price lists and registers of transactions can increase the transparency of the selling prices of units and provide reference for prospective buyers participating in future biddings for the units in the developments concerned. In this connection, will the Government inform this Council:

- (1) whether it has studied if the developers’ adoption of the aforesaid practice in coping with the requirement on the ratio of units offered for sale runs contrary to the policy intent of the requirement and indicates that there are loopholes in the requirement;
- (2) as developers have reached a consensus on the three measures introduced by REDA although they are merely self-regulatory in nature, whether the Government will consider codifying such measures to ensure that developers will not contravene the requirements concerned; if so, of the details; if not, the reasons for that;
- (3) while the measures introduced by REDA have increased the transparency of the prices of the units offered for sale by way of tender, prospective buyers participating in the biddings are still subject to unfavourable conditions (e.g. their bids must be higher than the developer’s reserve prices as well as other bids in order for

them to successfully purchase the units), whether the Government has measures in place to protect the rights and interests of such prospective buyers; if so, of the details; if not, the reasons for that; and

- (4) as the Government indicated in reply to a question raised by a Member of this Council on 27 March this year that, at the current stage, it had no intention to stipulate under the Consent Scheme the number or ratio of units to be offered, or the number of times for which the units might be offered, for sale by way of tender by the developers, of the justifications for this stance?

Question 18
(For written reply)

(Translation)

Encouraging the transport trade to switch to the use of electric vehicles

Hon CHAN Hak-kan to ask:

The Government launched incentive schemes in 2000 and 2002 respectively to push the transport trade to replace diesel taxis and diesel light buses with liquefied petroleum gas (“LPG”) ones. It has been over 17 years since such schemes were launched. On the other hand, it has been reported that LPG light buses currently produced by a single manufacturer will cease to be produced in 2021. The proprietors of some motor trading companies have expressed that the retirement age for LPG light buses is about 20 years, and those light buses purchased under the aforesaid incentive scheme will need to be replaced in the coming few years. On encouraging the transport trade to switch to the use of electric vehicles, will the Government inform this Council:

- (1) of the numbers of light buses and taxis that will reach their normal retirement age in the coming three years; whether it will subsidize the owners concerned to switch to the use of electric vehicles; if so, of the details; if not, the reasons for that;
- (2) given that in 2016, the carbon monoxide emissions by public light buses (“PLBs”) and taxis accounted for 28% of the relevant emissions by all vehicles in Hong Kong, what new measures, apart from the Pilot Green Transport Fund, that the Government has put in place to encourage the vehicle owners concerned to switch to the use of electric vehicles, with a view to improving air quality; and
- (3) whether it will (i) explore the feasibility of installing charging facilities for electric light buses at PLB termini, and (ii) study the allocation of land for building quick charging stations for electric taxis; if so, of the details; if not, the reasons for that?

Question 19
(For written reply)

(Translation)

The Innovation and Technology Venture Fund

Hon Charles Peter MOK to ask:

The Government established the Innovation and Technology Venture Fund (“ITVF”) in September 2017 to encourage applications from venture capital (“VC”) funds for becoming ITVF’s co-investment partners and co-investing in local innovation and technology (“I&T”) start-ups, so as to fill the funding gap encountered by such start-ups and cultivate an I&T ecosystem. In this connection, will the Government inform this Council:

- (1) since the establishment of ITVF,
 - (i) of the number of enquiries received by ITVF from VC funds,
 - (ii) of the number of investee companies involved in the investment proposals received by ITVF from partner VC funds, with a breakdown by type of business, and
 - (iii) of the ratios of the shares in co-invested start-ups held respectively by ITVF and various partner VC funds;
- (2) of the modus operandi of the Innovation and Technology Venture Fund Advisory Committee, and the number of meetings held by the Committee each month; and
- (3) of the time generally needed by ITVF to decide the acceptance or otherwise of an investment proposal, as well as (i) the number of investment partners from which investment proposals have been received, (ii) the number of investment proposals received and (iii) the percentage of investment proposals accepted, by ITVF so far; the general reasons for declining investment proposals?

Question 20
(For written reply)

(Translation)

Repair and maintenance costs of slopes/retaining walls
within or adjoining subsidized sale housing courts

Hon Andrew WAN to ask:

It is learnt that currently, the land leases/deeds of mutual covenant of some subsidized sale housing courts provide that property owners in such housing courts are required to bear the repair and maintenance costs of the slopes/retaining walls within or adjoining their housing courts. The property owners of such housing courts have relayed that the costs concerned are huge, posing a heavy financial burden on them. In this connection, will the Government inform this Council, of the respective subsidized sale housing courts whose owners are (i) required and (ii) not required to bear part of or all of the repair and maintenance costs of the slopes/retaining walls within or adjoining their housing courts (set out the details in a table by name of housing court), and whether the Government will bear such costs for the property owners concerned in order to alleviate their financial burden?

Question 21
(For written reply)

(Translation)

Mobile applications developed by
the Government and relevant organizations

Hon Paul TSE to ask:

The Government has been committed to taking forward innovation and technology in recent years. Apart from the provision of a subsidy of as much as \$4.52 million for mobile application (“app”) developers through the Innovation and Technology Fund for Better Living, various government departments and relevant organizations have also actively launched apps for publicity and information sharing. However, it has been reported that among the 200-odd apps launched by the Government and relevant organizations during the period between 2010 and 2017, 107 apps costing a total of as much as \$23 million of public money have now been decommissioned. At the same time, the Leisure and Cultural Services Department, on many occasions, developed apps at high cost for one-off publicity, but some of the apps only had several hundreds of downloads. For instance, an audio guide app launched by the Department in 2016 in support of a project of the Hong Kong Heritage Museum operated for just three months, but cost \$180,000 of public money. Some members of the public have criticized that some apps lack functionality and provide only text information, thus failing to attract members of the public to download, and that the Government’s development of such apps is like “pouring money down the drain”. In this connection, will the Government inform this Council:

- (1) of the current total number of apps developed by the Government and relevant organizations which are available for download by members of the public, and set out by name of app (i) the policy bureaux/departments/organizations undertaking the development and (ii) the amount of annual recurrent expenditure incurred;
- (2) whether it has compiled statistics on (i) the monthly number of active users of each of the apps mentioned in (1) and (ii) its percentage in the cumulative number of persons who have downloaded the app; if so, of the figures for the past three years; if not, the reasons for that;
- (3) whether it has reviewed the reasons for poor download rates of some apps; of the conditions under and the criteria based on which the authorities determine whether an app should be decommissioned; given that a large number of apps which cost considerable public money to develop have been decommissioned,

whether the authorities have evaluated if such situation will affect public confidence in the effective use of public money by policy bureaux/departments/organizations;

- (4) whether the app called “My Kowloon East (MyKE)” which was developed by the Energizing Kowloon East Office satisfies the conditions or criteria for decommissioning mentioned in (3); if so, whether it will immediately decommission the app;
- (5) whether the various policy bureaux are currently developing or have plans to develop new apps; if so, of the details; of the criteria for deciding whether to approve the development of an app;
- (6) whether the authorities will, prior to approving the development of apps in future, formulate apps development guidelines stipulating that the apps must take into account elements such as “user experience”, “user-centricity” and practicality, with a view to ensuring that such apps have high download and usage rates; and
- (7) whether the authorities have specified in the contracts awarded to app developers that the developers are required to pay compensations to the authorities in the event that the apps have not been successfully developed, have not been launched on schedule or have varied greatly in quality, so as to ensure proper use of public money?

(Translation)

**Motion on
“Report of the Subcommittee to Follow Up Issues Relating to
the Unified Screening Mechanism for Non-refoulement Claims”
to be moved by Dr Hon Elizabeth QUAT**

Wording of the Motion

That this Council notes the Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims.

(Translation)

**Motion on
“Keeping up with technological development and
enhancing the protection of people’s privacy”
to be moved by Dr Hon Priscilla LEUNG**

Wording of the Motion

That serious incidents relating to large-scale leakage of personal privacy and data have occurred many times in Hong Kong, for example the uncovering of the resale of the data of 2.4 million customers by the Octopus Card Limited to other companies for marketing use in 2009, the Registration and Electoral Office’s loss of a notebook computer containing the personal data of 3.78 million Geographical Constituencies electors across the territory in 2017, and the leakage of the personal data of 9.4 million passengers by the Cathay Pacific Airways in 2018; the Personal Data (Privacy) Ordinance came into force in 1996 and the Government only amended the Ordinance once in 2012, and given that the rapid technological development of the Internet, social media, big data, artificial intelligence, etc. has created privacy risks and that the General Data Protection Regulation (‘GDPR’) of the European Union (‘EU’) has come into force, the Personal Data (Privacy) Ordinance has appeared to be even more lagging behind and its personal data privacy protection is apparently inadequate; in this connection, this Council urges the Government to keep up with technological development and comprehensively review the policy on personal data privacy protection, so as to enhance the protection of people’s privacy; the relevant proposals include:

- (1) by drawing reference from EU’s GDPR and the relevant laws of other jurisdictions, amending the Personal Data (Privacy) Ordinance expeditiously and comprehensively, including requiring data users to notify the Privacy Commissioner for Personal Data (‘PCPD’) and data subjects of any data leakage incidents within a specified timeframe and raising the penalty to enhance the deterrent effect;
- (2) conferring on PCPD the power to exercise administrative penalties (such as fines);
- (3) requiring all government departments and public and private organizations to review their policies on processing personal data and security precautions, so as to avoid the recurrence of infringement of people’s personal data privacy; and

- (4) enhancing public promotion to raise the understanding and awareness of the people as well as of public and private organizations on protecting and respecting personal data privacy.

(Translation)

**Adjournment motion
to be moved by Hon Tommy CHEUNG
under Rule 16(4) of the Rules of Procedure**

Wording of the Motion

That this Council do now adjourn for the purpose of debating the following issue: the relaxation of the internship requirement of the non-locally trained specialist doctors by the Medical Council of Hong Kong.