OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 22 May 2019

The Council met at half-past Eleven o'clock

MEMBERS PRESENT:

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

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE LEUNG YIU-CHUNG

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

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

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

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

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

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

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

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

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

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

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

THE HONOURABLE CLAUDIA MO

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

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

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

THE HONOURABLE WU CHI-WAI, M.H.

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

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

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, B.B.S., J.P.

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG, J.P.

THE HONOURABLE DENNIS KWOK WING-HANG

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG
DR THE HONOURABLE HELENA WONG PIK-WAN
THE HONOURABLE IP KIN-YUEN
DR THE HONOURABLE ELIZABETH QUAT, B.B.S., J.P.
THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.
THE HONOURABLE POON SIU-PING, B.B.S., M.H.
DR THE HONOURABLE CHIANG LAI-WAN, S.B.S., J.P.
IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.
THE HONOURABLE CHUNG KWOK-PAN
THE HONOURABLE ALVIN YEUNG
THE HONOURABLE ANDREW WAN SIU-KIN
THE HONOURABLE CHU HOI-DICK
THE HONOURABLE JIMMY NG WING-KA, J.P.
DR THE HONOURABLE JUNIUS HO KWAN-YIU, J.P.
THE HONOURABLE HO KAI-MING
THE HONOURABLE LAM CHEUK-TING
THE HONOURABLE HOLDEN CHOW HO-DING
THE HONOURABLE SHIU KA-FAI
THE HONOURABLE WILSON OR CHONG-SHING, M.H.
THE HONOURABLE YUNG HOI-YAN
DR THE HONOURABLE PIERRE CHAN
THE HONOURABLE CHAN CHUN-YING, J.P.

THE HONOURABLE CHEUNG KWOK-KWAN, J.P.

THE HONOURABLE HUI CHI-FUNG

THE HONOURABLE LUK CHUNG-HUNG, J.P.

THE HONOURABLE LAU KWOK-FAN, M.H.

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

DR THE HONOURABLE CHENG CHUNG-TAI

THE HONOURABLE KWONG CHUN-YU

THE HONOURABLE JEREMY TAM MAN-HO

THE HONOURABLE GARY FAN KWOK-WAI

THE HONOURABLE AU NOK-HIN

THE HONOURABLE VINCENT CHENG WING-SHUN, M.H.

THE HONOURABLE TONY TSE WAI-CHUEN, B.B.S.

THE HONOURABLE CHAN HOI-YAN

MEMBERS ABSENT:

THE HONOURABLE SHIU KA-CHUN

THE HONOURABLE TANYA CHAN

PUBLIC OFFICERS ATTENDING:

THE HONOURABLE JAMES HENRY LAU JR., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY
DR THE HONOURABLE LAW CHI-KWONG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

THE HONOURABLE JOHN LEE KA-CHIU, S.B.S., P.D.S.M., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE FRANK CHAN FAN, J.P.
SECRETARY FOR TRANSPORT AND HOUSING

DR CHUI TAK-YI, J.P.
UNDER SECRETARY FOR FOOD AND HEALTH, AND
SECRETARY FOR FOOD AND HEALTH

DR BERNARD CHAN PAK-LI, J.P.
UNDER SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT, AND
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE MICHAEL WONG WAI-LUN, J.P.
SECRETARY FOR DEVELOPMENT

THE HONOURABLE PATRICK NIP TAK-KUEN, J.P.
SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS

MR SONNY AU CHI-KWONG, P.D.S.M., J.P.
UNDER SECRETARY FOR SECURITY

**CLERKS IN ATTENDANCE:**

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

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MS ANITA SIT, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT SECRETARY GENERAL
PRESIDENT (in Cantonese): The regular Council meeting now commences.

PAPERS TO BE LAIRED ON THE TABLE OF THE COUNCIL

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

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ORAL ANSWERS TO QUESTIONS


Conservation of the stilt houses at Tai O

1. MR LEUNG CHE-CHEUNG (in Cantonese): President, 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?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, currently, the stilt houses situated along the waterway of the Tai Oi Creek are mainly structures under Government Land Licences ("licensed structures") and surveyed squatter structures covered in the 1982 Squatter Control Survey ("surveyed squatter structures").

I would like to first briefly explain the background of the Government's policies on licensed structures and surveyed squatter structures.

Government Land Licence ("GLL") is land instrument issued by the Government in or before the 1970s mainly to regularize unauthorized structures erected on government land in rural areas at the time. Such licensed structures are tolerated on a temporary basis if they comply with the licence requirements, until they have to be cleared for development, environmental improvement or safety reasons, or phased out due to "natural wastage". "Natural wastage" generally refers to the situation where a licensee is deceased and the licence is not succeeded by an immediate family member.

Separately, the Government conducted a territory-wide Squatter Control Survey ("SCS") in 1982 to record the locations, dimensions, building materials and uses of the unauthorized structures erected on government land and leased agricultural land at that time. Such records formed the basis for squatter control. If these structures are in accord with the records of the 1982 SCS, generally they are "tolerated" on a temporary basis until they have to be cleared for development, environmental improvement or safety reasons. For surveyed squatter structures, "natural wastage" generally refers to the situation where a structure is no longer occupied and has its squatter survey number cancelled.
Given that these structures were not erected in accordance with the relevant statutes and regulations, they are likely to be less than satisfactory in various aspects including structural, density, fire safety specifications, ventilation and hygiene standards. The purpose of the aforesaid policies on licensed structures and surveyed squatter structures is to freeze and gradually reduce the number of unauthorized structures in the society.

Having consulted the relevant departments, my reply to the three-part question is as follows:

(1) As far as stilt houses in Tai O are concerned, cases of cancellation of relevant GLL or squatter survey number due to "natural wastage" have not happened in the past two years.

The aforesaid policies on licensed structures and surveyed squatter structures are applicable to the entire Hong Kong. As regards conservation of stilt houses in Tai O, we believe the recently proposed $1 billion Lantau Conservation Fund may bring about a new opportunity to the community. In view of the traits of Tai O stilt houses, the Government plans to explore in future whether the proposed Lantau Conservation Fund can be tapped to enable stilt houses returned to the Government to be used for purposes benefiting the community instead of being demolished. For instance, subject to local situation and views, those stilt structures which originally will be demolished may be handed to non-governmental organizations for revitalization and management through an appropriate mechanism to facilitate culture conservation and community support. The Government is considering such possibility.

As for licensed structures or surveyed squatter structures that are still being occupied, the licensees or occupants may apply for rebuilding or repairing the licensed structures or surveyed squatter structures concerned in accordance with the relevant policies. The Government will consider the applications in a reasonable manner.

(2) Under the prevailing policies, if the licensee of a GLL passes away, generally only an immediate family member of his or her may apply for succession of GLL. For surveyed squatter structures, the
Government does not control the identity of the occupants. Such structures may be "tolerated" on a temporary basis if they accord with the 1982 SCS record.

In respect of transfer, conditions of licensed structures stipulate that GLLs are not transferable, whereas surveyed squatter structures has no legal interest in land at all. As the purpose of the policies is to gradually reduce and prevent persistence of unauthorized structures which do not comply with relevant requirement and safety standards in society, the Government does not plan to change the existing arrangement. If the Government were to permit lawful transfer of such structures, there would be far-reaching implications on the society.

(3) Government departments have been pressing ahead with various improvement works for the Tai O area and its stilt houses. On fire services, currently the two fire stations in Tai O have already made special firefighting arrangements to cater for the village paths and stilt houses in Tai O, and especially installed a number of "firefighting toolboxes" along the walkways near the stilt houses in Tai O. The Fire Services Department also regularly arranges fire safety talks and fire drills for local residents.

On water supply, the stilt houses in Tai O are provided with adequate potable water supply. The Water Services Department also plans to assist the stilt house residents in replacing the pipelines along the public walkways to enhance reliability of water supply in the area.

On sewerage, the Government has already drawn up a plan to improve Tai O's underground public sewerage network. The Government will extend the public sewer to the government land nearest to the stilt house areas and reserve space for terminal manholes to facilitate residents' sewer connection.

On electricity supply, CLP Power Hong Kong Limited regularly inspects the electricity supply facilities in the area and will also maintain contact with the residents to ensure stability and safety of electricity supply.
The Highways Department and the Lands Department have been undertaking repairs and maintenance for public lighting systems in the area. The Islands District Office also plans to install lights at public walkways in some stilt house areas in the second half of this year.

The Civil Engineering and Development Department is currently implementing the improvement works at Tai O in phases. Phase 1 of the project was completed in March 2013, comprising mainly the construction of a riverwall at Yat Chung and the associated drainage and sewerage improvement works to alleviate risk of flooding. Phase 2 Stage 1 of the project is currently under way, and the detailed design of Phase 2 Stage 2, which involves construction of two footbridges, will soon be carried out.

President, the relevant government departments would continue to review from time to time Tai O residents' needs for various kinds of social services, and make appropriate arrangements and improvements having regard to the needs of the area.

**MR LEUNG CHE-CHEUNG** (in Cantonese): President, stilt houses in Tai O are not just ordinary squatters but special structures made of Pontianak wood, which can immerse in water for 100 years without decay. Stilt houses must hence be made of Pontianak wood. Yet, as the succession of stilt houses is not that easy after the death of licensees, stilt houses may gradually disappear one or two generations later, which is exactly the aim of the current squatter policy. By then, Hong Kong will no longer have stilt houses in Tai O as its iconic feature. If the Government continues to apply its squatter policy to stilt houses in Tai O, stilt houses are doomed to disappear.

*I would like to ask the Secretary again: Will the Government formulate a special policy for stilt houses in Tai O to facilitate their future conservation?*

**SECRETARY FOR DEVELOPMENT** (in Cantonese): I thank Mr LEUNG for his supplementary question. We have looked up information and found that there are currently some 500 stilt houses in Tai O, with the vast majority being
surveyed squatter structures and about 20% to 30% of them being licensed structures at the same time. As I said in the main reply earlier, a licensed structure may be succeeded by an immediate family member of the deceased licensee but is not transferrable. In some circumstances, such as when the licensee does not have any immediate family members but can prove that his other relatives (e.g. children of his siblings) have lived with him in his stilt house for some time, the Lands Department will consider the relevant facts in approving succession applications.

Mr LEUNG asked whether the Government would formulate a policy for stilt houses and he also spoke of the relation between stilt houses and the squatter policy. In this connection, I would like to give two observations. Firstly, for Tai O stilt houses which are surveyed squatter structures, are they subject to voluminous and rapid natural wastage? The answer is "no" for the moment. As I just said, natural wastage has not been observed in the past two years. Yet, given the traits of stilt houses in Tai O, we see that there is a conservation opportunity in future, though commercialization or marketization will not be part of our plan. In the past, stilt houses which were surveyed squatter structures were likely to be demolished in the course of natural wastage; now, in view of the traits of stilt houses in Tai O, we will explore in due course whether the Lantau Conservation Fund can be tapped to provide funding as appropriate for suitable non-governmental organizations to use stilt houses for the purpose of culture conservation or community support while preserving them.

PRESIDENT (in Cantonese): Mr Andrew WAN, please put down the placard on your desk first as it is too big and obstructs my vision.

(Mr Andrew WAN moved the placard away)

MR ANDREW WAN (in Cantonese): President, the Secretary pointed out a few facts in his earlier reply. As I worked as a social worker at stilt houses in the early 1990s, I have affection for stilt houses and know their history.
The Secretary stated a few facts in his reply, for example, additional fire safety measures were introduced after fire hazards and riverwall works and drainage improvement works were carried out after flooding. However, it was right for Mr LEUNG Che-cheung to say that the Government was just making piecemeal efforts. On this point, my supplementary question is: Does the Government have an overall conservation policy? For instance, will it set up a fund for the conservation and restoration of stilt houses or build a large floodgate at the estuary of Tai O to prevent flooding? The Government should not take a piecemeal approach as it does now; otherwise, I am afraid the worry of Mr LEUNG Che-cheung (i.e. stilt houses will disappear eventually) will come true sooner or later.

SECRETARY FOR DEVELOPMENT (in Cantonese): I thank Mr WAN for his supplementary question. The improvement works at Tai O are in progress. As I said in the main reply, the Civil Engineering and Development Department has already constructed a riverwall at Yat Chung. That was Phase 1 of the project. Phase 2 Stage 1 of the project commenced in 2016 and is expected to complete early next year. It mainly includes the construction of a public open space and transport facilities at the entrance of the Tai O market. Phase 2 Stage 2 of the project is under design and will include the construction of the two footbridges at Yim Tin and Po Chue Tam as well as individual improvement works which aim to enhance the temple garden for Yeung Hau Temple and the existing space for community and cultural events at Yim Tin.

Mr WAN asked about some policy issues in his supplementary question. As I just said, we are very willing to consider proposals for the conservation of stilt houses in Tai O as long as the proposals do not go against the current squatter policy. We believe the setting up of the Lantau Conservation Fund has brought about an opportunity. Here, I would like to speak on one thing briefly. Members may note that we once thought of building a stilt house experience centre at Tai O years ago. Why wasn't this plan taken forward? That was because no appropriate organization was capable of or willing to take up this task at that time. Should there be any specific projects under the Lantau Conservation Fund in future, the Government hopes that there will be local organizations taking the lead.
PRESIDENT (in Cantonese): Mr WAN, which part of your supplementary question has not been answered?

MR ANDREW WAN (in Cantonese): President, the Secretary was just repeating his answers in the main reply. I am aware of the minor riverwall repair works, but my question is whether a large floodgate will be built to prevent flooding. "Yes" or "no"? Will the Government consider taking forward the project?

PRESIDENT (in Cantonese): Mr WAN, you have already pointed out which part of your supplementary question has not been answered. Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): In fact, some of the works are still in progress. As far as I remember, the Home Affairs Department is carrying out concrete works at Fan Kwai Tong. Works will be conducted as and when necessary.

Mr WAN may note that the water-stop boards installed in Tai O years ago were proved to be quite effective during Typhoon Mangkhut. We will review similar facilities one by one to see if there is room for further improvement. These facilities are, however, subject to a capacity limit even if heightened; there are hence constraints in our improvement works. Besides, if the sites identified for the installation of water-stop boards are within private residences, the occupants may not allow us to install water-stop boards at their home. It takes time for us to address these issues.

MR STEVEN HO (in Cantonese): Just now, the Secretary highlighted the need to have competent organizations, and I believe there will be no better candidate than Heung Yee Kuk. I thank the SAR Government for telling us specially the historical factors in its reply. As we all know, squatters are classified into red, green and yellow squatters. Governments of different periods proposed different squatter policies in the hope that squatters or even stilt houses in Tai O would exist only temporarily and disappear eventually through natural wastage.
While it is reasonable to introduce supplementary policies as time changes, if the Government only makes piecemeal efforts to, say, install water-stop boards after a flood without changing its fundamental policy, social problems will mushroom. Today, the natural wastage of stilt houses in Tai O is one of these problems.

In fact, many squatters in the New Territories are facing the same problem. For example, the Government may specifically stipulate in its conditions the use of original building materials, such as corrugated asbestos cement sheets, timber, galvanized plates …

PRESIDENT (in Cantonese): Mr HO, please raise your supplementary question directly.

MR STEVEN HO (in Cantonese): … I would like to ask the SAR Government: In view of the various social problems caused by the changing times, will it stick to the interim policies and decline to conduct a comprehensive review? If it fails to conduct a review, the problems will get worse and water-stop boards will not be able to stop the problems for long.

SECRETARY FOR DEVELOPMENT (in Cantonese): I thank Mr HO for his supplementary question. Regarding the handling of surveyed squatter structures, the policies mentioned by Mr HO just now are still our current policies as we consider that unauthorized structures and structures with unsatisfactory hygiene and safety conditions should be reduced gradually. However, a squatter area will not be cleared unless it is to be developed or plagued by serious environmental, hygiene or safety problems as clearance is considered a great nuisance to the community.

Speaking of Tai O, we appreciate its uniqueness. We are considering—I will briefly repeat one point—whether there are better ways to conserve stilt houses without going against the general policies. Yet, President, please allow me to repeat: Marketization, commercialization and free transfer will not be allowed for stilt houses.
PRESIDENT (in Cantonese): Mr HO, which part of your supplementary question has not been answered?

MR STEVEN HO (in Cantonese): Just now, when I asked the Secretary whether there would be a review, I was meant to ask whether the aforesaid requirement of using the original materials would be reviewed. In squatter areas where there are no major development plans, the stilt houses or squatters may continue to exist for another 20 to 30 years. Is it possible to obtain the original materials for refurbishment? Can the Government review this problem or fine-tune its policy?

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR DEVELOPMENT (in Cantonese): Yes. I thank Mr HO for his question. In respect of materials, the Lands Department does not require the use of original materials but only the use of non-permanent building materials. It should be noted that the Lands Department will consider the rebuilding and repairing applications received every year in a reasonable manner. If Members consider the relevant requirements too stringent, we are happy to discuss whether they can be relaxed slightly.

MR LEUNG YIU-CHUNG (in Cantonese): President, it is beyond doubt that Tai O has become a tourist attraction in Hong Kong. How did it turn into a tourist attraction? Tourists are attracted by shops selling traditional products such as dried seafood and shrimp paste, but most importantly, I believe they are attracted by stilt houses in Tai O. Without stilt houses, Tai O will lose its colours. The special thing about stilt houses is not only that they are made of Pontianak wood as told by Mr LEUNG Che-cheung; their long history of over 200 years, their appearance and the way of life of the residents (e.g. some residents still cook with wood fire) also attract many tourists who wish to see the history, past culture and traditions of Hong Kong.

Unfortunately, as stated by the Secretary, there are now only some 500 stilt houses left. I visited Tai O just yesterday, only to find that more and more stilt houses had been abandoned and occupied by mice. This problem will not only spoil the environment …
PRESIDENT (in Cantonese): Mr LEUNG, please raise your supplementary question directly.

MR LEUNG YIU-CHUNG (in Cantonese): … but will also seriously affect the social connection among residents in Tai O.

May I ask the Secretary if he will simply let Tai O disappear naturally? If the answer is in the negative, what policies are in place to preserve Tai O? What is more, these preservation policies should also strengthen the connection among local residents and invigorate Tai O rather than reduce it into a silent memorial hall. We should present the inheritance of history, culture and lifestyle to visitors. Can the Secretary achieve this?

SECRETARY FOR DEVELOPMENT (in Cantonese): Thank you, Mr LEUNG. I know that Mr LEUNG is gravely concerned about this issue and he went to Tai O yesterday to discuss certain cases with our colleagues in the Lands Department.

Mr LEUNG, at this stage, I am afraid that I can only repeat my earlier replies. Firstly, as far as the squatter policy is concerned, squatter structures are for local people to live in and tolerated merely on a temporary basis. There is no question of interest in land. This remains the basic principle.

Looking forward, we will give thought to the conservation of these unique stilt houses in Tai O but commercialization will not be our option. For example, we do not think a domestic squatter should be renovated into a Chinese restaurant or a bar. However, while natural wastage of stilt houses in the past often led to demolition or gradual dilapidation, opportunity will soon arise to conserve stilt houses properly for community uses or cultural inheritance. Mr LEUNG may also note that details of the Lantau Conservation Fund are yet to be announced. When the funding proposal is later submitted to the Finance Committee, we will give an account of it. As regards whether a particular policy will be formulated for stilt houses or whether there will be fundamental changes in the general squatter policy, the Government does not think we should do so.
MR KENNETH LAU (in Cantonese): President, Tai O is reputed as "Venice of Hong Kong", attracting numerous local and overseas visitors to enjoy the simple and leisure lifestyle in this fishermen's village. As stilt houses in Tai O are homes of fishermen, their structural features are closely tied with the fishing practices of fishermen, thereby giving these houses high conservation and educational value.

However, after visiting the stilt houses located remotely in Tai O, many people may wish to visit other attractions; transport infrastructure is thus necessary. In this connection, will the Government consider providing support in transportation other than setting up the Sustainable Lantau Office under the Development Bureau?

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I thank Mr LAU for his supplementary question. Apart from setting up the Sustainable Lantau Office, the authorities are also conducting a study. The Civil Engineering and Development Department is now studying the traffic improvement measures and capacity to receive visitors for Lantau, and this study is expected to complete next year.


Use of van-type light goods vehicles by government departments

2. MR FRANKIE YICK (in Cantonese): President, 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:
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;

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

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?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, according to Clause 267 of the General Regulations, commercial transport may be hired for duty journeys only when no suitable government departmental vehicle or the Government Logistics Department ("GLD") transport service is available. Departments must seek approval from the Director of the Government Logistics before hiring commercial transport. For hiring vehicle types that are not available at the GLD Transport Pool, approval should be sought from the Controlling Officers of the respective departments concerned.

The procedures for hiring commercial transport are set out in the relevant GLD Circular. To facilitate departments in coping with additional or non-recurrent transport service needs, including seasonal demand or short-term needs, GLD will consolidate the forecast of usage from various departments and arrange bulk contracts for hiring light goods vehicles ("LGVs") to provide services to departments in a cost-effective manner. If individual departments require a large amount of transport services to cope with their operational needs, they may arrange their own LGV hiring contracts.
It is stipulated in the Conditions of Contract or Service Specifications that contractors shall comply with the laws of Hong Kong, including the Road Traffic Ordinance (Cap. 374), and the vehicles shall only be used for transporting goods and passengers accompanying the goods. This applies to both the LGV hiring contracts arranged by GLD and individual departments. User departments have the responsibility to ensure the lawful and proper use of hired LGVs.

After consulting various departments, a consolidated reply to the three parts of the question is as follows:

(1) As at 31 March 2019, the Hongkong Post, the Food and Environmental Hygiene Department, the Electrical and Mechanical Services Department, the Water Supplies Department, the Immigration Department, the Buildings Department, the Department of Health, GLD and the Judiciary have entered into LGV hiring contracts with a contract period of one year or above. In general, the goods transported by LGVs arising from the operational needs of departments include documents and files, uniforms, tools, cleansing products, office furniture and equipment, etc. Information on the numbers of contractors, vehicles, hiring orders, as well as the expenditure incurred in hiring LGV service by the above departments in the past three years under contracts with a period of one year or above is set out at Annex. The information does not include LGV hiring service procured through one-off quotation or contracts with a contract period shorter than one year.

(2) and (3)

GLD has been monitoring the usage of LGV hiring services. GLD has regularly reminded all departments that they shall comply with the laws when using LGV service, and LGVs should not be used for carrying passengers. According to the information provided by departments, they have also issued guidelines or reminded their staff that the use of LGV for purposes other than transporting goods is forbidden.

GLD is responsible for administering the LGV hiring contracts that it has arranged, including assessing the requirements of user departments, inviting tenders and awarding contracts, issuing guidelines to user departments, requesting user departments to report
on the performance of contractors regularly and monitoring the fulfilment of contracts, etc. To monitor the performance of contractors, GLD also conducts surprise inspections, which include checking whether the vehicles and drivers comply with contractual terms and specifications. User departments should ensure the proper use of the vehicles provided by GLD's contractors. If irregularities are spotted by GLD or upon referral from contractors concerning departments' use of LGVs, GLD will follow up the cases with the departments concerned.

If the LGV hiring contracts are arranged by individual departments, the departments concerned shall be responsible for the day-to-day contract administration, including supervising their staff to use the hired vehicles and monitoring the service quality, etc.

Before the said media reports, GLD had already issued inspection guidelines to all departments, requesting them to conduct inspections from time to time and submit inspection reports, so as to monitor and ensure that LGVs would be used by their staff in accordance with the law.

Over the past three years, GLD and various departments had conducted over 4,000 inspections. There were no reports on the use of hired LGVs for purposes other than transporting goods. GLD has not received any complaint or report on disciplinary actions regarding inappropriate use of LGV hiring services.

In general, the departments concerned shall take appropriate administrative measures or disciplinary actions in case of non-compliance of staff's behaviour, conduct and performance of departmental staff with government regulations, rules, orders or codes (such as inappropriate use of LGV hiring services) or contravening the Civil Service Code in disclosing confidential information received in the course of their duties. If GLD discovers that departments do not use the LGV hiring services properly, it will remind the departments concerned to take appropriate administrative measures or disciplinary actions as appropriate.
From 2016-2017 to 2018-2019, the numbers of contractors, LGVs and hiring orders, as well as the expenditure incurred by the relevant departments under LGV hiring contracts with a period of one year or above are as follows:

<table>
<thead>
<tr>
<th>Financial Year</th>
<th>Number of contractors involved</th>
<th>Number of vehicles involved (minimum number of vehicles provided daily)</th>
<th>Number of hiring orders</th>
<th>Expenditure ($million)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018-2019</td>
<td>21</td>
<td>985</td>
<td>244 159</td>
<td>149.1</td>
</tr>
<tr>
<td>2017-2018</td>
<td>24</td>
<td>984</td>
<td>222 403</td>
<td>140.2</td>
</tr>
<tr>
<td>2016-2017</td>
<td>19</td>
<td>862</td>
<td>216 451</td>
<td>142.3</td>
</tr>
</tbody>
</table>

Note:
The above information does not include LGV hiring service procured through one-off quotation or contracts with a contract period of shorter than one year.

**MR FRANKIE YICK** (in Cantonese): President, the Secretary's reply has confirmed one thing, i.e. government departments have issued guidelines.

It is most strange for the Secretary to point out in the second last paragraph of the main reply that over the past three years, GLD and various departments had conducted over 4 000 inspections from time to time and found no acts of contravention. On the basis that there are 280 working days in a year, at least four inspections would be conducted per day on average. Nevertheless, the media found acts of contravention one after another once they started the investigations. I have also heard about many acts of contravention, but have not reported them to the Secretary. I doubt if there is dereliction of duty on the part of the staff members involved. How did they conduct the inspections? Is there a need to review their ways of inspection? If the Secretary is willing to make known their ways of inspection, I will be more than happy to provide my views.

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Cantonese): President, GLD issues guidelines from time to time. In the past, guidelines were circulated once every six months; the duration has now been
shortened and guidelines are circulated once every three months to remind Policy Bureaux and departments to ensure that their staff members use LGVs lawfully.

Regarding the news report mentioned by the Member, sometimes, Government officers may use LGVs to carry goods as their work requires. For example, officers of the Customs and Excise Department may put formula milk in the goods compartments of LGVs in executing the "powdered formula restriction order"; and officers of the Food and Environmental Hygiene Department may have to take small tools, materials and posters, etc. with them when they go out to work. Government officers have frequent needs to carry goods with them when they use these vehicles. We will remind departments to be particularly careful when they conduct inspections. We are also actively considering establishing a hotline for the public to make complaints and to provide a channel of communication for contractors. If the drivers identify any problems, they can relay them to the departments or the authorities concerned through the contractors.

MR SHIU KA-FAI (in Cantonese): Recently, I received many telephone calls from members of the taxi trade telling me that it is increasingly hard for them to operate and their business is shrinking. First, there are very few customers at night at present; second, Uber (i.e. illegal hire vehicles) has snatched much of their business; and third, many drivers of LGVs claim to transport goods, but in fact carry passengers and LGVs have snatched much of their business. I believe Mr Frankie YICK has reasons to ask this question and express the worries of the trade today.

The Secretary said earlier that not a single act of contravention was found after conducting 4000 inspections. I am a member of the Public Accounts Committee ("PAC"). After reading the Secretary's reply, I believe PAC may immediately open a file for inquiry. How was it possible that not a single act of contravention was found after conducting 4000 inspections? Why then could media reporters discover the problems? What work has been done in those 4000 inspections? Have resources been wasted?

I would like to ask a supplementary question on behalf of Mr Frankie YICK, my party member. His question is: "Do the guidelines of the Policy Bureau contain any penalties of contravention? If so, what are the penalties; if not, will penalties be included to prevent acts of contravention?"
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, vehicles used by departments should comply with Clause 267 of the General Regulations, as I mentioned earlier. Besides, in the contracts for hiring LGVs, there are terms requiring departments to comply with the laws of Hong Kong. The question of penalties depends on the circumstances. If such problems are identified, the Security Bureau and the relevant department must be consulted to consider the seriousness of improper use and take follow-up actions where appropriate. Meanwhile, we will remind departments that if such cases are found, they should remind their staff members that contravention of the guidelines may result in disciplinary sanctions. We will continue to pay close attention to the situation and attach importance to it.

PRESIDENT (in Cantonese): Mr SHIU, which part of your supplementary question has not been answered?

MR SHIU KA-FAI (in Cantonese): The Secretary has not answered my supplementary question. I believe the Government has used this type of LGVs to save money, but it has to comply with the law too …

PRESIDENT (in Cantonese): Mr SHIU, that is not the content of your supplementary question, please wait for the next round of questions.

MR JEFFREY LAM (in Cantonese): The Secretary has very clearly said earlier that the Government has set down guidelines for hiring vehicles. Departments have to hire vehicles or commercial vehicles which have been lawfully registered. Since the policy of the Government is so clear, if staff members have really hired illegal vehicles, can they claim reimbursement? I heard from Mr YICK earlier that the staff members had not claimed reimbursement, but in fact they had; could they claim reimbursement? If they could, is there any contravention? Will the Government investigate the matter? If contravention is proven after investigation, how will the matter be dealt with?
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, as I understand it, generally speaking, most of the departments will enter into contracts for hiring vehicles for one or more years. Regarding the question on costs mentioned by the Member, government officials will pay the costs for using the vehicles according to the terms of the contract. Besides, if special needs arise, departments will sign short-term contracts for hiring this type of vehicles or use them to meet temporary operational needs. If problems arise, the drivers or contractors concerned can relay any unreasonable or unlawful use of vehicles to the relevant departments for follow-up.

PRESIDENT (in Cantonese): Mr LAM, which part of your supplementary question has not been answered?

MR JEFFREY LAM (in Cantonese): The Secretary has not answered my supplementary question at all. My question is: If it is found that Government departments or their staff members used illegal vehicles and obtained reimbursement of such costs, how will the matter be dealt with?

PRESIDENT (in Cantonese): Mr LAM, you have pointed out the part of your supplementary question which has not been answered. Secretary, do you have anything to add?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, generally speaking, government officials use vehicles according to the contractual terms. If they contravene the guidelines, i.e. if they use illegal vehicles, the departments will deal with the matter or issue disciplinary sanctions according to established procedures.

MR KENNETH LEUNG (in Cantonese): President, the Secretary has listed, in the Annex to the main reply, information including the expenditure incurred by the relevant departments under LGV hiring contracts with a period of one year or above, can the Secretary provide other statistics as well? For example, information on the use of LGVs under hiring contracts with a period of shorter than one year or on an ad hoc basis. Furthermore, can the Secretary confirm
that apart from LGVs, government departments will not hire other vehicles such as private cars?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, after consulting the departments, we were informed that the departments do not have specific figures regarding short-term hiring contracts, thus, we cannot provide the information. Regarding the use of other vehicles, we have to make further enquiries because this question only concerns LGVs.

MR KENNETH LEUNG (in Cantonese): May I ask a follow-up question?

PRESIDENT (in Cantonese): Mr LEUNG, you may press the "Request to speak" button and wait for your turn to ask the question.

MR FRANKIE YICK (in Cantonese): President, if the Secretary has paid attention, he would have known that I asked the same question in the last Chief Executive's Question and Answer Session. Why did I do so? The reason is that I have asked frontline government staff why they have committed acts of contravention. They said that, first, since contracts have been signed, they cannot call vehicles at will; and second, the costs of hiring other vehicles are lower. I asked the Chief Executive last time whether the Government had encouraged its staff members to commit acts of contravention in order to save money. The Chief Executive certainly denied, but I know such acts have actually been taken because I have asked frontline government staff.

According to the Annex to the main reply, in 2018-2019, the expenditure incurred for hiring LGVs is $149 million and the number of hiring orders is 244,000, thus the average cost for each hiring order is $610, whereas the average cost is $630 in 2017-2018. If Members have an idea in this regard, the cost of hiring an LGV to transport goods is generally $200 to $300, and it may even fall to some $100 now. However, according to the Government's information, the average cost of each hiring order is more than $600; I really suggest the Audit Commission to conduct a value-for-money audit.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, the contracts have been entered into through open tender and after consideration of the tenders received at the time. We have followed the tendering procedures in receiving the tenders and preparing the contracts. Furthermore, President, the Members mentioned other vehicles earlier. I would like to add that the Government also hires other vehicles. Apart from LGVs, the Government also hires closed compartment goods vehicles, multi-purpose vehicles, coaches, big sedans and taxis, etc. Thus, staff members will use these transport vehicles under different circumstances.

MR FRANKIE YICK (in Cantonese): President, in the last Chief Executive's Question and Answer Session, the Chief Executive responded that after the release of the news report, the Government held an interdepartmental meeting to discuss the matter, but the Secretary has not mentioned this point in his main reply provided to me today. What new measures have the Government come up with after the interdepartmental meeting to prevent the recurrence of similar incidents? There is no mention about this point in the main reply of the Secretary.

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, first of all, the last Chief Executive's Question and Answer Session was held on 9 May. At that time, issues such as unlawful use of vehicles and use of illegal hire cars by government departments were mentioned. In reply to Mr YICK’s question, the Chief Executive mentioned sentencing guidelines, right? According to the record, Mr YICK requested the Chief Executive to provide sentencing guidelines regarding the use of illegal hire cars …

MR FRANKIE YICK (in Cantonese): That is the second half of my question. On that day, the Chief Executive replied that after the news report of the case was released, the Government held an interdepartmental meeting to discuss the matter. My question is: What is the result of the review?
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Cantonese): President, I noticed that the Chief Executive said at the time that all departments should obey the law, and then she said that she would remind departments that they should not use illegal transport services for the sake of convenience or lower costs. Regarding the interdepartmental meeting mentioned earlier by Mr YICK, I will follow up.

PRESIDENT (in Cantonese): Will staff members of the Secretariat put down the display board at the seat of Mr Andrew WAN.

PRESIDENT (in Cantonese): Third question.

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

3. DR KWOK KA-KI (in Cantonese): President, 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?

SECRETARY FOR SECURITY (in Cantonese): President, the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 ("the Bill") proposed by the Government aims to amend the Fugitive Offenders Ordinance ("FOO") and the Mutual Legal Assistance in Criminal Matters Ordinance ("MLAO") to deal with two practical issues:

First, a homicide case happened in Taiwan in early 2018 involving a Hong Kong resident killing another Hong Kong resident, and the homicide suspect fled to Hong Kong. However, there is at present no legal provision to provide the mutual legal assistance or surrender the fugitive offenders to Taiwan.

Second, it is necessary to simultaneously plug the loopholes in Hong Kong's overall cooperation mechanism in criminal and juridical assistance matters, including the geographical restrictions, i.e. being inapplicable to Mainland China, Macao and Taiwan, and the impractical operational requirements under the existing ordinances.

There is a time issue under the first point because the suspect in the homicide case was sentenced to 29 months of imprisonment for four counts of money laundering and could be released as early as October this year. We hope to enact the legislation before his release so that he can be surrendered to Taiwan for the legal sanction that he deserves. As regards the second point, we have to address the shortcomings and loopholes of our existing mechanism for surrender
of fugitive offenders. The Government's proposed amendments, which have been thoroughly and prudently considered, ensure that serious crime offenders cannot elude liability by taking advantage of a legal vacuum while protecting the safety of the public and the society.

My main reply to the three parts of Dr KWOK's main question is as follows:

(1) The Hong Kong Special Administrative Region ("HKSAR") Government has been communicating with the Taiwan side on its request in a pragmatic and respected manner, without any preconceived condition and with focus on the case itself only.

At present, there is no law in Hong Kong to deal with this serious murder case. So relevant laws must be enacted. We are aware that the Taiwan side has also agreed that the suspect should be brought to justice, and expressed that the door for negotiation on the mutual juridical assistance remains open. Under the mutual consensus that the suspect should face justice, we will continue to communicate with the Taiwan side patiently, explaining our legal vacuum and working hard to push forward the cooperation in the case to uphold justice.

(2) Some legislators proposed amending the Offences against the Person Ordinance to extend the criminal jurisdiction of the courts of HKSAR, so that the courts may conduct trials for homicide offences committed by Hong Kong people abroad. There are also views suggesting that the Taiwan homicide case should be handled by means of a sunset clause.

First, handling the Taiwan homicide case by amending the Offences against the Person Ordinance will result in a suspect being punished for an act that was not an offence under Hong Kong laws when it was committed, violating the provisions under Article 12: "No retrospective criminal offences or penalties" of the Hong Kong Bill of Rights Ordinance. Furthermore, we will also have to remove the geographical restrictions under MLAO to obtain evidence through cooperation. Even if restrictions are removed under MLAO, given
that the crime took place outside Hong Kong, our prosecution authorities will face considerable difficulties in gathering evidence and summoning witnesses, and will not be able to ensure that such evidence will be accepted by Hong Kong courts. This may even give rise to legal problems pertaining to disclosure of information, thereby resulting in challenge for depriving the right of the defendant for fair trial. If he is acquitted in Hong Kong owing to the evidence failing to meet standard of proof, under the rule against double jeopardy, he will not be legally responsible for which he deserves and this situation will be undesirable.

As for handling the Taiwan homicide case by means of a sunset clause, this can only handle a single homicide case, not a second, third or any other future homicide cases and serious criminal cases, which will each entail enactment of new legislation. This proposal is simply unable to plug the loophole in the current surrender mechanism. We cannot and should not turn a blind eye to the loopholes in the current mechanism as this would make Hong Kong a shelter for offenders.

(3) We have undergone careful deliberation in drawing up the legislative proposals. I have just explained clearly the policy objectives, and the Government will not withdraw the Bill. The HKSAR Government understands that the public has different views on the proposed legislative amendments, with supports and criticisms. The Government team has been devouring to explain the legislative proposals to the public and listening to the views from different sectors, during which we have come across many people who are not familiar with the provisions of the amendment bill and the actual operation of the regime. To this end, the Government will continue to explain to the public to enhance their understanding of the proposed amendments. On the other hand, having exchanged views and listening to the comments from various sectors of the community, the Government has refined the proposals in order to strike a reasonable balance by specifying the categories of offences to be handled to 37 items, covering those with the most serious or relatively serious nature, involving the upholding of justice and compliance with obligations under international conventions, etc.
The considerations for excluding the nine categories of offences are that they were seldom come across or have never been dealt with in the past surrender requests; as for the computer related offences, they have been shelved owing to the legal definition problem, which was not sorted out at that time.

President, I hope we can go back and stick to the original objective of surrender of fugitives. The United Nations passed a resolution in 1997, recognizing that surrender of fugitives is an effective means in the joint effort against organized crimes and serious offences. The legislative amendments will not change our current regime for surrender of fugitive offenders under the cautious gatekeeping by the Government and the courts. It remains our key policy objective to enter into long-term cooperation agreements with different jurisdictions. Nevertheless, it takes as long as years on average to negotiate a long-term agreement. Should the Bill be passed, we could effectively supplement the inadequacy with case-based arrangement in the absence of a long-term agreement. In the existing FOO, we have made reference to the United Nations model treaty on surrender of fugitives, which is in compliance with the international practice with sufficient human rights and legal procedural safeguards. The concerned individuals have the rights to appeal, apply habeas corpus and file judicial review up to the level of Court of Final Appeal. The proposed case-based surrender arrangement will be no longer applicable once a long-term agreement has been signed. The proposed legislative amendments will definitely not affect any long-term agreements in force.

The freedom and rights of Hong Kong is fully protected under the Basic Law. The proposed legislative amendments are in line with the Basic Law, and will definitely not affect the existing legal rights and freedom.

**DR KWOK KA-KI** (in Cantonese): President, no wonder some people see Secretary John LEE and Carrie LAM as rats on the street as they keep telling lies. If they have given prudent consideration, why would the consultation period be 21 days but not 21 years? If they have given prudent consideration,
why would they still introduce the Bill knowing that rule of law is almost non-existent in China and China's world ranking in this respect is very low? It is blatantly clear that they have betrayed Hong Kong people.

President, what can we do if Taiwan refuses to accept the proposed legislative amendments to FOO? As Members may be aware, the Liaison Office of the Central People's Government in HKSAR ("Liaison Office") and HAN Zheng, the forces behind the scene, have already voiced their views, and most importantly, the legislative amendments were proposed by the Government on the pretext of dealing with the Taiwan homicide case. However, as clearly stated by the spokesman of the Mainland Affairs Council CHIU Chui-cheng, Taiwan had made all-out efforts time and again to communicate with the SAR Government, but response was not received. With regard to the proposed legislative amendments, the Mainland Affairs Council has stated very clearly that they seek to "achieve an ulterior political motive by taking a circuitous route", so it has clearly stated that it would not accept the proposed legislative amendments to FOO.

This is actually a very simple homicide case and the Taiwanese Government had been willing to negotiate with the SAR Government the transfer of the suspect under a case-based approach, but the SAR Government refused to negotiate. Instead, it introduced the present Bill that is unacceptable to both Taiwan and Hong Kong people, and has driven 130 000 people to take to the streets. But still, it failed to address the issue arising from the Taiwan homicide case.

The supplementary question that I am going to put to John LEE is: If Taiwan does not accept the Bill, how is he going to deal with the matter? Taiwan has made it clear that it would not accept the proposed amendments to FOO, how is he going to deal with the Taiwan murderer?

SECRETARY FOR SECURITY (in Cantonese): The supplementary question has two points. First, I would like to take this opportunity to state clearly that Members should not mix up the long-term agreement with the case-based arrangement. As we have explained publicly time and again, there will not be any case-based surrender arrangement if long-term surrender agreement has been concluded as case-based surrender is just a supplementary option. We are negotiating with the Mainland for a long-term agreement, and when an agreement
is reached, extensive consultation will be conducted and the agreement will be presented to the Legislative Council for discussion. If we have not entered into any long-term agreement with a particular jurisdiction, our present approach is to surrender fugitive offenders under a case-based arrangement. Therefore, Members should not mix up the two arrangements.

With regard to the Taiwan homicide case, we have mentioned time and again that we should, in the first place, deal with the legal vacuum. We will then have the legal basis to discuss the way forward with Taiwan. Firstly, with regard to mutual legal assistance and surrender of fugitive offenders, we hope that the relevant work can be pushed forward in a respectful and pragmatic manner without any preconceived condition, focusing on the case only. We also hope that both sides will be prepared to understand the objectives of the relevant arrangements in various perspectives, and then work out an approach that is accepted by both sides. Once the Bill is passed, the two sides can simply sign in confirmation and take forward the relevant work.

Nonetheless, we must understand that in the absence of the relevant laws, it is impossible to get the work done. It is in contravention of the laws of Hong Kong for the SAR Government to do something without legal basis, and the SAR Government cannot possibly do something in contravention of the laws of Hong Kong. No matter how eager we wish to properly deal with the matters relating to mutual legal assistance and surrender of fugitive offenders, a legal basis is a prerequisite.

PRESIDENT (in Cantonese): Dr KWOK, which part of your supplementary question has not been answered?

DR KWOK KA-KI (in Cantonese): My question is very clear. The Government rode roughshod over the introduction of the proposed legislative amendments to deal with a fugitive offender in a Taiwan homicide case. If Taiwan does not accept the proposed legislative amendments and refuses to make the surrender request, how is the Secretary going to deal with the situation? He has not answered at all.
PRESIDENT (in Cantonese): Dr KWOK, you have pointed out the part of your supplementary question that has not been answered. Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): As I have clearly explained in the main reply, the present legislative amendments have two objectives, but I am not going to repeat these two objectives again. However, be it the need to plug the loopholes or remedy the deficiencies of the whole system or the need to deal with the Taiwan homicide case, we must do our part well in the first place in order to provide a legal basis to actively promote the relevant work. I believe we are all obliged to promote the work of surrendering the relevant suspect to Taiwan to face justice. If all of us head towards this direction together, I believe the chance of success will be higher than finding reasons to make the surrender unsuccessful.

(Dr KWOK Ka-ki stood up and spoke aloud)

PRESIDENT (in Cantonese): Dr KWOK, the Secretary has already answered your supplementary question. If you are not satisfied with his reply, you may follow it up on other occasions. Please sit down.

MR WONG TING-KWONG (in Cantonese): May I ask whether Hong Kong, as a society upholding the rule of law, should have legal channels for imposing punishments on offenders who have committed crimes, murder or murder for money in other places?

The Government just announced that the Bill will be directly presented to this Council for scrutiny. With respect to the Taiwan homicide case, will there be sufficient time, in accordance with the present arrangement, to complete the necessary legal proceedings and enforce the relevant law upon the release of the suspect after he had fled to Hong Kong?
SECRETARY FOR SECURITY (in Cantonese): President, I thank Mr WONG for his supplementary question. There is still one to two months left for deliberation before July. We will certainly do our best to facilitate the deliberation of the Legislative Council and hope that the legislative process will be expeditiously completed. The time issue mentioned by me is that the necessary legal basis will be established before the release of the suspect, so that we can push forward the matter. Notwithstanding that, we have at the same time embarked on the preparatory work and seek to commence work on this legal basis after the Bill is deliberated and passed.

Of course, the progress of deliberation will depend on how Honourable Members deal with the Bill in the Legislative Council. The SAR Government will certainly be well-prepared and will cooperate as far as possible to facilitate the deliberation of the Legislative Council, so as to achieve the above mentioned objectives. We also hope that we will all move together towards the target of pushing the matter forward.

MR HUI CHI-FUNG (in Cantonese): How can John LEE talk about the handling of the Taiwan homicide case? The Taiwan authorities have already clearly indicated that it would not accept such a surrender arrangement because the Government's proposed legislative amendments violate human rights and infringe on people's basic freedom and safety. The fact that he continues to put forth the proposed amendments on this ground made me think that he is a hypocritical villain.

President, while the Secretary said that the SAR Government has acted like an ostrich for 22 years, is he not an ostrich as well? By burying his head in a burrow, he has ignored the strong opposition of Hong Kong people, ignored the concerns of the business sector and completely neglected the recommendations of the academics. He even planned to present the Bill directly to this Council for deliberation in the hope of avoiding the disputes associated with the proposed amendments to FOO. As a matter of fact, does the Secretary only listen to the political mission of the Liaison Office and the Central Government in the burrow? Is he doing justice to Hong Kong people? Secretary John LEE, do you admit that you are a hypocritical villain who has let Hong Kong people down?
SECRETARY FOR SECURITY (in Cantonese): President, the issue under discussion is that our society has turned a blind eye to this legal loophole. The Taiwan homicide case has precisely told us that similar cases will happen, so shall we continue to sit with our arms folded? I think our discussion should focus on the issue.

At present, there are many factors driving us to look at the surrender of fugitive offenders from different perspectives during the discussion, including the enforcement of law, the combat of organized crimes and the protection of the safety of society and people. I trust that Members will not have any disagreement with these factors. As stated in the resolution of the United Nations, all countries or jurisdictions are obliged to combat cross-boundary and organized crimes.

We have yet to enter into any long-term surrender arrangement with the Mainland. The Taiwan homicide case has precisely told us that before entering into any long-term surrender agreements with the Mainland, Macao or Taiwan, shall we continue to turn a blind eye to the matter and do nothing? This is the viewpoint that I would like to highlight. Given that there is now a case showing the possible recurrence of this situation in the future, I hope that Members will consider in a pragmatic matter how the recurrence of similar cases can be prevented. The solution is the proposed legislative amendments put forward by the Government for discussion and consideration by the Legislative Council or members of the public.

We stressed that the proposed legislative amendments have two objectives and the Taiwan homicide case has explained the reason for that, so should the community continue to do nothing about the situation?

PRESIDENT (in Cantonese): Mr HUI, which part of your supplementary question has not been answered?

MR HUI CHI-FUNG (in Cantonese): He has not answered my question about whether he has done disservice to Hong Kong people by putting forward the proposed amendments to FOO which has violated human rights?
PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR SECURITY (in Cantonese): As I have pointed out clearly in the main reply, human rights of Hong Kong are fully protected under the Basic Law, and we also have the Hong Kong Bill of Rights Ordinance. The present Bill is completely in line with the Basic Law and the Hong Kong Bill of Rights Ordinance.

MR MA FUNG-KWOK (in Cantonese): President, some members of the public have expressed concern about the proposed legislative amendments to FOO. The authorities always stress that the proposed legislative amendments to FOO involve two levels of gatekeeping, namely the Chief Executive and the courts, but there are views that the gatekeeping capabilities of the courts are very limited.

Can the Secretary explain to this Council the basis on which the authorities are convinced that the courts have satisfactory gatekeeping capabilities?

SECRETARY FOR SECURITY (in Cantonese): Thank you, Mr MA. We have full confidence in the judicial system of Hong Kong, which enjoys judicial independence. In the previous cases, there is at least one case where the court had declined jurisdiction due to insufficient evidence. It was a case in 2003. After hearing the evidence, the court declined jurisdiction and released the people concerned right away.

This case reflects that the courts of Hong Kong have sufficient experience and professional competence to ensure that, subject to the amended FOO, a person's right in this respect will be fully protected in any case. What is more, so long as there are applicable laws, the person concerned may apply for judicial review, put up a defence at courts, or even file an appeal to the Court of Final Appeal.

PRESIDENT (in Cantonese): Fourth question.
Impacts of tourist coaches on To Kwa Wan and Hung Hom districts

4. MS CHAN HOI-YAN (in Cantonese): President, 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?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the Government is gravely concerned about tourist coaches illegally parked or picking up/setting down passengers at tourist hotspots. In this regard, the Transport Department ("TD") and the Hong Kong Police Force ("the Police") have been closely monitoring the traffic conditions around the tourist hotspots in To Kwa Wan and Hung Hom, and taking forward a number of targeted measures
to strengthen the management of the flow of tourist coaches and enhance road safety.

My reply to the various parts of Ms CHAN Hoi-yan's question is as follows.

(1) In the past two years, i.e. May 2017 to April 2019, the Police received a total of 2,477 traffic complaints about tourist coaches and issued a total of 4,192 fixed penalty notices to tourist coaches relating to traffic contraventions in the Kowloon City Police District including To Kwa Wan and Hung Hom districts. The relevant monthly figures are set out in the Annex. The Police have not kept any relevant figures before May 2017. As regards enforcement action, the Kowloon City Police District deploys staff to carry out crowd management and traffic enforcement actions at tourist hotspots on a daily basis.

(2) In order to formulate responsive traffic management measures targeting at the operation of tourist coaches in To Kwa Wan and Hung Hom, TD conducts traffic statistics field work at selected road sections in the two above mentioned districts from time to time to collect data relating to tourist coaches, including their usage of on-street picking up/setting down facilities and temporary car parks in the districts, which will serve as reference for planning the traffic management measures related to tourist coaches.

The tourist hotspots in To Kwa Wan and Hung Hom, including areas in the vicinity of To Kwa Wan Road, San Ma Tau Street and Mei King Street, areas around Chi Kiang Street, Sung On Street and Bailey Street, as well as areas near Sze Chuen Street, have been listed by the Police as priority locations for actions against illegal parking. Appropriate enforcement actions are taken in respect of the illegal parking situation of tourist coaches.

(3) TD has been identifying suitable locations in To Kwa Wan and Hung Hom for providing additional on-street pick-up/set-down points and parking spaces for use by tourist coaches where road safety is not compromised and traffic conditions permit, as well as facilitating the
granting of short-term tenancy ("STT") car parks for parking of tourist coaches. Currently, TD provides a total of 96 on-street metered parking spaces and 110 lay-bys for pick-up or set-down purposes in To Kwa Wan and Hung Hom. Besides, there are 73 parking spaces in STT car parks for use by tourist coaches. TD has also designated "No-stopping Restriction Zones" in suitable road sections in the districts, which limit the pick-up and set-down activities of coaches in restricted hours, so as to maintain smooth traffic flow. The Government has also offered a discounted fee of $6 per half an hour between 9:00 am and 8:00 pm in the temporary car park at the junction of Bailey Street and Sung Ping Street with a view to encouraging parking of tourist coaches there.

To further strengthen the management of the flow of tourist coaches and enhance road safety, the Government plans to establish additional designated passenger pick-up/set-down areas for tourist coaches in the districts. Consideration is being given to using the temporary car park at the junction of Bailey Street and Sung Ping Street as a pick-up/set-down area; providing 10 additional on-street metered tourist coach parking spaces at the junction of Hung Hom Road and Bailey Street; and providing four additional lay-bys at appropriate sections of Chi Kiang Street. To dovetail with these measures, the Government plans to expand the "No-stopping Restriction Zone" for coaches at appropriate road sections on the periphery of tourist hotspots within the districts so as to restrict the pick-up/set-down areas for tourist coaches on public roads, thereby encouraging tourist coaches to use the designated pick-up/set-down areas mentioned above.

As regards traffic enforcement, the Police have been closely monitoring the situation of illegal parking or picking up/setting down passengers by tourist coaches in the above mentioned districts, and taking stern enforcement actions against those which have caused serious obstruction to traffic and posed a safety risk. Starting from January 2019, the Kowloon City Police District has been implementing special traffic control measures around Chi Kiang Street, Sung On Street and Bailey Street, as well as around To Kwa Wan Road, San Ma Tau Street and Mei King Street during daily
peak periods of tourist coach movements. Under the control measures, tourist coach drivers have to follow the instructions of the police officers on the spot and drive to designated locations for picking up and setting down passengers.

Besides, the Police have started to take enforcement actions by means of mobile video recording at tourist hotspots in To Kwa Wan and Hung Hom. They use hand-held video cameras to record instances of traffic contravention on an irregular basis in order to combat obstruction to traffic flow and strengthen the deterrent effect. The Police also plan to launch a pilot scheme on Electronic Fixed Penalty Notices within 2019-2020 at the above mentioned tourist hotspots. The frontline law enforcement officers will then be able to access data on vehicles parked illegally via their mobile smart devices and print out fixed penalty notices without delay, thereby enhancing efficiency in enforcement.

As regards the recent traffic accident involving a tourist coach, the Police are conducting relevant investigation. In parallel, TD is reviewing the conditions of the road section concerned and planning a series of follow-up measures to prohibit tourist coaches from entering some of the inner streets, as well as prompting the tourist trade to shift the tourist coaches to the main roads. In this regard, TD is drawing up a detailed proposal for trial and will conduct district consultation in due course.

Annex

Monthly Figures of the Traffic Complaints about Tourist Coaches Received and Fixed Penalty Notices Relating to Traffic Contraventions Issued by the Police to Tourist Coaches in the Kowloon City Police District (including To Kwa Wan and Hung Hom Districts) between May 2017 and April 2019

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<td>May</td>
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<td>Traffic complaints</td>
<td>174</td>
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Number of fixed penalty notices issued to tourist coaches relating to traffic contraventions

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<td>Number</td>
<td>131</td>
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Note:
The figures include the fixed penalty notices relating to traffic contraventions issued by the Police to tourist coaches in accordance with the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) and the Fixed Penalty (Criminal Proceedings) Ordinance (Cap. 240).

MS CHAN HOI-YAN (in Cantonese): President, I am very grateful for the responses of the two Policy Bureaux. Other than me, many District Council members have been striving for the relevant measures for years and today we finally hear some relatively proactive and positive responses from the bureaux. For many residents in the districts, although the measures have come rather late, it is better than being ignored by the bureaux.

There are many elderly people and children in To Kwa Wan. It is extremely dangerous for them to walk in front of or behind tourist coaches when trying to cross the road. If the Secretaries visit the neighbourhood of Sunshine Plaza, Sung Chi Building, Loong King Mansion, Bailey Garden and Wing Fat Mansion, they will find many elderly people and children there. It is mentioned in the last paragraph of the main reply that the Government is planning to prohibit tourist coaches from entering some of the inner streets in response to the fatal traffic accident that happened in Sze Chuen Street not long ago. I earnestly ask the Bureaux to consider extending the no-tourist coach zone to include the streets close to the housing estates where many elderly people and children live. Besides, in the long run, since Under Secretary Bernard CHAN is present, I would like to ask him to conduct proper tourism planning because To Kwa Wan is not a tourist district but a residential one …

PRESIDENT (in Cantonese): Ms CHAN Hoi-yan, you can only ask one supplementary question. Secretary for Transport and Housing, please reply.
SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I thank Ms CHAN for her supplementary question. The Government is highly concerned about the impact of the tourism trade on the people's daily lives in various districts as the trade continues to develop. As regards Ms CHAN's supplementary question, TD is reviewing and planning to include some inner streets, including Kowloon City Road, Sze Chuen Street, Lok Shan Road and some sections of Pau Chung Street, in the prohibited zone for tourist coaches. We also recommend the tourist trade to shift the tourist coaches to the main roads.

As I have said, TD is formulating specific proposals. In fact, we are planning to implement a number of measures, including the provision of 10 additional on-street metered tourist coach parking spaces at the junction of Hung Hom Road and Bailey Street and also the provision of additional vehicle lay-bys for tourist coaches in the third quarter of 2019. Moreover, the Government is going to consult the District Council and local residents on six measures, including the designation of "No-stopping Restriction Zones" and the provision of additional pedestrian crossings and prohibited zones for tourist coaches. Such arrangements are meant to ensure the safety of the elderly and young children, thereby striking a balance among the development of the tourism trade, people's daily lives and business operation of shops. The Government is willing to listen to the views of the public and Members and will review comprehensively such arrangements, so as to ensure that people's daily lives are properly protected as the Hong Kong economy develops robustly.

MR YIU SI-WING (in Cantonese): President, the Travel Industry Council of Hong Kong ("TIC") has put in place a regular registration system for inbound tourist groups from the Mainland. If the number of tourist groups reaches a certain level, TIC will advise the tourism trade to adopt diversion measures, with a view of minimizing their impact on people's daily lives and traffic in the districts, especially To Kwa Wan. District Council members have recently told me that the improvements have been made, but I know that many tourist groups have not registered with TIC and the situation has gone out of control. We call these kinds of tourist groups "unauthorized tour groups". During the recent 1 May Golden Week, TIC sent inspectors to inspect the various tourism districts and found that the tourist guides of 41% of tour groups did not wear tourist guide passes and tour information was not displayed on the front part of tourist coaches. Even if information was displayed, the licence number of the relevant
travel agency or the number of the tour group were not displayed, making it impossible to trace the persons in charge of such unauthorized tour groups. In the face of such out-of-control situations, no matter how properly the trade acts, these unauthorized tour groups are still potential hazards to the traffic and daily lives of people in various districts.

May I ask the Secretary if anything can be done to tackle the problem of unauthorized tour groups before the establishment of the Travel Industry Authority ("TIA")?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): President, I thank Mr YIU for his supplementary question. As Mr YIU has said, in respect of the various problems caused to the districts, they are, to a great extent, caused by zero-fare or low-fare tour groups, and TIC will continue to step up inspection. As TIA to be established in future will have the power to carry out inspection and investigation, I believe that TIA will do a better job in inspecting various tour groups.

PRESIDENT (in Cantonese): Mr YIU, which part of your supplementary question has not been answered?

MR YIU SI-WING (in Cantonese): I was asking about the specific corresponding measures to be taken by the Government before the establishment of TIA and the Secretary has not answered my question.

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Perhaps I will provide some additional information. The specific measures include the Registered Shops Scheme involving inbound tour groups. I believe Mr YIU is also aware that the problems caused by certain tour groups in various districts are related to the inappropriate management of people and vehicular flows. Hence, TIC requires registered shops to submit a plan for TIC's approval on the management of tourists flows.
DR HELENA WONG (in Cantonese): President, the problems caused by tourist coaches are mainly due to the fact that too many Mainland zero-fare or low-fare tours have concentrated their activities in Hung Hom and To Kwa Wan. May I ask the Government how it is going to tackle the problem at the root and whether it will reassess Hong Kong's capacity to receive visitors, so as to see if Hong Kong is still able to receive 70 million visitor arrivals a year? Will the Secretary reduce the number of zero-fare or low-fare tours from the source and divert the tourists, so that their activities will not be mainly concentrated in Hung Hom and To Kwa Wan?

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Commerce and Economic Development, please reply.

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I thank Dr WONG for her supplementary question. In respect of zero-fare or low-fare tours, as I said when answering Mr YIU's question, we will tackle the problem from the business operation chain of inbound tours. Under the new regulatory regime of the travel industry to be established, cooperation with unauthorized travel agencies or coerced shopping will be a criminal offence, hence local travel agencies will be discouraged from cooperating with unauthorized tour groups, thereby reducing the problems caused to districts by zero-fare or low-fare tours of unauthorized travel agencies. In this way we can solve the problem from the source.

Besides, we will tackle the problem in light of the management and tourism supporting facilities. In respect of the problems in Hung Hom and To Kwa Wan, I have told Members earlier that there are two major problems. The first one is that during meal time, there are large numbers of visitors and tourist coaches outside restaurants; and the second problem is that during the night cruise, there are many visitors and tourist coaches in the vicinity of the pier; and the management of both occasions is not up to par.

Concerning these two problems, we have done large amount of work. First, if Members have paid attention to the news reports in the past two days, they would learn that we have proposed a diversion arrangement for the night cruise activity. Last week we consulted the relevant task forces of the Harbourfront Commission. Here, I would like to express my appreciation for their support to our proposal by diverting some night cruise vessels to embark and
disembark at the Kai Tak Runway Park Pier (ex-fire boat pier). We will conduct tests within days to prepare for the implementation of this arrangement.

Moreover, to tackle the problem of large numbers of people and tourist coaches outside restaurants, I have told Members earlier that the trade has begun to divert some visitors to have meals at places far away from residential areas, such as The Boxes. I have talked to stakeholders in the districts and learned that improvements have been made in the past few months.

PRESIDENT (in Cantonese): Dr WONG, which part of your supplementary question has not been answered?

DR HELENA WONG (in Cantonese): I asked if the Government would assess afresh Hong Kong's capacity of receiving visitors.

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): There are in fact no objective criteria on assessing the capacity to receive visitors. Instead of spending time on taking approaches that cannot resolve the problems, we should put in more resources and time on the above mentioned management measures and do our best to improve the tourism supporting measures and facilities.

MR VINCENT CHENG (in Cantonese): President, on 21 April this year, a tragic accident happened in Sze Chuen Street, To Kwa Wan in which a 62-year-old pedestrian died after being knocked down by a big tourist coach. Residents in To Kwa Wan were all very worried and sad. We have all along followed up on the issue concerning To Kwa Wan being packed with tourist coaches and we have been waiting for the Government and the tourism trade to implement more measures to improve the diversion arrangements. The above accident happened because a big tourist coach entered small streets such as Sze Chuen Street. What is the actual situation and such situation has kept recurring in the entire To Kwa Wan district.
The Bureau's response is that the Police are investigating the accident and TD is taking measures to improve the relevant road section. The Bureau has also mentioned that additional "No-stopping Restriction Zones" will be designated, but Secretary, these measures are not adequate. Will the Bureau consider extending the boundaries of prohibited zones for tourist coaches, so that unsuitable vehicles such as tourist coaches cannot enter To Kwa Wan district?

PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Transport and Housing, please reply.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we also felt very sad for the traffic accident mentioned by Mr CHENG.

As far as Sze Chuen Street is concerned, basically in our present planning, additional pedestrian crossings will be provided to ensure the safety of residents or tourists while crossing the streets. Second, prohibited zones for tourist coaches will be provided in Sze Chuen Street and the nearby streets to reduce the impact of tourist coaches on local residents. Besides, as we have said, additional lay-bys for pick-up or set-down purposes and temporary parking spaces for tourist coaches will also be provided to maintain the order of pick-up and set-down of tourists.

Moreover, if drivers do not comply with traffic rules, especially if tourist coach drivers pick up or set down passengers in areas where such activities are prohibited, wait at lay-bys or leave tourist coaches anywhere on the streets, we will take rigorous enforcement actions against them. We will also step up the enforcement by using technology. Other than the two technologies mentioned above, the Police are collaborating with the Logistics and Supply Chain MultiTech R&D Centre to launch another trial, in which video cameras will be installed in suitable places to make use of the video analytics technology to facilitate actual enforcement actions primarily against certain offences which more commonly cause traffic obstruction, including illegal stopping of vehicles at bus stops and in no-stopping restriction zones. Subject to the progress of the preparatory work, the trial is expected to commence within 2019.

The Police will step up enforcement actions and we will also continue to liaise with people in the community and relevant stakeholders. Government
departments, including TD, the Police and the Tourism Commission, will endeavour to coordinate the tourists' behaviours and the daily activities of residents in the districts to minimize the disruption caused by tourists to local residents' daily lives.

PRESIDENT (in Cantonese): Fifth question.

Community care services for the elderly

5. MR LEUNG YIU-CHUNG (in Cantonese): President, 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)?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I will give a consolidated reply to parts (1) and (2) regarding the arrangements of the Hong Kong Planning Standards and Guidelines ("HKPSG").

HKPSG stipulates general guidelines on the scale and location of various types of land use, community facilities and basic facilities. It will facilitate the Government in reserving land for the provision of appropriate and sufficient facilities during the planning process. The Government promulgated the amended HKPSG on 28 December 2018, which stipulates the population-based planning standards in respect of subsidized residential care services ("RCS"), subsidized community care services ("CCS"), District Elderly Community Centres ("DECCs") and Neighbourhood Elderly Centres ("NECs"). This will assist government departments in reserving appropriate land for the provision of these elderly services and facilities in the planning process of residential development projects (including public housing).

It is worth noting that the previous version of HKPSG, before the incorporation of the above amendments, had already stated that demographic characteristics, geographical environment, actual demand and supply of the services, etc. should be suitably considered during the planning of DECCs, NECs and Day Care Centres/Units for the Elderly. As regards subsidized RCS, the previous version of HKPSG also stipulated that demand and supply, resources, availability of suitable premises, etc. are factors that should be taken into account. Indeed, relevant departments have all along been reserving suitable premises in public housing development projects for elderly services and facilities.

The Government will proactively implement the various planned elderly services and facilities. With reference to the amended HKPSG and the demand and supply of various services and facilities, the Government will continue to adopt a multi-pronged approach to increase supply. Among other things, the Social Welfare Department ("SWD") has earmarked sites in a number of development projects for the construction of welfare facilities required, including elderly service facilities, which are in acute demand. These development
projects include public housing development projects, private land development projects, development projects of the Urban Renewal Authority, redevelopment/conversion projects of vacant school premises, development projects on "Government, Institution or Community" sites, etc. The Government will also incorporate land sale conditions for suitable land sale sites, requiring private developers to construct welfare facilities specified by the Government.

The Ordinary Case Services mentioned in the Member's question should be referring to the Integrated Home Care Services (Ordinary Cases) ("IHCS(OC)"). This type of services provides community support services, such as household duties, escort, meal services, etc., to elderly persons with no impairment or mild impairment. According to the recommendation of the Elderly Services Programme Plan ("ESPP"), when stipulating population-based planning standards to meet the projected demand for long-term care ("LTC") services, the planning standard in respect of CCS places should take into account the LTC services demand for elderly persons who are assessed to be in the state of moderate or severe level of impairment by the Standardised Care Need Assessment Mechanism for Elderly Services. Since IHCS(OC) is not a type of LTC services, the planning standard in respect of CCS places does not cover IHCS(OC).

Regarding part (3), as recommended in ESPP, we should significantly strengthen community-based services in order to achieve "ageing-in-place" and reduce premature or long-term institutionalization into residential care homes for the elderly ("RCHEs"). To support elderly persons who are living in the community but require care and support services, it is necessary for the Government to provide them with timely and comprehensive CCS. At present, the IHCS (Frail Cases) and the Enhanced Home and Community Care Services ("EHCCS") specifically provide necessary home care services for elderly persons assessed to be in the state of moderate or severe level of impairment. While recommending that these CCS should be enhanced, ESPP also suggested the Government to review these two types of services. On the premise that a degree of choice would be maintained for users, the funding modes and service arrangements for these two types of services should be reviewed in order to increase efficiency. We would follow up the recommendations of ESPP at an appropriate juncture, with a view to strengthening the relevant community care and support.
In addition, it was announced in the 2018 Policy Address that the Government would provide 2,000 extra service quotas under EHCCS within 2019.

MR LEUNG YIU-CHUNG (in Cantonese): President, as the Secretary mentioned in the main reply, "Indeed, relevant departments have all along been reserving suitable premises in public housing development projects for elderly services and facilities." However, on 27 April, a news agency conducted a survey and found that there was a serious shortage of subsidized RCHEs throughout the territory and the elderly had to wait for 39 months. In addition, no premises had been reserved for welfare purposes in Long Ching Estate, Long Shin Estate, Wang Fu Court, Ping Yan Court and Tin Chung Court in Yuen Long. The survey also found that SWD had refused to accept available sites. There was a site near the Tin Shui Wai Station of the West Rail Line which would originally be used by the MTR Corporation Limited ("MTRCL") to build private flats but MTRCL applied to the Town Planning Board in 2008 to cancel the construction of elderly homes and SWD had not raised objection at that time. The site was later resumed by the Government for the construction of Ping Yan Court, a Home Ownership Scheme court, and no RCHEs had eventually been built. SWD admitted …

PRESIDENT (in Cantonese): Mr LEUNG, please put you supplementary question directly.

MR LEUNG YIU-CHUNG (in Cantonese): … The Hong Kong Housing Authority ("HA") had consulted SWD on whether it would consider constructing RCHEs on the site, but SWD finally decided not to construct RCHEs and indicated that it would provide RCHEs in future projects.

President, it seems to me that the main reply of the Secretary is saying one thing but doing another and it has departed from the truth. As the Secretary has not replied to part (3) of the main question, I now ask the question again and I hope that the Secretary will answer. Part (3) of the main question is "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 …". Regarding the restructuring approach, the implementation timetable, the restructuring details, and whether the Ordinary Case Services will be covered, can the Secretary tell us the details? I hope the Administration will not repeat what it did before, i.e. it arbitrarily changed two queues for RCHE services to one queue without prior consultation. I would like to ask the Secretary about the relevant details and whether consultations will be conducted.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, first of all, Members can give many examples such as which estates lacked certain facilities in the past, but I can also cited the facilities provided in many new estates. However, President, I believe we do not need to spend time arguing which estates have or do not have certain facilities. I have already answered part (3) of the main question in the main reply. Regarding service restructuring, we will carry out the related work according to ESPP, including the need to discuss with service providers, especially the providers of two kinds of services, i.e. IHCS (Frail Cases) and EHCCS about how to carry out the related work. We will give the Legislative Council an account once work progress has been made. I have already answered in the last part of the main reply how to increase resources. The Government has also announced in the Budget 2019-2020 that the Government planned to provide 2 000 extra service quotas under EHCCS.

PRESIDENT (in Cantonese): Mr LEUNG, which part of your supplementary question has not been answered?

MR LEUNG YIU-CHUNG (in Cantonese): I have asked the Secretary if consultations would be conducted on the restructuring details but he has not answered.

PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I have already answered; we will consult the stakeholders concerned.
MR LUK CHUNG-HUNG (in Cantonese): President, IHCS (Frail Cases), EHCCS and Day Care Centres for the Elderly are the core home care services for elderly persons. However, I have recently heard that the Government will update the elderly health and home care assessment tool after which elderly persons applying for services may not be able to wait for subsidized RCHEs and community care services at the same time. Thus, they are really worried and they find the arrangement unacceptable. Under the new assessment mechanism, there will certainly be a larger number of elderly persons ageing at home. Does the Administration have sufficient resources, including money, manpower and premises to provide services to the elderly? For example, elderly persons currently wait for 19 months for IHCS (Frail Cases) and EHCCS services, and 12 months for Day Care Centres for the Elderly; is there any possibility of "zero waiting" and seamless integration in the future? Can resources be increased under the new assessment mechanism? Does the Administration have any plans in this connection?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I hope Members will listen more to clarifications and less to rumours. Under all mechanisms, including the existing and future mechanisms, while an elderly person is waiting for elderly services and RCHE services, he can concurrently wait for home and community care services. There are no changes in this regard. I hope Members will pay attention to the clarifications I have made and that they will not believe in rumours anymore.

In the past, I have told Members on various occasions that the major bottleneck in community care services does not involve premises. Of course, there are bottlenecks in day care services but we will try our best to overcome the difficulty. In particular, one of our important tasks this year is to assist the existing Enhanced Bought Place Scheme homes in providing day care services and provide more day care services through buying places.

The bottleneck of home and community care services is mainly related to manpower. We have continuously increased the number of places and we hope that the provision of additional resources will enable service providers to hire employees so as to increase service capacity. Nevertheless, I have repeatedly said that the service capacity cannot be increased suddenly because the service providers will not be able to hire enough people to provide more services.
PROF JOSEPH LEE (in Cantonese): President, when the Secretary answered Mr LEUNG’s question, he said that we should not argue about a lot of facts. In fact, we are not arguing. As mentioned by Mr LEUNG and reported in the media, throughout the years, as HKPSG has not been included elderly services, SWD and HA have not constructed RCHEs in the process of housing development, resulting in a serious shortfall of places. This is a fact and we are not arguing.

My supplementary question is, first, HKPSG included elderly services in 2018. In respect of subsidized RCS, it is clearly stated in paragraphs 10.2.27 to 10.2.31 that the standard is 21.3 subsidized beds per 1,000 elderly persons aged 65 or above. As the Policy Secretary, how will the Secretary instruct SWD to include these requirements so that HA will construct corresponding subsidized RCHEs according to this standard in the course of housing development? As such, we will have RCHEs in the community to provide elderly care services and the current shortfall of places will not happen again. Does the Secretary know how many places are needed and how serious the shortfall of places is? Can he alleviate the shortfall?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, Members can refer to ESPP published in 2017 for detailed figures and projections. As Members mentioned earlier, after we have included the relevant requirements such as a population-based planning ratio in HKPSG, government departments including the Housing Department ("HD") and Planning Department ("PlanD") must refer to HKPSG to check the number of sites available for public facilities and the service capacity that can be provided. Of course, since the inclusion of the relevant requirement in HKPSG last year, HD and PlanD will refer to the relevant standards and will include the relevant service requirements in the planning briefs or related documents after considering the prevailing circumstances.

PRESIDENT (in Cantonese): Prof LEE, which part of your supplementary question has not been answered?

PROF JOSEPH LEE (in Cantonese): The Secretary's answer has only touched on the work of PlanD, HA and HD. As the Policy Secretary, how will he instruct SWD to include the relevant requirements?
PRESIDENT (in Cantonese): Prof LEE, you have stated which part of your supplementary question has not been answered. Secretary, do you have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Planning work is not the responsibility of SWD. Let me explain again. When HD or PlanD draws up the planning briefs, it will ask all government departments including SWD about the relevant site requirements. Of course, SWD will discuss and communicate with the departments concerned according to HKPSG.

DR FERNANDO CHEUNG (in Cantonese): President, at present, there is a serious shortage of RCHE services and some elderly persons died while waiting for these services. Mr LEUNG Yiu-chung has also pointed out that some media reports revealed that the Government had refused to use the sites available to build certain facilities in the past. However, the Secretary surprisingly said in his reply that he could also cite examples of works that had been carried out. What kind of attitude is that? While our society is very affluent, care for the elderly is in a disastrous state. More than 450 000 singleton or doubleton elderly families are in need of care services and are trapped in hardship. This is a high-risk situation. Care in the community is essential. Mr LEUNG Yiu-chung has just mentioned two services and the waiting time for home care services is very long. President, what did the Chief Executive say in the 2017 Policy Address? She said it was necessary to strengthen community and home care services and the target was to reduce the waiting time to zero for the services. She pledged to reduce the waiting time to zero in 2017 but how are the present circumstances? The waiting time is getting longer and longer. When will the Secretary achieve the target of zero waiting time as pledged by the Chief Executive? Is this a slogan or empty talk? Has the Government planned to do so at all? When will this be achieved?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I believe that Dr CHEUNG has repeatedly raised similar questions on various occasions such as at meetings of the Legislative Council and of the Panel on Welfare Services. I will give a brief answer here. This is our target but we
face challenges in terms of manpower. We have to solve the manpower problem gradually, including gradually increasing resources so that service providers can offer higher wages to hire more employees. After the manpower problem has been alleviated, we can increase resources to provide more services. Even if more resources are provided at present, the service capacity can only be increased to a limited extent.

PRESIDENT (in Cantonese): Dr CHEUNG, which part of your supplementary question has not been answered?

DR FERNANDO CHEUNG (in Cantonese): President, the Secretary has not answered my question. When will the target stated in the Policy Address be achieved?

PRESIDENT (in Cantonese): Dr CHEUNG, you have stated which part of your supplementary question has not been answered. Secretary, do you have anything to add?

(The Secretary for Labour and Welfare indicated that he did not have anything to add)

Last oral question.

Care services for children

6. MS ALICE MAK (in Cantonese): 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?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, my reply to Ms Alice MAK's question is as follows:

(1) Foster care service provides residential family care for children aged under 18 who cannot be adequately taken care of by their families due to family problems or crises, so that they may continue to enjoy family life before they re-unite with their families, join an adoptive family or live independently; and foster care (emergency) service provides immediate and short-term residential family care to children whose parents cannot care for them because of emergency or crisis situations. In the past three years, the number of foster homes, the number of children in placement, the average number of children on waiting list, average waiting time and duration of stay with foster families are at Annex 1.

The Neighbourhood Support Child Care Project ("NSCCP") aims to provide a flexible form of child care service for children aged under nine at the neighbourhood level and, at the same time, to foster mutual help and care in the community. In the past three years, the number of home-based child carers and the number of children served are at Annex 2.
(2) In order to further support families in need and recruit more families to provide foster care service, the Social Welfare Department ("SWD") has raised various foster care allowances by more than 20% since December 2017. SWD has also introduced a new grant of extra incentive payment for taking care of children under the age of three, so as to encourage foster families to take care of young children. As for NSCCP, home-based child carers provide child care service as volunteers in the spirit of care for others and will receive incentive payment for recognition of their contribution to the service. SWD will raise the level of incentive payment to child carers in 2019-2020 to show appreciation and encouragement to the home-based child carers for their service. SWD will discuss with the service operators details of the arrangement later.

As regards the recruitment of foster families, in order to let more general public learn about foster care service and recruit more suitable foster families, SWD launched a set of television/radio Announcement in the Public Interest and posters in respect of foster care service in April 2017, so as to strengthen the promotion of foster care service. SWD will continue to collaborate with the 11 foster care agencies to promote and recruit foster families through various channels and the media. Apart from encouraging more families with selflessness, love and enthusiasm to provide foster care service, SWD also welcomes those who can commit themselves to join in the force of foster parents for being short term or substitute carers in taking care of foster children, so as to provide services to more children in need. As for NSCCP, since its implementation, service operators have been recruiting suitable volunteers to serve as home-based child carers. Also, SWD has been producing promotional materials for NSCCP and promoting it to the public and social service units through different channels including seminars and meetings.

(3) SWD organizes the Foster Families Service Award Presentation Ceremony on a biennial basis to recognize and commend foster parents' commitment to foster care service and let foster parents exchange and share their experience, while promoting foster care service through the media. As for NSCCP, in addition to the
incentive payment for home-based child carers, individual service operators will also hold volunteer recognition ceremony on a regular basis to recognize their contribution to the service and to encourage more volunteers to join as child carers and continue promoting mutual help and care in the neighbourhood and at the same time meeting the need of child care services.

In addition, to provide support for foster parents, SWD in collaboration with the foster care agencies organize relevant training programmes for them, including pre-service training for prospective foster parents and training on care of foster children. It also provides assistance to foster parents in learning about the characteristics and development needs of children with special needs, as well as the caring skills required and how to communicate with the birth parents. When the foster parents encounter difficulties in caring for foster children, the responsible supervising foster care workers will provide them with timely assistance and support.

As regards NSCCP, SWD will further enhance the service quality in 2019-2020, including additional provisions for service operators to increase professional and supporting staff under NSCCP so as to strengthen training for home-based child carers.

Annex 1

Table 1: Number of foster homes and children in placement

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<tr>
<td>Number of foster families</td>
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<td>876</td>
<td>885</td>
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<td>881</td>
<td>892</td>
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Note:
Suitable foster families may take care of more than one foster child.
Table 2: Average number of children on the waiting list for foster care service, average number of waiting time and duration of stay with foster family

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<td>Average waiting time (in months)</td>
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<td>Average duration of stay (in months)</td>
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Annex 2

Number of home-based child carers and children served under NSCCP

<table>
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<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Number of home-based child carers</td>
<td>1 864</td>
<td>1 832</td>
<td>1 836</td>
</tr>
<tr>
<td>Number of children served</td>
<td>13 930</td>
<td>13 410</td>
<td>9 547</td>
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**MS ALICE MAK** (in Cantonese): President, I have raised the main question because of my recent encounter with a neighbour whom I had not seen for a long time. When I met her, I asked: "What have you been doing in the past 10-odd years? Why have you suddenly gone missing?" I then realized that she has all along committed herself to being a foster parent. Since her daughter had been promoted to secondary school, she has been providing foster care to children at her home, specializing in caring for babies who are a few months old. Although her daughter has already graduated and set up her own company now, she has still stayed on as a foster parent.

Nevertheless, she told me about the misery of being a foster parent. Given the voluntary nature of this social service, the contributions made by foster parents should have been recognized by us. However, the difficulties they have encountered are not limited to insufficient allowances granted by the Government. At present, the maintenance allowance to foster children is only $6,094 per month, while the incentive payment for foster parents is $4,571.
According to her, if her foster children ran a fever at night, she would take them to a private doctor, rather than going to an Accident and Emergency Department; and the fees would be covered by the maintenance allowance. The allowance of some $6,000 has to cover the expenses on powdered milk, diapers, among other things. It is very kind-hearted of them to provide round-the-clock care service for children in need in the community. However, their services have not been recognized by us, and their allowances are pitifully meagre. While allowances should certainly not be counted as salaries, the amount cannot even serve as an incentive, making it necessary for foster parents to pay for some expenses out of their own pocket.

Has the Secretary considered raising the maintenance allowance or incentive payment for foster parents? In addition to providing them with more subsidies, this will serve to show more recognition for their services.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as I mentioned in the main reply just now, we have raised the relevant allowances by about 20% since December 2017. We will continue to monitor the disbursement of allowances and the daily needs of children and carers in foster families.

MR WONG KWOK-KIN (in Cantonese): President, our society has all along attached great importance to groups such as the elderly and children, especially the latter. While children are the future of society, they lack the ability to protect themselves. Hence, there are laws in place to protect them in Hong Kong. A tragic accident took place yesterday. A 12-year-old child who had been left home alone fell from heights by accident, resulting in the tragedy. His parents are even more miserable. While their son has encountered the accident, the mother has been arrested by police.

Against the background of this incident, I have noticed that the Government's reply regarding child care services today has made no reference to the personal protection of children despite the Government's provision of child care services. I have raised this point because of a recent incident. Mr LUNG Wai-man, Executive Director of an organization known as Hong Kong Community Development, has been arrested by the Police for being an alleged paedophile, causing people to worry more about the current protection of children.
Of course, I do not mean that there are problems with all foster families or other non-governmental organizations ("NGOs"). In fact, it is very kind-hearted of them to make such considerable contribution to the community. However, "there is a black sheep in every fold". I would like to ask the Secretary: During its implementation of this child care service, has the Government formulated any safeguards and supervisory measures at the same time to ensure that children are fully protected against people like Mr LUNG Wai-man who may appear and pass themselves off as child carers again?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank the Member for raising this supplementary question. The Government attaches great importance to child care, paying extra attention to whether carers have any adverse records in the past. SWD will rigorously handle matters relating to child care with special attention.

DR FERNANDO CHEUNG (in Cantonese): As the Secretary said in the main reply, children in need of foster care service cannot be adequately taken care of by their families due to various family problems or crises. They are obviously living in at-risk situations. As indicated in Annex 1 to the main reply, despite the slight increase in the number of foster families in 2018 compared with 2017, there was an upward trend in the waiting time.

Have the authorities formulated any targets and measures to encourage more people to become foster parents? With regard to support services, will the authorities, by drawing reference from other residential care services, also provide clinical psychology service for children staying with foster family, and provide support for children with special educational needs in particular? According to the record of the NGOs concerned, over 30% of children in placement have special educational needs.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, I thank the Member for raising the supplementary question. The Member has just pointed out that over 30% of children in placement have special educational needs. I believe that he had also included other residential child care services in
his statement, not home-based foster care service alone. That said, among those children in placement, some also have special educational needs. Hence, training and support are extremely important.

Of course, in general, children in placement who have special educational needs may be receiving services from school or social service agencies at the same time. The social workers with the operators concerned will, in light of children's needs, take follow-up actions and closely liaise with the relevant service units to provide the necessary support. As for children with mental health problems or other problems, professionals in other areas will provide relevant services to facilitate foster parents' care for children. Therefore, support services are extremely important for assisting foster parents in getting their job done.

The Member has enquired about the way to provide more incentives for foster parents. As I pointed out in the main reply just now, we have raised the allowances by more than 20% since December 2017. We will continue to monitor the situation to see if there is any improvement after the increase in publicity work and allowances. It is widely known that the number of foster families once dropped a couple of years ago, only to rebound slightly last year. We hope that the situation will continue to improve following the increase in support and incentive payment. We will keep monitoring to see if it is necessary to do more work to improve the situation.

**MS ALICE MAK** (in Cantonese): President, foster parents are in fact very miserable. As I said just now, they have to take care of children round the clock with their love, care and private time. Yet, very few people in the community may be aware of and concerned about their contribution. Some Members talked about the elderly issue just now. After the issue had been reported in the media, many people have shown their concern and made enquiries—notwithstanding the Secretary's view that some reports were misleading. On the contrary, only very few people are concerned about the foster family issue now. Members who have raised supplementary question are few and far between. Only Dr Elizabeth QUAT and I have put questions to the Secretary. This situation is quite heartrending.
If there are foster parents watching the meeting live, I would like to tell them that their work should be highly commended in the community and their contribution should also be recognized. In fact, the mother of Mr TANG Ka-piu, our fellow party member of the Hong Kong Federation of Trade Unions, has been a foster parent for over 10 years. Even after Mr TANG had engaged himself in society, Mrs TANG has still chosen to take care of foster children instead of her granddaughter, namely Mr TANG Ka-piu's daughter. The work of home-based foster parents deserves our strong support and recognition.

Although the Secretary has indicated that allowance and incentive payment have already been increased, people who have child care experience would know whether a mere monthly allowance of a few thousand dollars is sufficient for covering child care expenses. As I mentioned just now, all expenses on diapers, milk powders, etc. have to be covered by that amount of money. Worse still, when children unfortunately get sick, this amount of money will also be used for paying the consultation fee. With regard to allowances, will the authorities consider reimbursing foster parents for some items of expenses so that they can have a stable amount of allowance? This will at least prevent them from worrying too much about the financial factor when they take care of children.

According to the website of SWD, carers of children with special needs are given an additional incentive payment of over $1,000. Such an incentive is really … It is widely known that caring for children and infants is anything but easy, while carers of children with special needs even have to redouble their efforts. Given that foster parents have not uttered a word of complaint, should the authorities slightly raise the incentive payment indeed? In fact, making money is really not the objective of the nearly 900 foster parents. Had they been aimed at making money, they would not have provided this service after all. I hope that the Secretary will give them more recognition for the contribution they have made …

PRESIDENT (in Cantonese): Ms MAK, you have raised your supplementary question, and you are repeating the content of your question. Please sit down. Secretary, do you have anything to add?
SECRETARY FOR LABOUR AND WELFARE (in Cantonese): President, as pointed out by Ms MAK, we hope to step up publicity effort in the community so that members of the public will recognize the service of foster parents in terms of the contribution they have made, the energy and time they have devoted, etc.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

In addition to the incentive payment mentioned by some Members just now, carers of foster children will be given a lump-sum maintenance allowance. As I mentioned just now, the foster children maintenance allowance has been raised by more than 20% in December 2017. For foster families caring for children with special needs or exceptionally young children, we will also offer them an additional incentive payment of $1,557. When considering the amount of allowances, we should add up various allowances. We will be glad to continue to monitor the situation after the increase in maintenance allowance and incentive payment to decide whether it is necessary to make adjustment in the future.

MS ALICE MAK (in Cantonese): Deputy President, the Secretary has just indicated that the authorities would be glad to continue to monitor the situation. In reality, do the authorities plan to review the level of the allowances on a regular basis? What factors will be taken into account in the review of the allowances? Similarly, when the authorities review the level of incentive payment, what factors will be taken into account?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, basically, we will review the relevant amounts in due course. Living expenses will vary from time to time due to inflation. Hence, in December 2017, we have raised various allowances by more than 20%, which has exceeded the inflation rate. We hope that this will improve the situation and enhance the appeal of NSCCP.

WRITTEN ANSWERS TO QUESTIONS

Promoting the development of new sports

7. **MS CHAN HOI-YAN** (in Chinese): President, 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.

SECRETARY FOR HOME AFFAIRS (in Chinese): President, the Leisure and Cultural Services Department ("LCSD") is committed to promoting "Sport for All" to encourage members of the public to develop habits of regular exercise through participation in various recreation and sports programmes. My reply to Ms CHAN Hoi-yan's question is as follows:

(1) To cater for different sports, the leisure venues under the management of LCSD are, in general, multi-purpose sports venues with various facilities and markings. Of these venues, activity rooms of indoor sports centres and a lot of outdoor leisure venues can be used for various sports activities. For venues with designated use, they can be used for other sports and activities, including various new sports, subject to the suitability of the venues and consent from the venue management. At present, organizations which would like to hold competitions or training activities for new sports may submit block booking applications to suitable leisure venues. LCSD will consider such applications in light of factors such as the nature of activities, possible impact on other users in the venues, safety measures during the activities (including whether damage will be caused to the venues or facilities) and ancillary facilities available at the venues.

(2) The numbers of applications for conducting activities relating to new sports in LCSD venues received and approved by District Leisure Services Offices in the past five years are at Annex.

(3) and (4)

In the planning of new sports venues, LCSD will make reference to the guidance in the Hong Kong Planning Standards and Guidelines
and take account of other relevant factors, including policy objectives for sports development, existing provision of sports facilities in various districts, usage rates of existing facilities, demographic changes, views of relevant District Councils, availability of land sites and technical feasibility. To dovetail the development of various sports, the existing sports venues of LCSD in general can be used for various purposes.

(5) To dovetail with sports development and meet the needs of the public, LCSD reviews from time to time the usage and conditions for use of its facilities and closely monitors the needs of the public. In order to meet public aspirations for new sports, LCSD will launch a trial scheme in the second half of this year, making the non-peak hour sessions of arenas of designated sports centres available for booking by members of the public directly for activities related to new sports such as dodgebee, kin-ball, dodgeball through the Leisure Link computerized booking system. Details of the trial scheme will be announced in due course.

(6) Since his appointment in February 2016, the Commissioner for Sports has been leading the Recreation and Sport Branch of the Home Affairs Bureau in promoting and implementing the Government's three policy objectives and taking forward the various initiatives to promote and support sports development. Major sports initiatives include Kai Tak Sports Park Project, Five-Year Plan for Sports and Recreation Facilities, Opening up School Facilities for Promotion of Sports Development Scheme ("the Scheme"), Major Sports Events Matching Grant Scheme and District Sports Programmes Funding Scheme. The above work helps provide a favourable environment and conditions for the development of new sports.

(7) Given that some schools and parents are concerned that opening up school facilities may pose security and operational problems, and that some places of the activities held under the Scheme are also reserved for students, the Scheme is currently open to national sports associations recognized by the Sports Federation and Olympic Committee of Hong Kong, China and their affiliated club members, district sports associations and sports organizations subvented by LCSD. These organizations are experienced with proven track
record in organizing sports programmes, so that the participating schools, students and parents could have more confidence in them. If other organizations, including organizations promoting new sports or parties which intend to develop new sports, are interested in hiring school facilities to organize sports programmes, they may collaborate with eligible sports organizations (e.g. district sports associations) to join the Scheme. This could also help these organizations promoting new sports to develop at the community level.

The Education Bureau and the Home Affairs Bureau will continue to enhance the Scheme and take into account schools' feedback in considering whether to further expand the list of eligible sports organizations so that more school facilities can be used for sports activities.

Annex

Numbers of Applications Received and Approved by Sports Venues under LCSD for Hiring of Venues for Activities Relating to New Sports

<table>
<thead>
<tr>
<th>District</th>
<th>2015 Number of Applications Received</th>
<th>2015 Number of Applications Approved</th>
<th>2016 Number of Applications Received</th>
<th>2016 Number of Applications Approved</th>
<th>2017 Number of Applications Received</th>
<th>2017 Number of Applications Approved</th>
<th>2018 Number of Applications Received</th>
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Note:

Sports that are categorized as new sports include: dodgeball, tape ball cricket, korfball, dodgebee, lacrosse, kin-ball, floor curling, tee ball, cycle ball, etc.

The Lift Modernization Subsidy Scheme

8. MR CHAN KIN-POR (in Chinese): President, 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?

SECRETARY FOR DEVELOPMENT (in Chinese): President, to enhance safety of aged lifts so as to further safeguard public safety, the Government has launched a $2.5-billion Lift Modernisation Subsidy Scheme ("LIMSS") over six years starting from 2019-2020 to promote lift modernization in the community through provision of financial incentive with appropriate professional support to building owners in need. The scheme will focus on aged lifts that have not been equipped with safety devices meeting the latest standards, and priority will be set based on risk assessments. In consideration of the capacity of the industry, we plan to modernize about 5,000 aged lifts in phases so as to avoid inflating the market price for the works. The Government has commissioned the Urban Renewal Authority ("URA") to be the administrative agent for LIMSS.
Under LIMSS, approved applications can receive a subsidy of 60% of the total cost of the lift modernization works, including the fee of consultants\(^{(1)}\) engaged by participating buildings (at a cap of $20,000 per lift), subject to a total subsidy cap of $500,000 per lift. In addition, eligible elderly owner-occupiers aged 60 or above can receive a subsidy, for one property under their ownership, of the full cost of the lift modernization works that they need to contribute, subject to a cap of $50,000. The first round applications for LIMSS started on 29 March 2019 for closing on 31 July 2019. Eligible applicants will be notified of their priorities by the fourth quarter of 2019. As some building owners may need more time to coordinate and reach consensus amongst themselves for taking part in LIMSS, the scheme has a second round of applications with details to be announced later.

Our reply to the questions about LIMSS is as follows:

(1) According to the application criteria of LIMSS, we estimate that around 13,000 lifts are eligible for the scheme, involving about 4,000 buildings. As of 16 May 2019, URA has received in total 58 applications, involving about 400 lifts.

(2) At present, there are about 68,000 lifts in Hong Kong, of which about 80% have not been equipped with devices of the latest safety requirements. Although lifts installed and put into service in different years have met the technical requirements at the time of their installation, with rapid technological advancements in recent years, modern lifts are equipped with more comprehensive safety devices than the aged ones. Therefore, the Electrical and Mechanical Services Department ("EMSD") promulgated the "Guidelines for Modernising Existing Lifts" in 2011. These guidelines introduce measures to enhance safety of aged lifts and recommend retrofitting of safety devices in order to uplift the safety of the lifts. When the responsible persons for aged lifts plan to modernize their lifts, apart from considering to install additional

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\(^{(1)}\) LIMSS also provides free consultancy services to each successful application. The services include scope assessment, cost estimation (for budgeting purpose), tender document preparation based on standard template of tender documents, tendering through URA's e-tendering platform, tender evaluation (limited to offering technical advice), works supervision and contract management associated with the lift modernization works. Nevertheless, building owners may engage their own consultants to provide the above services. The Government will also subsidize the consultant fees, at a cap of $20,000 per lift.
safety devices, they can also replace the entire lifts to enhance safety, reliability and comfortability having regard to the operating conditions of the lifts. As the conditions of each lift are different, the feasibility of implementing different modernization solutions and the need for replacing the entire lift would require on-site assessment by registered lift contractors or relevant engineering consultants. Therefore, EMSD does not have the information of buildings requiring replacement of the entire lifts and the average age of such buildings.

(3) To facilitate the public and building owners to understand LIMSS, URA issued two batches of letters to target buildings in January and March this year respectively to introduce the scheme and invite representatives of owners to attend 11 briefings held in April and May at different districts.

In addition, URA has used various channels to launch a series of publicity events for the scheme, including advertising in TV, radio, newspapers, etc. At district level, URA has contacted all 18 district councils for arranging briefing of the scheme in the council meetings. At the same time, with the assistance of 11 non-government organization ("NGO") partners, URA is approaching target buildings at various districts and assisting their owners in making application for the scheme, with a view to promoting LIMSS to the public and building owners at different facets.

The public can visit URA's website—"Building Rehabilitation Platform" at <www.brplatform.org.hk> for details of LIMSS. They can download the LIMSS application form and notes from the website or apply directly for the scheme through the website. For further details or enquiry about the scheme, the public can call the hotline 3188 1188 for assistance.

(4) In order to assist buildings without owners' corporation ("OC") or "3-nil" buildings to join the scheme and organize the modernization works, URA has sought legal advice and the following suggestions have been made according to the relevant provisions in the Deed of Mutual Covenant ("DMC"):
If DMC has expressly stated the following provisions, building owners may convene the owners' meetings to resolve the carrying out of the modernization works according to DMC provisions:

(i) resolutions on common areas repair, maintenance and improvement can be passed at owners' meetings; and

(ii) such resolutions are legally binding on all owners of the building.

If DMC has not expressly stated items (i) and (ii) above, the resolutions concerned shall only be deemed valid with unanimous consensus by all building owners. As DMC is a document legally binding all building owners, it may lead to legal proceedings if building owners fail to comply with it. Therefore, building owners must follow the requirements of DMC to apply for the scheme and organize the works.

Meanwhile, URA has proactively contacted owners of such buildings to inform them whether their DMCs have the above provisions so as to facilitate their consideration of forming OC to join the scheme.

Furthermore, URA has been encouraging building owners to form OC for organizing repair and maintenance works. Formation of OC will not only facilitate building owners to reach consensus in organizing such works, but also the subsequent maintenance of lifts. If building owners intend to form OC, they must convene the owners' meetings in accordance with the Building Management Ordinance (Cap. 344). In the meeting for reaching consensus to form OC, building owners should agree to join LIMSS and nominate at least two building owners as the applicant's representatives, and to submit the application form and all supporting documents by the deadline of the first round applications (i.e. by 31 July 2019). After successful formation of OC, OC shall submit the relevant meeting minutes and a copy of the Certificate of Registration to URA by 31 January 2020. If OC fails to submit all the required documents by the above deadline, the application will be automatically arranged for processing in the second round applications. If OC still cannot
submit all the required documents eventually, the application will be treated as a withdrawal by the applicant.

To encourage building owners to form OC to carry out the relevant works, URA offers small-value financial subsidy to those buildings with OC successfully formed. Besides, URA has also partnered with NGOs at a number of focal districts with numerous aged buildings to assist building owners in forming OC to carry out lift modernization works if needed.

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

9. MS TANYA CHAN (in Chinese): President, 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?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the five parts of Ms Tanya CHAN's question is as follow:

(1) The MTR Corporation Limited ("MTRCL") completed on 29 April 2019 the Phased Array Ultrasonic Test ("PAUT") and the opening-up investigation in the second stage of the holistic assessment strategy for the Hung Hom Station ("HUH") Extension under the Shatin to Central Link ("SCL") project ("the assessment strategy"). The layout plan of the platform slabs of East West Line ("EWL") and North South Line ("NSL") for HUH Extension, the locations of couplers tested, and all the past and latest test results are available at the Highways Department ("HyD")s website for the SCL project <https://www.hyd.gov.hk/en/road_and_railway/railway_projects/scl/index.html> for reference by the public. A total of 225 test locations are involved in Tables 1 to 3 on HyD's website, which correspond to 152 test locations involving couplers with embedded length not less than 37 mm; 39 test locations involving couplers with embedded length less than 37 mm; and 34 locations where completion of test is unsuccessful, which include seven locations with improper connection to couplers or connection of rebars by lapping that could be determined by mere visual inspection and therefore without any need to carry out measurement by device.

In response to the request by Ms CHAN, the details of the test results are attached at Annex 1.

(2), (3) and (5)

The first purpose of the opening up in the second stage of the assessment strategy is to carry out physical investigations by opening up the concrete at connections between the platform slabs and diaphragm walls of the HUH Extension with gaps in construction
documentation, so as to verify the as-constructed conditions of these areas. This involves at least 24 locations at the platform slabs of EWL. Eighteen out of 24 locations had been inspected on site. Due to obstruction of existing structures, the remaining six locations could not be verified by the opening-up. Upon further review of records, MTRCL managed to retrieve the concerned site photos and verify the as-constructed conditions of these six locations.

The second purpose of the opening up in the second stage of the assessment strategy is that, in view of the allegations on the cutting-short of steel bars, MTRCL needs to open up certain connections between the platform slabs and diaphragm walls for detailed inspection, and to conduct non-destructive tests for verification of the conditions of the coupler connections, the locations of which are randomly sampled by statistical methods. Based on the advice from the expert team from the Department of Statistics and Actuarial Science of the University of Hong Kong, MTRCL opened up 28 random locations each at connections between the platform slabs and diaphragm walls of EWL and NSL, i.e. 56 locations in total with at least 168 rebars/couplers exposed; and made use of PAUT for measurement of the embedded length. There are currently 169 samples with successful test results.

Table 6.3 of the assessment strategy of MTRCL is to illustrate the relationship between the number of failures in the samples and the maximum failure rate in the population based on statistical inference (estimated under a 95% confidence level). "Failure" means that individual couplers and rebars are not installed according to the technical specification. The overall integrity of the platform slabs and diaphragm walls has to be ascertained based on the result of detailed structural analysis in the third stage of the assessment strategy.

As the number of samples obtained in the second stage of the assessment strategy has already exceeded the original target of 168, MTRCL can proceed with the assessment in third stage and MTRCL does not need to further increase the number of PAUT samples.
In the third stage, MTRCL will consolidate the test results of the first two stages, including the as-constructed details of the platforms, works quality information, and the technical data provided by the coupler supplier; and conduct a detailed structural assessment of the HUH Extension to determine the overall structural integrity of the works, and whether remedial works is required. MTRCL launched the third stage of the assessment strategy and planned to complete it by the end of June.

(4) The signals or readings of PAUT could be unclear under some situations making the tests and measurement unsuccessful. These situations include uneven end face or damage of the threaded steel bars, insufficient area for the operation of the device due to site constraints, etc. In addition, MTRCL does not need to take measurement and test if upon opening up of concrete, improper connection to couplers or connection of rebars by lapping can be determined by mere visual inspection. Of the 225 test locations under the second stage, 34 locations are under the above situations that render completion of the tests unsuccessful. As the number of PAUT samples has already exceeded the number originally planned, MTRCL will determine the overall structural integrity of the platform slabs and diaphragm walls of EWL and NSL in the third stage of the assessment strategy.

Annex 1

The purposes of opening up the concrete are:

(i) to open up concrete for physical investigations at locations with gaps in the construction documentation, in order to verify the as-constructed condition of the connections between the platform slabs and diaphragm walls of the Hung Hom Station Extension; and

(ii) given the allegations on the cutting-short of steel bars, the MTRCL needs to open up certain connections between the platform slabs and diaphragm walls for detailed inspection, and to conduct non-destructive tests (PAUT) to determine the embedded length of the threaded steel bar inside the coupler.
Table 1: Test result using enhanced PAUT: Embedded length not less than 37 mm

<table>
<thead>
<tr>
<th>Item</th>
<th>Coupler Number</th>
<th>Location of Coupler Tested</th>
<th>Purpose</th>
<th>Test Result using PAUT in the First Round Embedded Length (mm)</th>
<th>Test Result using Enhanced PAUT Embedded Length (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EWL-W68-BB-B1-02-C1</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>34.70</td>
<td>37.8</td>
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<td>2</td>
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<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>35.34</td>
<td>38.3</td>
</tr>
<tr>
<td>3</td>
<td>EWL-E107-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>40.91</td>
<td>39.9</td>
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<td>4</td>
<td>EWL-E32-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>36.65</td>
<td>44.5</td>
</tr>
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<td>5</td>
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<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
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<td>34.80</td>
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<td>36.78</td>
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<td>40.04</td>
<td>39.2</td>
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<td>38.07</td>
<td>40.2</td>
</tr>
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<td>10</td>
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<td>At the top of Area B of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>39.59</td>
<td>38.4</td>
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<tr>
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<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
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<td>33.92</td>
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<tr>
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</tr>
<tr>
<td>Item</td>
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<td>Purpose</td>
<td>Test Result using PAUT in the First Round (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
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<tr>
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</tr>
<tr>
<td>24</td>
<td>EWL-E65-BB-B1-01-C1</td>
<td>At the bottom of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>42.43</td>
<td>43.8</td>
</tr>
<tr>
<td>25</td>
<td>EWL-E65-BB-B1-02-C1</td>
<td>At the bottom of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>45.19</td>
<td>43.5</td>
</tr>
<tr>
<td>26</td>
<td>EWL-E65-BB-B1-03-C1</td>
<td>At the bottom of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>42.83</td>
<td>44.4</td>
</tr>
<tr>
<td>27</td>
<td>EWL-E46-BB-B1-03-C1</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>34.32</td>
<td>37.1</td>
</tr>
<tr>
<td>28</td>
<td>EWL-E50-BB-B1-02-C1</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>38.58</td>
<td>42.1</td>
</tr>
<tr>
<td>29</td>
<td>EWL-E50-BB-B1-03-C1</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>43.31</td>
<td>43.9</td>
</tr>
<tr>
<td>30</td>
<td>EWL-W48-BB-B1-01-C1</td>
<td>At the bottom of Area B of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>39.18</td>
<td>37.5</td>
</tr>
<tr>
<td>31</td>
<td>EWL-W35-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>44.4</td>
</tr>
<tr>
<td>32</td>
<td>EWL-W35-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>40.5</td>
</tr>
<tr>
<td>33</td>
<td>EWL-E32a(P2)-TT-T1-04-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>44.07</td>
<td>45.6</td>
</tr>
<tr>
<td>34</td>
<td>EWL-E48-TT-T1-01-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>40.5</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>35</td>
<td>EWL-E48-TT-T1-03-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
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<td>41.9</td>
</tr>
<tr>
<td>36</td>
<td>EWL-E70-BB-B1-01-C1</td>
<td>At the bottom of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>40.51</td>
<td>40.7</td>
</tr>
<tr>
<td>37</td>
<td>EWL-E77-BB-B1-01-C1</td>
<td>At the bottom of Area C2 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>45.22</td>
<td>42.8</td>
</tr>
<tr>
<td>38</td>
<td>EWL-E77-BB-B1-02-C1</td>
<td>At the bottom of Area C2 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>46.45</td>
<td>45.4</td>
</tr>
<tr>
<td>39</td>
<td>EWL-E77-BB-B1-03-C1</td>
<td>At the bottom of Area C2 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>37.22</td>
<td>37.0</td>
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<tr>
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<td>At the bottom of Area C2 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>41.43</td>
<td>41.1</td>
</tr>
<tr>
<td>41</td>
<td>EWL-W113-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>35.83</td>
<td>37.9</td>
</tr>
<tr>
<td>42</td>
<td>EWL-E90-BB-B1-02-C1</td>
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<td>(ii)</td>
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<td>42.4</td>
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<td>43</td>
<td>EWL-E90-BB-B1-03-C1</td>
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<td>43.85</td>
<td>40.7</td>
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<tr>
<td>44</td>
<td>EWL-E96-BB-B1-01-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>42.02</td>
<td>41.4</td>
</tr>
<tr>
<td>45</td>
<td>EWL-E96-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>41.93</td>
<td>40.7</td>
</tr>
<tr>
<td>46</td>
<td>EWL-E97-BB-B1-01-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>39.03</td>
<td>43.2</td>
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<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round</td>
<td>Embedded Length (mm)</td>
</tr>
<tr>
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</tr>
<tr>
<td>47</td>
<td>EWL-E97-BB-B1-02-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>36.69</td>
<td>37.3</td>
</tr>
<tr>
<td>48</td>
<td>EWL-E112-BB-B1-02-C1</td>
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<td>(ii)</td>
<td>48.72</td>
<td>42.7</td>
</tr>
<tr>
<td>49</td>
<td>EWL-E112-BB-B1-04-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
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<td>43.0</td>
</tr>
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<td>50</td>
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<td>(ii)</td>
<td>40.78</td>
<td>41.1</td>
</tr>
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<td>51</td>
<td>EWL-E115-BB-B1-02-C1</td>
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<td>(ii)</td>
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</tr>
<tr>
<td>52</td>
<td>EWL-E115-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>39.66</td>
<td>41.7</td>
</tr>
<tr>
<td>53</td>
<td>EWL-W127-BB-B1-01-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>39.9</td>
</tr>
<tr>
<td>54</td>
<td>EWL-W127-BB-B1-02-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>41.5</td>
</tr>
<tr>
<td>55</td>
<td>EWL-W127-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>37.5</td>
</tr>
<tr>
<td>56</td>
<td>EWL-E97-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>42.61</td>
<td>42.0</td>
</tr>
<tr>
<td>57</td>
<td>NSL-W25-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>38.46</td>
<td>38.3</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round (mm)</td>
<td>Test Result using Enhanced PAUT (mm)</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>58</td>
<td>NSL-W25-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>39.59</td>
<td>39.0</td>
</tr>
<tr>
<td>59</td>
<td>NSL-W30-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>40.92</td>
<td>39.6</td>
</tr>
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<td>60</td>
<td>NSL-W30-TT-T1-03-C1</td>
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<td>(ii)</td>
<td>38.15</td>
<td>37.6</td>
</tr>
<tr>
<td>61</td>
<td>NSL-W33-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>39.07</td>
<td>37.5</td>
</tr>
<tr>
<td>62</td>
<td>NSL-W34-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>39.6</td>
</tr>
<tr>
<td>63</td>
<td>NSL-W34-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>42.0</td>
</tr>
<tr>
<td>64</td>
<td>EWL-E107-BB-B3-01-C2</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>40.6</td>
</tr>
<tr>
<td>65</td>
<td>EWL-E107-BB-B3-02-C2</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>39.9</td>
</tr>
<tr>
<td>66</td>
<td>NSL-W77-TT-T1-02-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>40.2</td>
</tr>
<tr>
<td>67</td>
<td>NSL-W77-TT-T1-03-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>40.9</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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<td>---------------------------------------------------</td>
</tr>
<tr>
<td>68</td>
<td>NSL-W100-TT-T1-01-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>38.0</td>
</tr>
<tr>
<td>69</td>
<td>NSL-W100-TT-T1-03-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>39.3</td>
</tr>
<tr>
<td>70</td>
<td>NSL-W112-TT-T1-01-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>38.0</td>
</tr>
<tr>
<td>71</td>
<td>NSL-W112-TT-T1-02-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>37.7</td>
</tr>
<tr>
<td>72</td>
<td>NSL-W112-TT-T1-03-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>38.6</td>
</tr>
<tr>
<td>73</td>
<td>NSL-W114-TT-T1-01-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>44.17</td>
</tr>
<tr>
<td>74</td>
<td>NSL-W114-TT-T1-02-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>39.7</td>
</tr>
<tr>
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<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>40.2</td>
</tr>
<tr>
<td>76</td>
<td>NSL-W117-TT-T1-01-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>40.0</td>
</tr>
<tr>
<td>77</td>
<td>EWL-W58-BB-B3-01-C2</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>39.9</td>
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<tr>
<td>78</td>
<td>EWL-W58-BB-B3-02-C2</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>41.3</td>
</tr>
<tr>
<td>79</td>
<td>EWL-W58-BB-B3-03-C2</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td></td>
<td>40.5</td>
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<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round</td>
<td>Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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</tr>
<tr>
<td>80</td>
<td>NSL-W117-TT-T1-02-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>39.6</td>
</tr>
<tr>
<td>81</td>
<td>NSL-W114-TT-T3-03-C2</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>39.3</td>
</tr>
<tr>
<td>82</td>
<td>NSL-W127-TT-T1-01-C1</td>
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<td>(ii)</td>
<td>37.73</td>
<td>37.4</td>
</tr>
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<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
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<td>37.5</td>
</tr>
<tr>
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<td>NSL-W128-TT-T1-01-C1</td>
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<td>39.4</td>
</tr>
<tr>
<td>85</td>
<td>NSL-W128-TT-T1-03-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>37.2</td>
</tr>
<tr>
<td>86</td>
<td>NSL-E31-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>41.6</td>
</tr>
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<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
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</tr>
<tr>
<td>88</td>
<td>NSL-E31-TT-T1-03-C1</td>
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<td>(ii)</td>
<td>#</td>
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<td>NSL-E29-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>38.09</td>
<td>39.6</td>
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<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round</td>
<td>Embedded Length (mm)</td>
</tr>
<tr>
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</tr>
<tr>
<td>90</td>
<td>NSL-E29-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>49.06</td>
<td>47.7</td>
</tr>
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<td>91</td>
<td>NSL-E38-TT-T1-01-C1</td>
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<td>(ii)</td>
<td>41.29</td>
<td>43.6</td>
</tr>
<tr>
<td>92</td>
<td>NSL-E38-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
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<td>41.1</td>
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<td>93</td>
<td>NSL-E38-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>42.18</td>
<td>42.4</td>
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<tr>
<td>94</td>
<td>NSL-E46-TT-T1-01-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>41.6</td>
</tr>
<tr>
<td>95</td>
<td>NSL-E46-TT-T1-02-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>39.9</td>
</tr>
<tr>
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<td>NSL-E46-TT-T1-03-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>37.9</td>
</tr>
<tr>
<td>97</td>
<td>NSL-E47-TT-T1-01-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>41.2</td>
</tr>
<tr>
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<td>NSL-E47-TT-T1-02-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>42.3</td>
</tr>
<tr>
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<td>NSL-E47-TT-T1-03-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>43.4</td>
</tr>
<tr>
<td>Item</td>
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<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
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<tr>
<td>100</td>
<td>EWL-E100-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>*</td>
<td>#</td>
<td>42.7</td>
</tr>
<tr>
<td>101</td>
<td>NSL-E52-TT-T1-01-C1</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>38.1</td>
</tr>
<tr>
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<td>NSL-E52-TT-T1-02-C1</td>
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<td>(ii)</td>
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<tr>
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<td>38.9</td>
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<tr>
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<td>At the top of Area C1 of NSL slab near eastern diaphragm wall</td>
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<tr>
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<tr>
<td>108</td>
<td>NSL-E110-TT-T1-01-C1</td>
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<td>38.8</td>
</tr>
<tr>
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<tr>
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<td>40.4</td>
</tr>
<tr>
<td>Item</td>
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<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
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</tr>
<tr>
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<td>(ii) #</td>
<td>37.5</td>
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<td>NSL-E91-TT-T1-03-C1</td>
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<td>117</td>
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<tr>
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<tr>
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<tr>
<td>123</td>
<td>NSL-W69-TT-T3-03-C2</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
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<tr>
<td>Item</td>
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<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
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<tr>
<td>124</td>
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<td>39.4</td>
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<tr>
<td>125</td>
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<td>(ii)</td>
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<td>41.9</td>
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<tr>
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<td>41.2</td>
</tr>
<tr>
<td>127</td>
<td>EWL-E97-BB-B3-01-C2</td>
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<tr>
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<td>38.8</td>
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<tr>
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<tr>
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<td>NSL-E91-TT-T3-03-C2</td>
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<td>NSL-W128-TT-T1-02-C1</td>
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<td>40.3</td>
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<td>132</td>
<td>NSL-W77-TT-T1-01-C1</td>
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<td>37.3</td>
</tr>
<tr>
<td>133</td>
<td>EWL-E96-BB-B1-02-C1</td>
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<td>(ii)</td>
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<td>43.4</td>
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<tr>
<td>134</td>
<td>EWL-E32a(P2)-TT-T1-03-C1</td>
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<td>(ii)</td>
<td>37.07</td>
<td>44.4</td>
</tr>
<tr>
<td>Item</td>
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<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
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<tr>
<td>135</td>
<td>EWL-E32-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>41.51</td>
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</tr>
<tr>
<td>136</td>
<td>EWL-E33-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>45.43</td>
<td>43.3</td>
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<tr>
<td>137</td>
<td>EWL-E35-TT-T1-01-C1</td>
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<td>(i)</td>
<td>47.01</td>
<td>47.2</td>
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<tr>
<td>138</td>
<td>EWL-E35-TT-T1-02-C1</td>
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<td>45.70</td>
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<td>139</td>
<td>EWL-E35-TT-T1-03-C1</td>
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<td>(i)</td>
<td>43.45</td>
<td>43.4</td>
</tr>
<tr>
<td>140</td>
<td>EWL-E36-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>41.61</td>
<td>43.4</td>
</tr>
<tr>
<td>141</td>
<td>EWL-E36-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>45.26</td>
<td>41.9</td>
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<tr>
<td>142</td>
<td>EWL-E37-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>39.84</td>
<td>42.1</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
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<tr>
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<td>EWL-E37-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>42.51</td>
<td>42.9</td>
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<tr>
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<td>EWL-W113-BB-B3-02-C2</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>38.1</td>
</tr>
<tr>
<td>145</td>
<td>EWL-E46-TT-T1-01-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>44.04</td>
<td>45.7</td>
</tr>
<tr>
<td>146</td>
<td>EWL-E72-BT-T1-01-C1</td>
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<td>(i)</td>
<td>36.39</td>
<td>37.0</td>
</tr>
<tr>
<td>147</td>
<td>EWL-E72-BT-T1-02-C1</td>
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<td>(i)</td>
<td>36.88</td>
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</tr>
<tr>
<td>148</td>
<td>EWL-E69-TT-T1-02-C1</td>
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<td>38.2</td>
</tr>
<tr>
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<td>*</td>
<td>#</td>
<td>43.7</td>
</tr>
<tr>
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</tr>
<tr>
<td>151</td>
<td>EWL-E32-TT-T1-02-C1</td>
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<td>EWL-W58-BB-B5-02-C3</td>
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<td>(ii)</td>
<td>#</td>
<td>44.7</td>
</tr>
</tbody>
</table>
Table 2: Test result using enhanced PAUT: Embedded length less than 37 mm

<table>
<thead>
<tr>
<th>Item</th>
<th>Coupler Number</th>
<th>Location of Coupler Tested</th>
<th>Purpose</th>
<th>Test Result using PAUT in the First Round Embedded Length (mm)</th>
<th>Test Result using Enhanced PAUT Embedded Length (mm)</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>EWL-E44-TT-T1-02-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(i) 6.22</td>
<td>9.5</td>
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</tr>
<tr>
<td>2</td>
<td>EWL-W113-BB-B1-02-C1</td>
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<td>(ii) 20.86</td>
<td>16.4</td>
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</tr>
<tr>
<td>3</td>
<td>EWL-W115-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii) 35.17</td>
<td>35.5</td>
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</tr>
<tr>
<td>4</td>
<td>EWL-W112-BB-B1-01-C1</td>
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<td>(ii) 28.54</td>
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<tr>
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<td>EWL-W112-BB-B1-02-C1</td>
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<td>(ii) 34.99</td>
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<tr>
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<tr>
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<td>(ii) 29.75</td>
<td>33.7</td>
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<tr>
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<td>(ii) &quot;</td>
<td>36.4</td>
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</tr>
<tr>
<td>9</td>
<td>EWL-W84-BB-B1-03-C1</td>
<td>At the bottom of Area C2 of EWL slab near western diaphragm wall</td>
<td>(ii) 36.80</td>
<td>34.9</td>
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<tr>
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<td>At the bottom of Area C2 of EWL slab near western diaphragm wall</td>
<td>(ii) 37.77</td>
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</tr>
<tr>
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<td>EWL-W78-BB-B1-02-C1</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii) 36.42</td>
<td>36.5</td>
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</tr>
<tr>
<td>Item</td>
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<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
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</tr>
<tr>
<td>12</td>
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</tr>
<tr>
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<td>NSL-W36-TT-T1-02-C1</td>
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<tr>
<td>21</td>
<td>NSL-W69-TT-T1-03-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>33.2</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>---------------------------</td>
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<td>------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>22</td>
<td>NSL-W73-TT-T1-01-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>32.91</td>
<td>33.9</td>
</tr>
<tr>
<td>23</td>
<td>NSL-W73-TT-T1-02-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>35.36</td>
<td>36.1</td>
</tr>
<tr>
<td>24</td>
<td>NSL-W73-TT-T1-03-C1</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>32.42</td>
<td>34.4</td>
</tr>
<tr>
<td>25</td>
<td>EWL-E46-BB-B3-01-C2</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>35.9</td>
</tr>
<tr>
<td>26</td>
<td>EWL-E46-BB-B3-02-C2</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>32.8</td>
</tr>
<tr>
<td>27</td>
<td>NSL-W85+87-TT-T1-01-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>36.4</td>
</tr>
<tr>
<td>28</td>
<td>NSL-W85+87-TT-T1-02-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>35.5</td>
</tr>
<tr>
<td>29</td>
<td>NSL-W85+87-TT-T1-03-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>34.6</td>
</tr>
<tr>
<td>30</td>
<td>NSL-W100-TT-T1-02-C1</td>
<td>At the top of Area C2 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>34.5</td>
</tr>
<tr>
<td>31</td>
<td>NSL-W117-TT-T1-03-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>36.3</td>
</tr>
<tr>
<td>32</td>
<td>EWL-E100-BB-B1-04-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>*</td>
<td>#</td>
<td>16.9</td>
</tr>
<tr>
<td>33</td>
<td>EWL-E46-BB-B3-03-C2</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>#</td>
<td>36.1</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler Tested</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
<td>-------------------------</td>
<td>------------------------------------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>34</td>
<td>NSL-E80-TT-T1-01-C1</td>
<td>At the top of Area C2 of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>38.01</td>
<td>35.5</td>
</tr>
<tr>
<td>35</td>
<td>NSL-E80-TT-T1-03-C1</td>
<td>At the top of Area C2 of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>36.36</td>
<td>36.2</td>
</tr>
<tr>
<td>36</td>
<td>NSL-E110-TT-T1-02-C1</td>
<td>At the top of Area C3 of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>35.7</td>
</tr>
<tr>
<td>37</td>
<td>NSL-W69-TT-T3-02-C2</td>
<td>At the top of Area C1 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>36.2</td>
</tr>
<tr>
<td>38</td>
<td>EWL-E46-TT-T1-02-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>33.00</td>
<td>34.0</td>
</tr>
<tr>
<td>39</td>
<td>EWL-E69-TT-T1-01-C1</td>
<td>At the top of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>*</td>
<td>36.7</td>
</tr>
</tbody>
</table>

Table 3: Unsuccessful in completing the test using enhanced PAUT

<table>
<thead>
<tr>
<th>Item</th>
<th>Coupler Number</th>
<th>Location of Coupler/Steel bar</th>
<th>Purpose</th>
<th>Test Result using PAUT in the First Round Embedded Length (mm)</th>
<th>Test Result using Enhanced PAUT Embedded Length (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>EWL-E107-BB-B1-02-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>9.40</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
<td>----------------</td>
<td>-------------------------------</td>
<td>---------</td>
<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>2</td>
<td>EWL-E40-TT-T1-01-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>39.21</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>3</td>
<td>EWL-E44-TT-T1-01-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>31.61</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>4</td>
<td>No coupler number</td>
<td>At Area C1 of EWL slab</td>
<td>(ii)</td>
<td>Three numbers of couplers with no steel bar connected at both sides were found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>No coupler number</td>
<td>At Area C3 of EWL slab</td>
<td>*</td>
<td>One number of coupler with no steel bar connected at both sides was found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>No coupler number</td>
<td>At Hong Kong Coliseum Area and Area B of EWL slab</td>
<td>(ii)</td>
<td>Four numbers of couplers connected with steel bar at one side only and no steel bar at the other side were found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>No coupler number</td>
<td>At Areas C1 and C3 of EWL slab</td>
<td>(ii)</td>
<td>Four numbers of steel bars not connected with adjoining couplers were found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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<td>---------------------------------------------------------------</td>
<td>---------------------------------------------------</td>
</tr>
<tr>
<td>8</td>
<td>No coupler number</td>
<td>At Area C3 of EWL slab</td>
<td>(ii) One number of steel bar not connected with adjoining coupler was found during visual inspection, so there is no need to carry out PAUT</td>
<td>* Two numbers of steel bars not connected with adjoining couplers were found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>No coupler number</td>
<td>At Area C3 of NSL slab</td>
<td>(ii) No coupler was found at the location and steel bar was found connected to the adjoining steel bar by lapping during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>No coupler number</td>
<td>At Area C3 of EWL slab</td>
<td>* One number of steel bar not connected with adjoining coupler was found during visual inspection, so there is no need to carry out PAUT</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>EWL-E46-BB-B1-01-C1</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>34.91</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>12</td>
<td>EWL-E46-BB-B1-02-C1</td>
<td>At the bottom of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>29.65</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>13</td>
<td>EWL-W58-BB-B1-03-C1</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii) 39.22 Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>14</td>
<td>EWL-W84-BB-B1-01-C1</td>
<td>At the bottom of Area C2 of EWL slab near western diaphragm wall</td>
<td>(ii) 33.98 Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15</td>
<td>EWL-W133-BB-B1-02-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii) 28.79 Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>16</td>
<td>EWL-E70-BB-B1-03-C1</td>
<td>At the bottom of Area C1 of EWL slab near eastern diaphragm wall</td>
<td>(ii) 42.66 Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>17</td>
<td>EWL-E112-BB-B1-03-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii) 44.82 Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
<td>----------------------</td>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------</td>
<td>--------------------------------------------------</td>
</tr>
<tr>
<td>18</td>
<td>EWL-W129-BB-B1-02-C1</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>38.67</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>19</td>
<td>NSL-W33-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>40.84</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>20</td>
<td>NSL-W33-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>36.84</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>21</td>
<td>NSL-W127-TT-T1-03-C1</td>
<td>At the top of Area C3 of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>19.28</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>22</td>
<td>EWL-E40-TT-T1-02-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>40.81</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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<td>-------------------------------------------------------------</td>
<td>-------------------------------------------------</td>
</tr>
<tr>
<td>23</td>
<td>EWL-E40-TT-T1-03-C1</td>
<td>At the top of Area B of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td>38.57</td>
</tr>
<tr>
<td>24</td>
<td>NSL-E29-TT-T1-03-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td>44.05</td>
</tr>
<tr>
<td>25</td>
<td>EWL-E33-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near eastern diaphragm wall</td>
<td>(i)</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td>40.10</td>
</tr>
<tr>
<td>26</td>
<td>EWL-W68-BB-B1-03-C1</td>
<td>At the bottom of Area C1 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td>37.58</td>
</tr>
<tr>
<td>27</td>
<td>NSL-W25-TT-T1-02-C1</td>
<td>At the top of Hong Kong Coliseum Area of NSL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td>39.02</td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>-------</td>
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<td>---------------------------------------------------------------</td>
<td>-----------------------------------------------------</td>
</tr>
<tr>
<td>28</td>
<td>EWL-E107-BB-B3-03-C2</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td># Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
</tr>
<tr>
<td>29</td>
<td>EWL-W91-BB-B3-02-C2</td>
<td>At the bottom of Area C2 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td># Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
</tr>
<tr>
<td>30</td>
<td>EWL-W113-BB-B3-01-C2</td>
<td>At the bottom of Area C3 of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td># Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
</tr>
<tr>
<td>31</td>
<td>NSL-E113-TT-T1-02-C1</td>
<td>At the top of Area C3 of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td># Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
</tr>
<tr>
<td>32</td>
<td>EWL-E100-BB-B1-06-C1</td>
<td>At the bottom of Area C3 of EWL slab near eastern diaphragm wall</td>
<td>*</td>
<td># Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Coupler Number</td>
<td>Location of Coupler/Steel bar</td>
<td>Purpose</td>
<td>Test Result using PAUT in the First Round Embedded Length (mm)</td>
<td>Test Result using Enhanced PAUT Embedded Length (mm)</td>
</tr>
<tr>
<td>------</td>
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<td>---------------------------------------------------------------</td>
<td>------------------------------------------------------</td>
</tr>
<tr>
<td>33</td>
<td>EWL-W35-TT-T1-01-C1</td>
<td>At the top of Hong Kong Coliseum Area of EWL slab near western diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
<tr>
<td>34</td>
<td>NSL-E47-TT-T3-03-C2</td>
<td>At the top of Area B of NSL slab near eastern diaphragm wall</td>
<td>(ii)</td>
<td>*</td>
<td>Unsuccessful in completing the test as clear measurement signals or readings cannot be obtained</td>
</tr>
</tbody>
</table>

Notes:

# Locations where testing had not yet been carried out before the first round of PAUT was suspended.

* The opening up locations are not selected by random sampling. Given the allegation on cutting-short of steel bars located at the bottom of the slab at Area C3 of EWL near the eastern diaphragm wall number EM100, MTRCL needs to open up additional connections between the platform slabs and diaphragm walls for detailed inspection.

Quality of coastal waters of the Victoria Harbour

10. **DR PRISCILLA LEUNG** (in Chinese): President, 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 stenches, causing serious nuisance to members of the public. It is learnt that one of the sources of the stenches 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);

<table>
<thead>
<tr>
<th>Month</th>
<th>Compliance rate of WQOs</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td></td>
</tr>
<tr>
<td>...</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td></td>
</tr>
<tr>
<td>Whole Year</td>
<td></td>
</tr>
</tbody>
</table>

(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?

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, the Government has all along been attaching great importance to improve the water quality of Victoria Harbour and has devoted significant resources to improve the sewage collection and treatment system through implementing the Harbour Area Treatment Scheme and works for enhancing the quality of coastal waters of
Victoria Harbour, stepping up enforcement on misconnections of sewage pipes, and clearing sediment from the stormwater drainage systems. These efforts have brought noticeable improvement in the water quality of Victoria Harbour.

Regarding the questions raised by Dr Priscilla LEUNG:

(1) The overall Water Quality Objectives ("WQOs") compliance rate of marine water in the Victoria Harbour Water Control Zone ("WCZ") in the past five years are tabulated below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Overall WQOs compliance rate of marine water in the Victoria Harbour WCZ</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>77%</td>
</tr>
<tr>
<td>2015</td>
<td>90%</td>
</tr>
<tr>
<td>2016</td>
<td>93%</td>
</tr>
<tr>
<td>2017</td>
<td>83%</td>
</tr>
<tr>
<td>2018</td>
<td>97%</td>
</tr>
</tbody>
</table>

As the overall WQOs compliance rate is based on evaluation of the annual average level of relevant water quality parameters, there is no monthly compliance rate. While the compliance rate of individual years would vary due to influence by weather conditions such as sunshine, temperature and rainfall, the water quality as a whole shows trend of recognizable improvement from the past.

(2) The Environmental Protection Department ("EPD"), Buildings Department ("BD"), Drainage Services Department ("DSD") and relevant government departments have been jointly following up on each case of sewage pipe misconnection, and urge the respective owners to rectify the problem in the earliest opportunity and reduce its impact on near-shore water quality. In the past five years, EPD found a total of 348 cases of misconnections of sewage pipes in the Victoria Harbour WCZ. Among them, 267 cases (about 77%) have been rectified and the remaining 81 cases are being processed. Please refer to the Annex for a breakdown of these cases by district.

(3) Among the 348 cases mentioned above, about 80% or 267 cases were rectified after issue of warnings or advice. Among cases of pipe misconnection or stormwater drain pollution in private
buildings in the territory followed up by BD in the past five years, a total of 27 cases were rectified by premises owners after the statutory repair or removal orders were served and, up to 2018, 51 cases have not been rectified after the statutory repair and removal orders were served. There is no rectification works carried out by government contractors in the same period. BD will continue to follow up on the remaining cases, urge or order the respective owners to fulfil their responsibility to rectify the pipe misconnection problems. For the cases of non-compliance with the orders, BD will take appropriate enforcement actions according to the circumstances, including consideration to initiate prosecution under the Buildings Ordinance.

(4) The consultancy study on further enhancement of the near-shore water quality and the general environment of Victoria Harbour has been substantially completed. The consultants will submit the study report within this year. The Government is gradually pursuing and implementing some measures in advance based on the survey results and study recommendations in order to speed up the improvement of near-shore water quality of Victoria Harbour.

The findings of field surveys on pollution sources show that the near-shore pollution problems of Victoria Harbour are mainly caused by pollutants discharged from stormwater outfalls. This is probably due to misconnection of sewage pipes to stormwater drains and non-point source pollution (e.g. leakage from ageing sewers, street activities and cleansing of public places). The study recommendations for improvement include rectification of the misconnections, enhancing collaboration between departments, raising public awareness on reducing discharge of pollutants to stormwater drains at source, and providing dry weather flow interceptors ("DWFIs") near the stormwater outfalls or at other strategic locations.

The information on sewer misconnections collected in the consultancy study has been passed to the relevant government departments for follow-up. Having regard to the survey findings of the consultancy study, we have begun to progressively implement targeted pollution control measures and works, including
construction and modification of DWFIs, rehabilitation of ageing sewers, upgrading of sewage treatment works and provision of public sewers, etc. New pollutant removal technology is also being tried.

Regarding the situation along the Hung Hom Promenade, the study team recommended to construct a newly designed DWFI near the outfall of the Kin Wan Street box culvert at Hung Hom. EPD and DSD are planning to include this project in the Public Works Programme this year in order to carry out further study on the works. From planning to commissioning, the entire project is anticipated to take about seven to eight years and the initial cost estimate is about several hundred million dollars. Other than DWFI, DSD is also conducting trial application of Hydrogel at the outlet of Kin Wan Street box culvert to reduce the odour from the drain.

The Government is also progressively planning similar DWFIs at other near-shore areas along Victoria Harbour (for example at Wan Chai East and Causeway Bay Typhoon Shelter). The estimated construction time and cost of these projects will be similar to the newly designed DWFI at Kin Wan Street. We will continue to take enforcement actions and implement projects for reducing the discharge of pollutants from either side of Victoria Harbour to improve the near-shore environmental and odour problems.

Annex

Cases of Foul Water Pipe Misconnection Found in Victoria Harbour Water Control Zone

<table>
<thead>
<tr>
<th>District</th>
<th>Number of Foul Water Pipe Misconnection Cases (Number of Cases Rectified)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
</tr>
<tr>
<td>Central and Western</td>
<td>2 (all)</td>
</tr>
<tr>
<td>Eastern</td>
<td>6 (4 cases)</td>
</tr>
</tbody>
</table>
### Number of Foul Water Pipe Misconnection Cases

<table>
<thead>
<tr>
<th>District</th>
<th>2014 (Number of Cases Rectified)</th>
<th>2015 (Number of Cases Rectified)</th>
<th>2016 (Number of Cases Rectified)</th>
<th>2017 (Number of Cases Rectified)</th>
<th>2018 (Number of Cases Rectified)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wan Chai</td>
<td>1 (all)</td>
<td>5 (all)</td>
<td>13 (8 cases)</td>
<td>6 (4 cases)</td>
<td>14 (5 cases)</td>
</tr>
<tr>
<td>Kowloon City</td>
<td>5 (all)</td>
<td>10 (all)</td>
<td>19 (11 cases)</td>
<td>5 (4 cases)</td>
<td>15 (6 cases)</td>
</tr>
<tr>
<td>Kwun Tong</td>
<td>17 (16 cases)</td>
<td>5 (all)</td>
<td>3 (all)</td>
<td>8 (6 cases)</td>
<td></td>
</tr>
<tr>
<td>Sham Shui Po</td>
<td>0 (all)</td>
<td>0 (all)</td>
<td>1 (all)</td>
<td>3 (all)</td>
<td></td>
</tr>
<tr>
<td>Wong Tai Sin</td>
<td>1 (all)</td>
<td>1 (all)</td>
<td>11 (all)</td>
<td>4 (all)</td>
<td>3 (all)</td>
</tr>
<tr>
<td>Yau Tsim Mong</td>
<td>16 (15 cases)</td>
<td>15 (all)</td>
<td>20 (18 cases)</td>
<td>26 (19 cases)</td>
<td>45 (21 cases)</td>
</tr>
<tr>
<td>Kwai Tsing</td>
<td>2 (all)</td>
<td>0 (all)</td>
<td>0 (all)</td>
<td>2 (all)</td>
<td></td>
</tr>
<tr>
<td>Tsuen Wan</td>
<td>0 (all)</td>
<td>0 (all)</td>
<td>2 (all)</td>
<td>1 (all)</td>
<td>2 (all)</td>
</tr>
<tr>
<td>Total</td>
<td>50 (46 cases)</td>
<td>70 (68 cases)</td>
<td>76 (60 cases)</td>
<td>53 (41 cases)</td>
<td>99 (52 cases)</td>
</tr>
</tbody>
</table>

### Security issues of the use of QR codes

11. **MR JIMMY NG (in Chinese):** President, 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?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President, in consultation with relevant bureaux and financial regulator, we have prepared a consolidated reply to Mr Jimmy NG's question as follows:

(1) The number of cases and amounts involved as mentioned in the question and received by the Police between 2014 and 2018 are listed at the Annex. The Police do not maintain the breakdown of technology crime cases involving QR codes.

(2) and (3)

The Government has all along through public education reminded the public to be vigilant in protecting their personal and sensitive data when using Fintech, such as using QR Code technology for payment, in order to reduce the risk of data theft. The Office of the Government Chief Information Officer ("OGCIO") has been working closely with the Hong Kong Computer Emergency Response Team Coordination Centre and the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force to enhance public awareness and knowledge of information security, including security related to mobile payment services, through different activities such as seminars, talks and competitions. In
2018, OGCIO also promulgated the security risks and appropriate preventive and responsive measures regarding the use of mobile payment services\(^{(1)}\) and QR Code\(^{(2)}\).

In addition, Banks and Stored Value Facility ("SVF") licensees are required to implement adequate payment security measures pursuant to the supervisory guidelines issued by the Hong Kong Monetary Authority. In processing QR code payments initiated by user scanning a QR code with its payment app, a bank or a SVF licensee should verify whether such a code is genuine and valid, and display the payee's name and relevant information so that the user can identify the payee. The public should also check the payee information before making payment with QR code in order to ensure that payment will reach the correct payee.

We will continue to closely monitor the market development and strike an appropriate balance between promoting Fintech innovation and protecting the interest of the public.

### Annex

<table>
<thead>
<tr>
<th></th>
<th>2014</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Cases</td>
<td>Number of Cases</td>
<td>Amount lost ($m)</td>
<td>Number of Cases</td>
<td>Amount lost ($m)</td>
<td>Number of Cases</td>
</tr>
<tr>
<td>(i) Online credit card theft</td>
<td>750</td>
<td>8.4</td>
<td>438</td>
<td>5.2</td>
<td>300</td>
</tr>
<tr>
<td>(ii) Hacking activity</td>
<td>72</td>
<td>3.0</td>
<td>58</td>
<td>5.2</td>
<td>60</td>
</tr>
<tr>
<td>(iii) Cases involving encrypted ransomware</td>
<td>*</td>
<td>*</td>
<td>14</td>
<td>0.008</td>
<td>63</td>
</tr>
</tbody>
</table>

Note:

* The Police do not maintain the relevant figures.

\(^{(1)}\) For more details, please visit: <https://www.cybersecurity.hk/tc/learning-epayment.php>

\(^{(2)}\) For more details, please visit: <https://www.infosec.gov.hk/tc_chi/yourself/carefully.html>
Air quality in Tung Chung

12. MR CHAN CHI-CHUEN (in Chinese): President, 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. PM2.5), 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?

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, my consolidated responses to the questions raised by the Legislative Council Member are as follows:

The overall air quality of Hong Kong (including Tung Chung) has been improving in recent years. From 2014 to 2018, the annually average concentration of key air pollutants including respirable suspended particulates, fine suspended particulates, sulphur dioxide and nitrogen dioxide recorded at the Tung Chung air quality monitoring station had dropped by about 20% to 30%, while the ozone level remained flat. The details are set out in Annex 1 and Annex 2.
Ozone is a complicated regional air pollution problem. It is not directly emitted from pollution sources but formed by photochemical reactions of nitrogen oxides and volatile organic compounds from various pollution sources in the region under sunlight. It can be transported by wind and affect different areas in the region.

In addition to our efforts to reducing local emissions, the Hong Kong Special Administrative Region Government is working with the Guangdong Province to tackle the regional air pollution. According to the monitoring data in Annex 2, it can be seen that the downward trend of key pollutant concentrations in Tung Chung was discernible while the concentration of the fine suspended particulates, as an indicator of the regional smog problem, also showed a declining trend. With the progressive reduction in the concentration of various pollutants, it is anticipated that the photochemical reactions resulting in formation of ozone will slow down gradually in the future. We will continue to monitor the air quality of various districts in Hong Kong including Tung Chung and evaluate the effectiveness of the control measures.

Annex 1

Comparison between Tung Chung's Air Quality in 2018 and the existing Air Quality Objectives ("AQOs")

<table>
<thead>
<tr>
<th>Air Pollutant</th>
<th>Averaging Time</th>
<th>AQOs</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Concentration Limit (μg/cu m)</td>
<td>Number of Exceedances Allowed</td>
<td>Highest Reference Concentration (μg/cu m)*</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------</td>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>Respirable Suspended Particulates (PM10)</td>
<td>Annual</td>
<td>50 -</td>
<td>31 -</td>
</tr>
<tr>
<td>Fine Suspended Particulates (PM2.5)</td>
<td>24-hour</td>
<td>100 9</td>
<td>73(1) 2</td>
</tr>
<tr>
<td></td>
<td>Annual</td>
<td>35 -</td>
<td>18 -</td>
</tr>
<tr>
<td></td>
<td>24-hour</td>
<td>75 9</td>
<td>48(1) 2</td>
</tr>
</tbody>
</table>
### Air Pollutant Averaging Time

<table>
<thead>
<tr>
<th>Air Pollutant</th>
<th>Averaging Time</th>
<th>AQOs Concentration Limit (μg/cu m)</th>
<th>Number of Exceedances Allowed</th>
<th>Highest Reference Concentration (μg/cu m)*</th>
<th>Number of Exceedances</th>
<th>AQOs Complied?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ozone</td>
<td>8-hour</td>
<td>160</td>
<td>9</td>
<td>173(1)</td>
<td>14</td>
<td>No</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>Annual</td>
<td>40</td>
<td>-</td>
<td>33</td>
<td>-</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>1-hour</td>
<td>200</td>
<td>18</td>
<td>156(2)</td>
<td>7</td>
<td>Yes</td>
</tr>
<tr>
<td>Sulphur Dioxide</td>
<td>10-minute</td>
<td>500</td>
<td>3</td>
<td>88(3)</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>24-hour</td>
<td>125</td>
<td>3</td>
<td>19(3)</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td>Carbon</td>
<td>1-hour</td>
<td>30 000</td>
<td>0</td>
<td>1 780</td>
<td>0</td>
<td>Yes</td>
</tr>
<tr>
<td>Monoxide</td>
<td>8-hour</td>
<td>10 000</td>
<td>0</td>
<td>1 353</td>
<td>0</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Notes:

* The highest average concentration unless otherwise specified

(1) The 10th highest average concentration

(2) The 19th highest average concentration

(3) The 4th highest average concentration

---

### Annex 2

Annually average concentration of air pollutants recorded at the Tung Chung air quality monitoring station in 2014 to 2018

<table>
<thead>
<tr>
<th>Air Pollutant</th>
<th>Annual Concentration (μg/cu m)</th>
<th>Changes between 2014 and 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2014</td>
<td>2015</td>
</tr>
<tr>
<td>Respirable Suspended Particulates (PM10)</td>
<td>39</td>
<td>36</td>
</tr>
<tr>
<td>Fine Suspended Particulates (PM2.5)</td>
<td>24</td>
<td>22</td>
</tr>
<tr>
<td>Nitrogen Dioxide</td>
<td>45</td>
<td>40</td>
</tr>
<tr>
<td>Sulphur Dioxide</td>
<td>13</td>
<td>8</td>
</tr>
<tr>
<td>Ozone</td>
<td>46</td>
<td>45</td>
</tr>
</tbody>
</table>
Employment situation of the ethnic minorities

13. MR VINCENT CHENG (in Chinese): President, 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?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, my response to the question raised by the Member is set out below:

(1) According to the 2016 Population By-census conducted by the Census and Statistics Department ("C&SD"), statistics of the working population, unemployed population and unemployment rate of ethnic minorities ("EMs") (which refer to persons of non-Chinese ethnicity) are set out at the Annex. The figures exclude foreign domestic helpers. C&SD does not have the relevant statistics on underemployment rate. Given the lower degree of accuracy in the unemployment estimates derived from the 2016 Population By-census, the unemployment-related statistics of EMs are for general reference only and should be interpreted with caution. C&SD does not have the relevant statistics for 2017 and 2018.

(2) Since March 2015, the Labour Department ("LD") has added an optional field of "Ethnic minorities are welcome for the post" in its Vacancy Order Form for employers to fill in so as to facilitate employment officers to match EM job seekers to suitable jobs and encourage them to apply for the posts. Job seekers (including EMs) may be placed into employment either through LD's referral service or by direct application to employers who advertise vacancies via LD. Currently, the vast majority of vacancies advertised through LD (including those indicating that "Ethnic minorities are welcome for the post") provide employers' contact details. Job seekers may obtain information on job vacancies through channels such as the Interactive Employment Service website and its mobile application, vacancy search terminals installed at various locations across the territory and large-scale job fairs without registration with LD, and

(1) Enumerators need to acquire a full understanding of the labour force framework for collecting information related to unemployment. However, a large number of temporary field workers were employed to undertake the enumeration work in the 2016 Population By-census, and they could not be expected to have a full grasp of the relevant knowledge and the required skills in asking screening questions. Thus, the accuracy of the unemployment information gathered would be lower.
make direct application to employers. Job seekers (including EMs) who are placed into employment through direct application are not required to report their employment status to LD. LD therefore does not have the percentage of the relevant posts being taken up by EMs.

(3) To further strengthen the employment support for EM job seekers, LD will launch a pilot programme in conjunction with non-governmental organizations ("NGOs") to provide employment services for EM job seekers through a case management approach so as to utilize NGOs' community network, expertise in case management and experiences in serving EMs. The commissioned NGOs have to provide one-stop employment support services for EM job seekers through a case management approach so as to reduce their barriers to employment. In addition to canvassing vacancies suitable for EMs and providing support in their job search, these NGOs will also provide post-placement follow-up services for EMs and their employers, such as assisting the employees to adapt to the new working environment, fostering both parties' understanding of each other's work expectations and practices, etc. LD will carefully consider the views of stakeholders, draw up other details of the pilot programme and conduct the tender exercise as soon as possible. The pilot programme is expected to be launched in 2020, which will be on a three-year pilot initially.

(4) Employees Retraining Board ("ERB") has expanded the range of language and industry-specific training courses dedicated for EMs in 2019-2020. It has added 2 new dedicated Chinese language courses at Qualifications Framework Level 2, which results in a total of 14 dedicated Chinese language courses covering vocational Chinese (reading and writing), Cantonese and Putonghua. ERB offers dedicated courses for EMs covering vocational training for 10 industry categories, namely property management and security, electrical and mechanical services, construction and renovation, beauty therapy, hairdressing, social services, business, catering, hotel, and tourism. ERB will consult its focus group on training to explore developing more suitable dedicated courses in the above industry categories, tentatively targeting at the categories of electrical and mechanical services and construction and renovation.
(5) LD has been proactively promoting the working abilities of EMs among employers through various channels and making ongoing efforts to canvass vacancies suitable for EM job seekers through its employer network to enhance their employment opportunities. From 2016 to 2018, LD organized 6 large-scale inclusive job fairs and 36 district-based inclusive job fairs at which job seekers, including EMs, could submit job applications and attend interviews with employers on the spot. LD also organized experience sharing sessions for employers, during which NGOs serving EMs were invited to brief employers on the cultures of EMs and the skills to communicate with them to enhance their understanding in this regard. In addition, as mentioned in part (2) of the reply, since March 2015, LD has added an optional field of "Ethnic minorities are welcome for the post" in its Vacancy Order Form for employers to fill in. From 2016 to 2018, a total of 15,158 employers who advertised vacancies via LD indicated that EM job seekers were welcome to apply for the posts.

LD reviews its operation in providing employment and recruitment services for job seekers and employers on a continuous basis, and introduces adjustments and enhancements in a timely manner. As mentioned in part (3) of the reply, LD will launch a pilot programme for EM job seekers. NGOs engaged will help LD proactively canvass vacancies suitable for EMs, and strengthen its post-placement follow-up services for EMs and their employers.

(6) At present, LD administers various special employment programmes such as the Youth Employment and Training Programme, the Employment Programme for the Elderly and Middle-aged and the Work Trial Scheme, etc. to encourage employers, through the provision of financial incentives, to take on job seekers (including EMs) with various employment difficulties and provide them on-the-job training to enhance their employability. LD will continue to strengthen the employment services for EM job seekers, such as implementing the above mentioned pilot programme to provide employment support services for EM job seekers, including post-placement follow-up services, in conjunction with NGOs.
Annex

Working population, unemployed population and unemployment rate of EMs\(^{(1)}\) by ethnicity, 2016

<table>
<thead>
<tr>
<th>Ethnicity</th>
<th>Working population</th>
<th>Unemployed population(^{(2)})</th>
<th>Unemployment rate(^{(2)(3)}) (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Filipino</td>
<td>11 543</td>
<td>338</td>
<td>2.8</td>
</tr>
<tr>
<td>Indonesian</td>
<td>3 030</td>
<td>***</td>
<td>***</td>
</tr>
<tr>
<td>Thai</td>
<td>4 295</td>
<td>206</td>
<td>4.6</td>
</tr>
<tr>
<td>Japanese</td>
<td>5 483</td>
<td>165</td>
<td>2.9</td>
</tr>
<tr>
<td>Korean</td>
<td>3 698</td>
<td>116</td>
<td>3.0</td>
</tr>
<tr>
<td>South Asian(^{(4)})</td>
<td>38 935</td>
<td>2 165</td>
<td>5.3</td>
</tr>
<tr>
<td>Indian</td>
<td>16 211</td>
<td>885</td>
<td>5.2</td>
</tr>
<tr>
<td>Nepalese</td>
<td>14 832</td>
<td>650</td>
<td>4.2</td>
</tr>
<tr>
<td>Pakistani</td>
<td>5 628</td>
<td>567</td>
<td>9.2</td>
</tr>
<tr>
<td>Other South Asian(^{(5)})</td>
<td>2 264</td>
<td>***</td>
<td>***</td>
</tr>
<tr>
<td>Other Asian</td>
<td>3 913</td>
<td>173</td>
<td>4.2</td>
</tr>
<tr>
<td>White</td>
<td>35 860</td>
<td>1 170</td>
<td>3.2</td>
</tr>
<tr>
<td>Mixed</td>
<td>20 970</td>
<td>1 751</td>
<td>7.7</td>
</tr>
<tr>
<td>With Chinese parent</td>
<td>19 230</td>
<td>1 587</td>
<td>7.6</td>
</tr>
<tr>
<td>Other Mixed</td>
<td>1 740</td>
<td>164</td>
<td>8.6</td>
</tr>
<tr>
<td>Others(^{(6)})</td>
<td>1 823</td>
<td>128</td>
<td>6.6</td>
</tr>
<tr>
<td>Overall</td>
<td>129 550</td>
<td>6 281</td>
<td>4.6</td>
</tr>
</tbody>
</table>

Notes:

*** Figures are not released owing to large sampling error.

(1) Refer to persons of non-Chinese ethnicity, excluding foreign domestic helpers.

(2) Given the lower degree of accuracy in the unemployment estimates derived from the 2016 Population By-census, the unemployment-related statistics of EMs are for general reference only and should be interpreted with caution.

(3) The proportion of unemployed population in the labour force.

(4) According to the classification of territories prepared by the Statistics Division of the United Nations Secretariat, South Asian economies include India, Pakistan, Nepal, Bangladesh, Sri Lanka, Afghanistan, Bhutan, Iran and Maldives. Owing to limitations of data, figures related to "South Asians" in this table only include the first five ethnic groups.
(5) "Other South Asian" include "Bangladeshi" and "Sri-Lankan".

(6) "Others" include "Black", "Latin American", etc.

Hiring of part-time doctors

14. MRS REGINA IP (in Chinese): President, 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?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, my reply
to the various parts of the question raised by Mrs Regina IP is as follows:

(1) The tables below set out the respective numbers and male-to-female
ratios of students admitted to the faculties of medicine of the two
universities in the past five academic years:

<table>
<thead>
<tr>
<th>Faculty of Medicine of the University of Hong Kong</th>
<th>Academic Year</th>
<th>2014-2015</th>
<th>2015-2016</th>
<th>2016-2017</th>
<th>2017-2018</th>
<th>2018-2019</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>109</td>
<td>116</td>
<td>122</td>
<td>128</td>
<td>137</td>
<td>612</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>105</td>
<td>94</td>
<td>118</td>
<td>107</td>
<td>106</td>
<td>530</td>
<td></td>
</tr>
<tr>
<td>Total student intake</td>
<td>214</td>
<td>210</td>
<td>240</td>
<td>235</td>
<td>243</td>
<td>1142</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>110</td>
<td>112</td>
<td>112</td>
<td>124</td>
<td>118</td>
<td>576</td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>119</td>
<td>119</td>
<td>137</td>
<td>121</td>
<td>121</td>
<td>617</td>
<td></td>
</tr>
<tr>
<td>Total student intake</td>
<td>229</td>
<td>231</td>
<td>249</td>
<td>245</td>
<td>239</td>
<td>1193</td>
<td></td>
</tr>
</tbody>
</table>

(2) The Hospital Authority ("HA") has implemented the Special Retired
and Rehire Scheme ("the Scheme") since 2015-2016 to rehire
suitable serving doctors, nurses and allied health professionals upon
their retirement or completion of contract at/beyond their normal retirement age in order to retain suitable expertise for training and knowledge transfer, and to help alleviate manpower issues. Doctors participating in the Scheme are re-employed on contract full-time basis. The basic salary of rehired staff is the last drawn basic salary of the staff before leaving service at normal retirement age, subject to the maximum salary of the prevailing rank. Other terms and conditions of the rehired staff will be on par with new recruits to the rank offered. The number and male-to-female ratio of doctors rehired and serving in HA under the Scheme as at 31 March 2019 are as follows:

<table>
<thead>
<tr>
<th>Number of doctors</th>
<th>58</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>49</td>
</tr>
<tr>
<td>Female</td>
<td>9</td>
</tr>
</tbody>
</table>

(3) As at 30 April 2019, the respective numbers and male-to-female ratios of locum doctors in the ranks of Non-specialist and Specialist are as follows:

<table>
<thead>
<tr>
<th>Number of locum doctors</th>
<th>Specialist</th>
<th>Non-specialist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>12</td>
<td>7</td>
</tr>
<tr>
<td>Female</td>
<td>7</td>
<td>7</td>
</tr>
</tbody>
</table>

(4) To retain experienced hands, HA is actively considering the introduction of more flexible options in work arrangements without compromising service quality and safety. In this connection, HA introduced at the end of the first quarter of this year a pilot run of fractional work arrangement for medical staff in Accident and Emergency and Family Medicine departments. Under the arrangement, full-time frontline professional staff who have temporary special needs and compassionate reasons, such as health and family reasons, can work fractionally for a fixed period of time and thereafter resume their full-time duties. The pilot scheme is open for application now and HA is processing the applications received.
(5) The hourly wages of locum doctors in the ranks of Non-specialist and Specialist are determined with reference to the remuneration of HA contract full-time doctors and the prevailing market situation. In addition to adjusting their pay annually in accordance with the pay offers approved by the Hospital Authority Board, HA also keeps in view its manpower situation and monitors changes in the labour market so as to conduct timely reviews to meet service needs and enhance service quality. The locum scheme welcomes applications from all qualified persons including married women.

Advance directives in relation to medical treatment

15. DR CHIANG LAI-WAN (in Chinese): President, 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?

SECRETARY FOR FOOD AND HEALTH (in Chinese): President, under the common law, a patient may, while mentally competent to make decisions, give advance directives ("ADs") to specify that apart from receiving basic and palliative care, he/she chooses not to receive any life-sustaining treatment or any other treatment he/she has specified when he/she is in a serious irreversible situation, such as terminally ill, in a state of irreversible coma or in a persistent vegetative state, allowing health care professionals to withhold or withdraw futile treatment under specific conditions, which merely postpones his/her death.

The concept of ADs is based on the principle of self-determination by patients, sparing health care professionals, the patients' relatives, or both, making difficult health care decisions on the patients' behalf, in particular decisions of withholding or withdrawing life-sustaining treatment. In this regard, the Code of Professional Conduct for the Guidance of Registered Medical Practitioners formulated by the Medical Council of Hong Kong has provided guidelines on care for the terminally ill. Where death is imminent, it is the doctor's responsibility to take care that a patient dies with dignity and with as little
suffering as possible. When a doctor determines that the treatment for a terminally ill patient is futile, it is legally acceptable or appropriate to withhold or withdraw life-sustaining procedures taking into account the best interest of the patient and the preferences of the patient and his/her family.

My reply to the various parts of the question raised by Dr CHIANG Lai-wan is as follows:

(1) and (2)

The Hospital Authority ("HA") formulated a guideline together with standardized form on ADs in July 2010. Since August 2012, the Clinical Management System ("CMS") has marked the ADs witnessed by HA's doctors as a reminder to assist clinical communication. Currently, doctors can set a reminder on CMS when a patient signs an AD including "Do Not Attempt Cardiopulmonary Resuscitation" in HA, to inform other health care professionals that the patient has signed an AD. The number of ADs signed by HA's patients each year since August 2012 is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Month</th>
<th>Number of ADs signed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>From 21 August to 31 December</td>
<td>150</td>
</tr>
<tr>
<td>2013</td>
<td>From 1 January to 31 December</td>
<td>325</td>
</tr>
<tr>
<td>2014</td>
<td>From 1 January to 31 December</td>
<td>491</td>
</tr>
<tr>
<td>2015</td>
<td>From 1 January to 31 December</td>
<td>706</td>
</tr>
<tr>
<td>2016</td>
<td>From 1 January to 31 December</td>
<td>937</td>
</tr>
<tr>
<td>2017</td>
<td>From 1 January to 31 December</td>
<td>1 395</td>
</tr>
<tr>
<td>2018</td>
<td>From 1 January to 31 December</td>
<td>1 557</td>
</tr>
<tr>
<td>Total number of ADs signed</td>
<td></td>
<td>5 561</td>
</tr>
</tbody>
</table>

HA does not maintain the number of valid AD forms received and the number of cases in which ADs as set out in the forms were executed. In addition, HA also does not maintain the number of patients in public hospitals who produced to health care professionals ADs that were not made in accordance with HA's model form (e.g. ADs signed as witnessed by private doctors).
(3) To allow terminally ill patients more options of their own treatment and care arrangements, the Government will consult the public in the second half of 2019 on arrangements of ADs and relevant end-of-life care.

(4) ADs of HA currently cover (a) terminally ill; (b) in a persistent vegetative state or a state of irreversible coma; or (c) in other specified end-stage irreversible life limiting condition, which includes patients with irreversible loss of major cerebral function and extremely poor functional status, end-stage renal failure, end-stage motor neuron disease, end-stage chronic obstructive pulmonary disease, etc. Therefore, patients suffering from severe dementia are covered in (c).

Regarding "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", if the concerned situation is an "end-stage irreversible life limiting condition", then it is also covered in (c) above.

The Government and HA will continue to monitor international trend, take into account the needs of patients and engage stakeholders, to review the application of ADs with an open mind. The public consultation on arrangements of ADs and relevant end-of-life care in the second half of this year will cover the related issues.

(5) The Education Bureau attaches great importance to life and death education by enhancing students' comprehension of different stages of life and experiences as well as promoting the positive values of cherishing and respecting life. The Education Bureau provides continuous curriculum support to schools, including choosing appropriate "life events" themes to produce teaching plans and worksheets, such as "Filial piety shown in grave sweeping in Ching Ming Festival" and "I know how to reflect on the meaning of life", to encourage discussion and sharing among teachers and students, and enhance students' understanding of related topics. The Education Bureau also conducts teacher professional development programmes
and establishes learning communities to advance teachers' relevant knowledge and skills. Since the expenditure and manpower on developing curriculum, learning and teaching resources along with conducting professional development programmes are subsumed under the recurrent expenditure of the Education Bureau, a breakdown of expenditure is not available.

The Elderly Health Service ("EHS") of the Department of Health also conducts health talks for elderly persons and their carers on ageing, life and death education and bereavement at residential care homes for the elderly, elderly centres, and the Elderly Health Centres through its multi-disciplinary team of nurses and allied health professionals. From 2009-2018, a total of 1,680 health talks related to these topics were conducted. The expenditure for these activities are covered by the overall provision of EHS, a breakdown of expenditure is not available.

As mentioned above, HA formulated a guideline together with standardized form on ADs in July 2010. Such information has been made available on the Internet for access by the public. However, HA does not keep count of resources allocated to the research and promotion of ADs.

Management of the shopping arcades under the Hong Kong Housing Authority

16. MR HO KAI-MING (in Chinese): President, 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?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to Mr HO Kai-ming's question is as follows.

In formulating the trade mix of shops in its shopping centres, the primary consideration of the Hong Kong Housing Authority ("HA") is meeting the basic daily needs of residents. HA also takes into account the scale of the estates and shopping centres, the technical feasibility as well as the surrounding environment of the estates. For example, HA considers factors such as the availability of shopping centres and retail facilities in the vicinity. HA also follows the market trend with a view to providing balanced and diversified choices of goods and services to the residents. In general, HA will, depending on the size and technical provisions of the shops, first arrange food and beverages and other trades which cater for the daily needs of residents, such as supermarkets, convenience stores, stores for household utensils, bakeries, clinics, etc. For shopping centres that are of larger size, HA will also consider introducing other different types of trades including pharmacies, hairdressers and laundry shops, etc.
HA has been taking various measures to improve the retail facilities of its shopping centres, including re-designing the trade mixes, changing the usage and adopting proactive and flexible marketing and leasing strategies, etc. Since 2011, HA puts forward a five-year rolling programme annually. By taking into account various factors and changes in circumstances, such as the location and surrounding environment of the commercial facilities, the letting situation and the estate population, etc., HA will identify suitable projects for detailed study and carry out asset enhancement works for its retail and carpark facilities. So far, HA has completed a number of asset enhancement works under the programme, including renovation of shopping centres, re-designation of trade mixes, addition of shops and change of usage, etc., with a view to improving and optimizing the commercial potential of its facilities.

To keep pace with the market trend, HA also adopts flexible marketing and letting strategies, and proactively explores new sources to increase shopping choices and variety of services to residents of public housing estates and the community. For example, HA has, in some estates, introduced mobile banking facilities, mobile Chinese medical services and mobile physiotherapy services as well as set up parcel lockers in response to the need for delivery services arising from online shopping.

HA arranges shops for letting in accordance with the designated trades by way of tendering, and will sign tenancy agreements ("TAs") with the successful tenderers. As stipulated in TAs, the tenants are required to operate the designated trades. At present, the list of trades for retail facilities under HA includes "Beauty Services and Cosmetics" and "Chinese Medicine Clinics". The former provides services for beauty care and sale of cosmetics, while the latter provides consultation and treatment services by registered Chinese medicine practitioners. These two trades are completely different.

In general, HA will arrange staff to meet with the successful tenderers to sign TAs, during which HA's staff will inform them again of the designated trade of the shop concerned so as to ensure that the tenants understand the trades permitted under TAs. HA will monitor whether shop tenants are in breach of the clauses in TAs through routine inspections. If any breach of TAs is identified, such as operation of trade not specified in TAs, HA will urge the tenants to rectify the situation. If such situations persist, HA will consider terminating the tenancies or not renewing them upon expiry.
TAs signed between HA and the tenants contain no provision guaranteeing the tenants an option of tenancy renewal. Regarding termination of tenancy during its term, section 20(1) of the Housing Ordinance specifies that a tenant has a right to lodge an appeal against termination of his/her tenancy to the Appeal Panel (Housing) no later than 15 days after the date on which the Notice-to-quit has been issued. The Appeal Panel (Housing) will arrange a hearing for the appeal and decide whether it is upheld.

According to records, in the past three years, there were a total of eight cases of which the tenancies were terminated due to breaches of the conditions under TAs, among these cases, two have lodged appeals. There were four cases involving tenancies not renewed due to breaches of tenancy conditions.

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

17. **MR JEREMY TAM** (in Chinese): President, 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?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to various part of the question raised by Mr Jeremy TAM is as follows:

The Government has all along been closely monitoring the movement of the private residential property market, and will introduce appropriate measures as and when necessary to ensure the healthy development of the property market. With a view to encouraging more timely supply of first-hand private residential units and improving sales practices, the Chief Executive announced the
amendment of the Consent Scheme on 29 June 2018. Developers are required to offer for sale no less than 20% of the total number of residential units subject to the relevant pre-sale consent at each turn of sale. If the remaining unsold residential units are less than 20%, the developer has to offer for sale all remaining units in one go. Having considered the varying circumstances of different developments, the Consent Scheme does not specify what sales method should be adopted by the developers. Regardless of the sale methods, developers have to follow the above requirement.

The Chief Executive announced on the same day another measure, that is the proposal to amend the Rating Ordinance for the introduction of "Special Rates" on vacant first-hand private residential units. "Special Rates" will be collected by the Rating and Valuation Department annually at two times (i.e. 200%) the rateable value of the units concerned. The Government has consulted the stakeholders and the Housing Panel of the Legislative Council on the proposed legislative amendments, and is now preparing the Rating (Amendment) Bill for introduction into the Legislative Council as soon as practicable. The above two measures complement one another and help achieve the policy objective of encouraging more timely supply of first-hand residential units.

On regulation of the sales of first-hand residential properties, the Government has been taking a three-pronged approach by seriously enforcing the relevant Ordinance, continuously improving the trade's compliance with the Ordinance and fostering public awareness with a view to ensuring consumer protection in the purchase of first-hand residential properties.

According to section 67 of the Residential Properties (First-hand Sales) Ordinance ("the Ordinance"), provisions in Division 3 of Part 2 of the Ordinance on price list do not apply if a developer offers a first-hand residential property to be sold by way of tender, but other provisions of the Ordinance still apply, such as the requirements of making available sales brochure, documents containing sales arrangements and the Register of Transactions.

In respect of law enforcement, we have earlier pointed out that there were some individual first-hand residential properties offered to be sold by way of tender where the sales process was undesirable and not transparent enough. In this connection, the Sales of First-hand Residential Properties Authority ("SRPA") has proactively monitored the sales process of developments on the
market and has spotted cases with insufficient transparency in the sales process and the transaction information, which might have contravened the Ordinance. SRPA has been investigating the cases and would strictly enforce the Ordinance based on evidence. SRPA does not rule out the possibility of taking prosecution action. Meanwhile, the Estate Agents Authority ("EAA") is looking into cases to ensure that estate agents are strictly observing the Estate Agents Ordinance and EAA's guidelines when participating in the sales of residential properties by tender.

In respect of a case of insufficient transparency in the transaction information, SRPA has initiated prosecution action against the relevant vendor. The case will be heard on 9 July 2019.

On enhancing the trade's compliance with the Ordinance, section 61 of the Ordinance states that the purpose of Register of Transactions of a development is to provide a member of the public with the transaction information relating to the development for understanding the market conditions. Prospective purchasers can thus get accurate market information and make an informed decision when purchasing first-hand residential properties. SRPA has issued a Reminder to the Trade and a Frequently Asked Question and Answer requiring vendors to set out full details of the terms of payment in the Registers of Transactions of first-hand residential developments, and has reminded vendors that in the sales of first-hand residential properties, if they have offered any discount, gift, financial advantage or benefit (no matter in terms of cash or not) to the purchasers, they should set out the full details of the terms of payment as agreed between the vendor and the purchaser for the purchase of each specified residential property. Moreover, the Register of Transactions should be self-contained so that prospective purchasers do not have to refer to other documents or materials for details of the terms of payment.

Meanwhile, EAA has also issued a Letter to Licensees to remind all licensees participating in the sales of first-hand residential properties to comply with the Estate Agents Ordinance and the relevant guidelines set out in the Practice Circular issued by EAA, regardless of the method of sales adopted by developers for selling their properties. In particular, EAA reminds licensees that without obtaining a vendor's written endorsement, they must not issue any materials promoting the sales of any first-hand residential properties by tender, including the materials containing information on the suggested bidding price.
On promoting public awareness of the Ordinance, SRPA launched a new radio Announcement in the Public Interest on 17 May 2019, named "Bidding First-hand Residential Properties", to remind prospective purchasers the points to note before bidding first-hand residential properties.

The Government will continue to monitor closely the sales of first-hand residential properties by tender and will take any possible measures when necessary to ensure the level of transparency of the sales of first-hand residential properties by tender is the same as that for open sales with price lists.

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

18. **MR CHAN HAK-KAN** (in Chinese): *President, 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?

SECRETARY FOR THE ENVIRONMENT (in Chinese): President, the level of roadside carbon monoxide in Hong Kong has already been better than the World Health Organization's guideline level. Currently, roadside air pollution is mainly caused by respirable suspended particulates ("RSP") and nitrogen oxides ("NOx"), and commercial vehicles ("CVs") account for 95% of the vehicular emissions of these two air pollutants. Hence, CVs as a whole has all along been a major target of the Government's measures to improve roadside air quality. The Government has been implementing various measures to reduce vehicular emissions in recent years. They include phasing out old diesel CVs, strengthening emission control on vehicles using petrol or liquefied petroleum gas ("LPG"), and retrofitting franchised buses of earlier models with emission reduction devices. Concentrations of major roadside air pollutants have dropped by around 30% from 2013 to 2018.

In 2000, the Government introduced a scheme to incentivize the replacement of diesel taxis by cleaner LPG ones. Since 1 August 2001, taxis registered for the first time have been mandated to be fuelled by either LPG or petrol. As at the end of 2018, all registered taxis used LPG, except for a few using petrol.

As regards light buses, the Government launched a scheme in 2002 to encourage owners of diesel light buses to switch to those running on cleaner power/fuels like LPG and electricity. The scheme offered incentives and ended in 2005. Given that the Government has not mandated the type of power/fuels used by light buses, light bus owners may, based on their operational needs, choose LPG, diesel, electric or petrol vehicles. As at the end of 2018, nearly 60% of registered light buses ran on LPG, around 40% on diesel, and less than 1% on electricity.

At present, LPG light buses in the local market are all of the same brand. The supplier has indicated earlier that its manufacturer will cease the production of LPG light buses at the end of 2020, and Euro VI diesel light buses under the same brand will be supplied by then to meet the local demand for light buses.
Owing to technology advancement in emission reduction in recent years, Euro VI diesel light buses emit 80% less NOx and 50% less RSP than the current Euro V diesel counterparts and nearly 90% less NOx and 50% less RSP than the current Euro IV diesel counterparts.

My responses to the question raised by Mr CHAN Hak-kan are as follows:

(1) and (2)

The Environmental Protection Department ("EPD") introduced an incentive-cum-regulatory programme in March 2014 to progressively phase out about 82 000 Euro III and before diesel CVs by the end of 2019, which included diesel light buses. So far, the programme has been implemented effectively. It is expected that the programme will be completed by the end of 2019 as scheduled. Also, diesel CVs registered for the first time on 1 February 2014 and after are subject to a statutory service life limit of 15 years to ensure their timely replacement. EPD is planning to introduce the next incentive-cum-regulatory programme to progressively phase out some 40 000 Euro IV diesel CVs (including diesel light bus). We are working out the implementation details (e.g. deadlines and ex-gratia payments) and will consult the trade in due course. As vehicular emission of LPG vehicles is generally lower than that of diesel vehicles, the Government currently has no plan to set the retirement age for LPG light buses and taxis.

Electric vehicles ("EVs") have no tailpipe emissions. Therefore, replacing conventional vehicles, especially CVs, with EVs can help improve roadside air quality.

At present, there are only one electric taxi ("e-taxi") model and two electric light bus ("e-LB") models available in the local market. All are on trial under the Pilot Green Transport Fund ("PGTF"). Results of the existing trials have reflected that high production cost, limited service life and long charging time of batteries, etc. are the key constraints for electric CVs ("e-CVs"), including e-taxis and e-LBs, to become popular. Besides, all the three e-taxis previously on trial under PGTF have been re-registered as private cars after the completion of the trial programme because taxis generally run
almost nonstop in a whole day and under normal operation cannot spare four hours per day for charging. The e-LBs have also experienced similar problems. They, even after a full charge for four hours, can only be driven for a range lower than the daily mileage of a typical public light bus ("PLB"). Therefore, most of the existing e-taxis and e-LBs on trial are yet to be able to cope with the requirements of the local transport sectors in respect of the driving range and charging time of taxis and PLBs.

EPD will continue to keep in view the development of e-taxi and e-LB and encourage suppliers to bring into market more relevant types of vehicles and the transport sectors to make use of PGTF to try them out.

In addition to PGTF, the Government has been waiving the first registration tax of e-CVs (including e-taxis and e-LBs) fully since 1994 until 31 March 2021. Also, starting from 2010, enterprises that procure EVs are allowed to claim full profit tax deduction for the capital expenditure of the vehicle in the first year of procurement. Both initiatives aim to encourage owners to purchase e-CVs, thereby promoting their development.

(3) On the feasibility of installing charging facilities for e-LBs at PLB termini and transport interchanges, EPD has engaged a consultant in March this year to develop a set of technical specifications and requirements of electric PLBs ("e-PLBs") and their charging facilities suitable for use in Hong Kong in order to help promote vehicle manufacturers to design and produce suitable e-PLBs and charging facilities for local use.

Furthermore, the Government is looking for suitable locations to set up public quick charging stations for electric private cars for trial. A quick charger (charger with a power output of at least 50 kW) can provide 50 to 100 km of driving range to electric private cars in 15 to 30 minutes. Should the trial of quick charging stations be successful and there be a suitable e-taxi model meeting local operational needs, we will explore the feasibility of expanding the use of quick charging stations for e-taxi.
The Innovation and Technology Venture Fund

19. **MR CHARLES PETER MOK** (in Chinese): President, 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?

**SECRETARY FOR INNOVATION AND TECHNOLOGY** (in Chinese): President, the Government set up the $2 billion Innovation and Technology Venture Fund ("ITVF") to co-invest with partner venture capital ("VC") funds in local innovation and technology ("I&T") start-ups at an investment ratio of
around 1:2, with a view to encouraging more private investment in local I&T start-ups and building a more vibrant I&T ecosystem in Hong Kong.

Our consolidated reply to the various parts of the question is as follows:

Between September 2017 and January 2018, ITVF publicly invited VC funds to apply as ITVF’s co-investment partners ("CP"). During this period, we received about 30 enquiries and 14 applications from VC funds. We entered into agreement with a total of six VC funds to become CPs in July and August 2018.

We have so far received 9 investment proposals, with proposed investee companies engaging in the following businesses: financial technology (3); e-commerce (3); supply chain management (1); biotechnology (1); and artificial intelligence (1). Assessment of 3 investment proposals have been completed. ITVF has invested about $12 million in two local I&T start-ups which engage respectively in e-commerce and supply chain management. The investment ratios between the ITVF and the CPs concerned were about 1:2. The shareholding ratios involve commercially sensitive information, e.g. company valuations, which is bounded by the confidentiality clauses and cannot be disclosed.

In general, we would notify CPs our investment decisions shortly after consulting the views of the ITVF Advisory Committee ("the Committee") and completing the relevant procedures. The key factors of our consideration include:

- the proposed investee company shall have I&T elements and sufficient business operation in Hong Kong; and

- the business of the proposed investee company shall not be in conflict with government policy or legislation nor involve activities that may bring the Government into disrepute.

The Committee holds meetings on a need basis and handles ITVF-related matters by means of circulation from time to time.
Repair and maintenance costs of slopes/retaining walls within or adjoining subsidized sale housing courts

20. MR ANDREW WAN (in Chinese): President, 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?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to Mr Andrew WAN's question is as follows:

Same as other private properties in general, the Hong Kong Housing Authority ("HA")'s subsidized sale flats ("SSFs") are governed by the Building Management Ordinance, related legislations and regulations, the Government leases ("land leases") and Deeds of Mutual Covenant ("DMCs"). Day-to-day management of these properties are undertaken by the property management companies appointed by the Owners' Corporations ("OCs") pursuant to land leases, DMCs and related ordinances.

According to the requirements under the land leases of the lots where these courts are located and DMCs of these courts, the owners of the lots are responsible for the proper management, maintenance and repair ("M&M") of the common areas and facilities, including roads, slopes/retaining walls (including those within the lot boundaries or adjoining slopes/retaining walls of which lot owners are responsible for as stipulated under the land leases), recreational facilities, building services facilities such as fire services installations, etc. OCs and their property management companies are required to perform the relevant M&M duties on behalf of all owners in accordance with the ordinances, land
leases and DMCs. If HA owns part of the lot, HA has the responsibility to share the M&... expenses of the specified common areas and facilities in accordance with the provisions of DMC.

Same as other private properties, the responsibilities of the owners of the SSF courts (including the slopes/retaining walls that are required to be maintained and repaired inside and outside the lot boundaries of the courts) have been clearly stated in land leases and DMCs. Owners are obliged to understand their responsibilities when purchasing the flats. Therefore, the Government and HA consider it inappropriate to use public fund to subsidies individual owners to repair the related slopes/retaining walls within or adjoining the court boundaries.

Currently, there are 80 SSF courts of which the owners are responsible for the M&M costs of the slopes/retaining walls within or adjoining the boundaries of the courts. The list of these courts is at the Annex.

Annex

SSF Courts with Owners Responsible for
The Maintenance/Repair Costs of Slopes/Retaining Walls

<table>
<thead>
<tr>
<th>Hong Nga Court</th>
<th>Fung Lai Court</th>
<th>Yue Fai Court</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Pak Court</td>
<td>Fung Chuen Court</td>
<td>Yue On Court</td>
</tr>
<tr>
<td>Hong Shui Court</td>
<td>King Lai Court</td>
<td>Lung Hin Court</td>
</tr>
<tr>
<td>Hong Tin Court</td>
<td>King Shan Court</td>
<td>Yu Tung Court</td>
</tr>
<tr>
<td>Hong Wah Court</td>
<td>King Hin Court</td>
<td>Ching Wah Court</td>
</tr>
<tr>
<td>Hong Yat Court</td>
<td>Lung Poon Court</td>
<td>King Tsui Court</td>
</tr>
<tr>
<td>Hong Ying Court</td>
<td>Tak Nga Court</td>
<td>Shan Tsui Court</td>
</tr>
<tr>
<td>Hiu Lai Court</td>
<td>Kam Lung Court</td>
<td>Tung Chun Court</td>
</tr>
<tr>
<td>Shun Chi Court</td>
<td>Kam Ying Court</td>
<td>Tung Hei Court</td>
</tr>
<tr>
<td>Ko Chun Court</td>
<td>Hong Lam Court</td>
<td>Tung Lam Court</td>
</tr>
<tr>
<td>Lei On Court</td>
<td>Ka Tin Court</td>
<td>Tung Shing Court</td>
</tr>
<tr>
<td>On Kay Court</td>
<td>Mei Chung Court</td>
<td>Tung Yan Court</td>
</tr>
<tr>
<td>Tin Ma Court</td>
<td>Kwong Lam Court</td>
<td>Yan Tsui Court</td>
</tr>
<tr>
<td>Tin Wang Court</td>
<td>Sui Wo Court</td>
<td>Yuet Chui Court</td>
</tr>
<tr>
<td>Yau Chui Court</td>
<td>Fung Shing Court</td>
<td>Ching Lai Court</td>
</tr>
<tr>
<td>Fu Keung Court</td>
<td>Kwai Yin Court</td>
<td>Chun Man Court</td>
</tr>
<tr>
<td>Hong Keung Court</td>
<td>Kwai Hong Court</td>
<td>Kwun Fai Court</td>
</tr>
<tr>
<td>Ka Keung Court</td>
<td>Yi Fung Court</td>
<td>Kwun Hei Court</td>
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<tr>
<td>Kingsford Terrace</td>
<td>Ning Fung Court</td>
<td>Tsz On Court</td>
</tr>
<tr>
<td>Lok Nga Court</td>
<td>Tsui Yiu Court</td>
<td>Tsz Oi Court</td>
</tr>
<tr>
<td>Pang Ching Court</td>
<td>Yuet Lai Court</td>
<td>Mei Pak Court</td>
</tr>
<tr>
<td>Po Pui Court</td>
<td>Cheong Shing Court</td>
<td>Choi Hing Court</td>
</tr>
<tr>
<td>Tak Keung Court</td>
<td>Yung Shing Court</td>
<td>Ka Shun Court</td>
</tr>
<tr>
<td>Ying Fuk Court</td>
<td>Hung Fuk Court</td>
<td>Ngan Ho Court</td>
</tr>
<tr>
<td>Choi Fung Court</td>
<td>Ka Lung Court</td>
<td>Ngan Wai Court</td>
</tr>
<tr>
<td>Chun Wah Court</td>
<td>Lung Tak Court</td>
<td>Ping Yan Court</td>
</tr>
<tr>
<td>Cheung Wo Court</td>
<td>San Wai Court</td>
<td></td>
</tr>
</tbody>
</table>

Note:

(1) Subject to the detailed provisions of land leases, DMCs and related documents.

Mobile applications developed by the Government and relevant organizations

21. **MR PAUL TSE** (in Chinese): President, 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:
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;

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;

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;

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;

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;

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

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?

SECRETARY FOR INNOVATION AND TECHNOLOGY (in Chinese): President, after consulting the relevant Policy Bureau/government departments ("B/Ds"), the reply for each part of the question is provided as follows:

(1) and (2)

As of end-April 2019, B/Ds provided a total of 85 mobile applications ("apps") for download by the public. The annual recurrent expenditure and total number of downloads of these mobile apps are set out at Annex 1. Individual B/Ds will, from time to time, collect data on the number of monthly active users and the total number of downloads. The Office of the Government Chief Information Officer ("OGCIO") does not maintain information in this regard.

In addition, relevant government organizations provide a total of 52 mobile apps for download (at Annex 2). We do not have statistics on their annual recurrent expenditure, the number of active users and the total number of downloads.

(3) There are various reasons behind whether the number of downloads of a mobile app is high or low, for example, the target user group can be small in size (such as mobile apps for the visually impaired or overseas investors), or the public can obtain services through other channels (such as departmental websites, etc.). In deciding whether their mobile app should be decommissioned, B/Ds will consider factors such as its download rate, user feedback on the app, whether the mobile app has an ongoing demand, whether the user needs should be met by other mobile apps or e-government websites. In the past two years, B/Ds have decommissioned some outdated mobile apps to save the maintenance expenditures involved.
(4) According to information provided by the Development Bureau, the Energizing Kowloon East Office ("EKEO") of the Development Bureau launched the "My Kowloon East" mobile app to provide a platform for sharing real-time data to promote smart city development. These real-time data include vacant carpark spaces and real-time data collected from the testing of various proof-of-concept projects. As of end-April 2019, the total number of downloads of this mobile app was around 9,600, which may be related to its focused application for the Kowloon East area while its number of downloads surged by 25% in 2018-2019. EKEO will continue to review the app regularly, improve its design and functionality in response to user needs, and further promote its new features to encourage the public to download and use it.

(5) The Water Supplies Department ("WSD") and OGCIO plan to develop new mobile apps in 2019-2020. Details are as follows:

(a) WSD plans to launch the "H2OPE Centre" mobile app in the second quarter of 2019. The H2OPE Centre is a new educational activity centre set up by WSD. The centre will highlight through various interactive games and exhibits educational messages about water resources in Hong Kong as well as saving and conserving water. The mobile app will support the establishment of the H2OPE Centre by providing booking and guided tour functions to facilitate visitors to participate in the Centre's activities.

(b) To tie in with the implementation of "Electronic Identity" ("eID"), OGCIO will launch the eID mobile app in mid-2020 to enable Hong Kong residents to register eID via personal mobile devices. After successful registration, users can use the eID mobile app for identity authentication and conducting online transactions with the Government and commercial organizations.

(6) The amended "Practice Guide for Developing Mobile Apps" published by OGCIO in November 2018 stipulates that B/Ds are required to evaluate the cost-effectiveness of the mobile app; set the
objectives and understand the needs of target user groups before developing an app. They are also required to conduct appropriate publicity to enable target users to understand the objectives and usage of the app. In addition, OGCIO will regularly review the development of mobile apps by B/Ds and, subject to the nature and target user groups of these mobile apps, request B/Ds to consider decommissioning the mobile apps that have been launched for some time but recorded fewer than 10,000 downloads.

(7) B/Ds will set out the service scope, system and app requirements (including functional and security requirements) and the project schedule when awarding contracts for the development of mobile apps. The concerned B/D will also perform testing and acceptance. If the implementation of the project cannot meet the contract requirements, the Government will handle it according to the contract terms, including claims for compensation, etc.

Annex 1

Information of the mobile apps of B/Ds available for download by the public
(as of end-April 2019)

<table>
<thead>
<tr>
<th>B/D</th>
<th>Name</th>
<th>Annual Recurrent Cost (Approximate)</th>
<th>Total Number of Downloads as at 30 April 2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Agriculture, Fisheries and Conservation Department</td>
<td>Country Parks Tree Walks</td>
<td>$54,000</td>
<td>50,000</td>
</tr>
<tr>
<td>2. Agriculture, Fisheries and Conservation Department</td>
<td>Enjoy Hiking</td>
<td>$54,000</td>
<td>394,000</td>
</tr>
<tr>
<td></td>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
</tr>
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</tr>
<tr>
<td>3</td>
<td>Agriculture, Fisheries and Conservation Department</td>
<td>Reef Check Hong Kong</td>
<td>$39,000</td>
</tr>
<tr>
<td>4</td>
<td>Buildings Department</td>
<td>Quick Guide for MBIS/MWIS</td>
<td>$65,000</td>
</tr>
<tr>
<td>5</td>
<td>Buildings Department</td>
<td>Quick Guide for Minor Works</td>
<td>$120,000</td>
</tr>
<tr>
<td>6</td>
<td>Civil Engineering and Development Department</td>
<td>HK Geology</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>7</td>
<td>Civil Service Bureau</td>
<td>Government Vacancies</td>
<td>Included in maintenance cost of other systems. As it is not a stand-alone project, no separate cost breakdown is available.</td>
</tr>
<tr>
<td>8</td>
<td>Companies Registry</td>
<td>CR eFiling</td>
<td>Included in the maintenance cost of the Core System of the Companies Registry. As it is not a stand-alone project, no separate cost breakdown is available.</td>
</tr>
<tr>
<td>9</td>
<td>Constitutional and Mainland Affairs Bureau</td>
<td>A Basic Law Quiz A Day</td>
<td>$77,000</td>
</tr>
<tr>
<td></td>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
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</tr>
<tr>
<td>10.</td>
<td>Correctional Services Department</td>
<td>Hong Kong Correctional Services Department Mobile App</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>11.</td>
<td>Customs and Excise Department</td>
<td>HK Car First Registration Tax</td>
<td>$45,000</td>
</tr>
<tr>
<td>12.</td>
<td>Department of Health (Central Health Education Unit)</td>
<td>CookSmart: EatSmart Recipes</td>
<td>$35,000</td>
</tr>
<tr>
<td>13.</td>
<td>Department of Health (Central Health Education Unit)</td>
<td>EatSmart Restaurant</td>
<td>$16,000</td>
</tr>
<tr>
<td>14.</td>
<td>Department of Health (Central Health Education Unit)</td>
<td>Snack Check</td>
<td>$54,000</td>
</tr>
<tr>
<td>15.</td>
<td>Department of Health (Family Health Service)</td>
<td>Info for Nursing Mum</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>16.</td>
<td>Department of Health (Infection Control Branch)</td>
<td>IMPACT</td>
<td>$38,000</td>
</tr>
<tr>
<td>17.</td>
<td>Department of Health (Primary Care Office)</td>
<td>Framework@PC</td>
<td>$90,000</td>
</tr>
<tr>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
</tr>
<tr>
<td>-----</td>
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<td>---------------------------------------------</td>
</tr>
<tr>
<td>18.</td>
<td>Department of Health (Special Preventive Programme)</td>
<td>1069 Test Finder</td>
<td>$52,000</td>
</tr>
<tr>
<td>19.</td>
<td>Department of Health (Tobacco and Alcohol Control Office)</td>
<td>Quit Smoking App</td>
<td>$107,000</td>
</tr>
<tr>
<td>20.</td>
<td>Development Bureau</td>
<td>My Kowloon East (MyKE)</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>21.</td>
<td>Development Bureau (In collaboration with Construction Industry Council)</td>
<td>Construction Safety App</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>22.</td>
<td>Education Bureau (Applied Learning Section)</td>
<td>ApL</td>
<td>$48,000</td>
</tr>
<tr>
<td>23.</td>
<td>Education Bureau (Assessment and HKEAA Section)</td>
<td>說 話 加 油 站 (Traditional Chinese Version Only)</td>
<td>$209,000</td>
</tr>
<tr>
<td>24.</td>
<td>Education Bureau (Curriculum Resources Section)</td>
<td>ETV App</td>
<td>Maintained together with the related website. As it is not a stand-alone project, no separate breakdown of the expenditure is available.</td>
</tr>
<tr>
<td></td>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
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<tr>
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<td>-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>25.</td>
<td>Education Bureau (Kindergarten Administration Section)</td>
<td>KG Profile</td>
<td>Included in the cost of the entire KG Profile project. As it is not a stand-alone project, no separate breakdown of the expenditure is available.</td>
</tr>
<tr>
<td>26.</td>
<td>Education Bureau (Native-speaking English Teacher (NET) Section)</td>
<td>Reading Town 1</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>27.</td>
<td>Education Bureau (Native-speaking English Teacher (NET) Section)</td>
<td>Reading Town 2</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>28.</td>
<td>Education Bureau (Native-speaking English Teacher (NET) Section)</td>
<td>Reading Town 3</td>
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<tr>
<td>29.</td>
<td>Education Bureau (New Senior Secondary Section)</td>
<td>e-Navigator</td>
<td>$105,000</td>
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<tr>
<td>30.</td>
<td>Education Bureau (Personal, Social and Humanities Education Section)</td>
<td>Basic Law Learning Package</td>
<td>Developed and maintained as a part of the e-book and e-portal project. As it is not a stand-alone project, no separate cost breakdown is available.</td>
</tr>
<tr>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
</tr>
<tr>
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<td>31. Education Bureau (Personal, Social</td>
<td>History Trip Go Easy: Cheung Chau Jiao</td>
<td>Developed and maintained as a part of the e-book and e-portal project. As it is not a stand-alone</td>
<td>8 000</td>
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<tr>
<td>and Humanities Education Section)</td>
<td>Festival</td>
<td>project, no separate cost breakdown is available.</td>
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<tr>
<td>32. Efficiency Office</td>
<td>1823 Online</td>
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<td>25 800</td>
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<td>33. Efficiency Office</td>
<td>Tell me@1823</td>
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<td>182 000</td>
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<td>34. Environmental Protection Department</td>
<td>Hong Kong Air Quality Health Index (AQHI)</td>
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<td>96 000</td>
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<td>35. Environmental Protection Department</td>
<td>Hong Kong T • PARK</td>
<td>$80,000</td>
<td>23 100</td>
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<td></td>
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<td></td>
<td></td>
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<tr>
<td>36. Environmental Protection Department</td>
<td>Waste Less</td>
<td>$110,000</td>
<td>30 500</td>
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<td>37. Fire Services Department</td>
<td>Hong Kong Fire Services Mobile Application</td>
<td>$96,000 (Included 4 Apps: from item 37 to item 40)</td>
<td>57 000</td>
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<td></td>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
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<td>38.</td>
<td>Fire Services Department</td>
<td>Catch time, save life</td>
<td>(Included in item 37)</td>
</tr>
<tr>
<td>39.</td>
<td>Fire Services Department</td>
<td>Live safe, be watchful</td>
<td>(Included in item 37)</td>
</tr>
<tr>
<td>40.</td>
<td>Fire Services Department</td>
<td>Stay Calm &amp; Collected</td>
<td>(Included in item 37)</td>
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<tr>
<td>41.</td>
<td>Food and Environmental Hygiene Department</td>
<td>Food Safety</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td>42.</td>
<td>Food and Environmental Hygiene Department</td>
<td>Nutrition Calculator</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td>43.</td>
<td>Food and Environmental Hygiene Department</td>
<td>Internet Memorial Service</td>
<td>Maintained together with the related website. As it is not a stand-alone project, no separate cost breakdown is available.</td>
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<td>44.</td>
<td>Home Affairs Department</td>
<td>Hong Kong Hotels and Guesthouses</td>
<td>$43,000</td>
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<tr>
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<td>Hong Kong Observatory</td>
<td>MyObservatory</td>
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<tr>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
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<tr>
<td>46.</td>
<td>Hong Kong Observatory</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td>47.</td>
<td>Hong Kong Police Force</td>
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<td>48.</td>
<td>Hongkong Post</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
<td>17 400</td>
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<td>49.</td>
<td>Hongkong Post</td>
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<td>50.</td>
<td>ShopThruPost 2.0</td>
<td>Included in the maintenance cost of the Redevelopment of On-line Shopping Platform Project. As it is not a stand-alone project, no separate cost breakdown is available.</td>
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<td>B/D</td>
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<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
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<td>51. Immigration Department</td>
<td>HK Immigration Department</td>
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<td>52. Information Services Department</td>
<td>news.gov.hk</td>
<td>$40,000</td>
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<td>53. Intellectual Property Department</td>
<td>&quot;No Fakes Pledge&quot; Shop Search</td>
<td>$44,000</td>
<td>51 000</td>
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<tr>
<td>54. Invest Hong Kong</td>
<td>InvestHK News &amp; Events</td>
<td>$24,000</td>
<td>1 000</td>
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<tr>
<td>55. Labour Department</td>
<td>iES</td>
<td>$81,000</td>
<td>980 000</td>
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<tr>
<td>56. Labour Department</td>
<td>Work Safety Alert</td>
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<td>57. Labour Department</td>
<td>Youth Employment Start</td>
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<td>58. Lands Department</td>
<td>MyMapHK</td>
<td>Maintained by deploying internal resources. No additional expenditure was involved.</td>
<td>240 000</td>
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<tr>
<td>59. Lands Department</td>
<td>VoiceMapHK</td>
<td>Maintained by deploying internal resources. No additional expenditure was involved.</td>
<td>6 900</td>
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<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
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<td>60.</td>
<td>Leisure and Cultural Services Department</td>
<td>Bruce Lee: Kung Fu • Art • Life</td>
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<td>53 000</td>
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<td>61.</td>
<td>Leisure and Cultural Services Department</td>
<td>Multimedia Information</td>
<td>Included in the maintenance cost of the Multimedia Information System. As it is not a stand-alone project, no separate breakdown is available.</td>
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<tr>
<td></td>
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<td></td>
<td>44 000</td>
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<td>62.</td>
<td>Leisure and Cultural Services Department</td>
<td>My Library</td>
<td>Included in the recurrent cost of public library services. As it is not a stand-alone project, no separate breakdown is available.</td>
</tr>
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<td>400 000</td>
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<td>63.</td>
<td>Leisure and Cultural Services Department</td>
<td>My URBTIX</td>
<td>Included in the service contract of My URBTIX. As it is not a stand-alone project, no separate cost breakdown is available.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>850 000</td>
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<td>64.</td>
<td>Leisure and Cultural Services Department</td>
<td>Star Hoppers</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td></td>
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<td>B/D</td>
<td>Name</td>
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<td>Total Number of Downloads as at 30 April 2019</td>
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<td>65.</td>
<td>Leisure and Cultural Services Department</td>
<td>iM Guide</td>
<td>Included in the maintenance cost of the Museum Multimedia Information Guide System. As it is not a stand-alone project, no separate breakdown is available.</td>
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<tr>
<td>66.</td>
<td>Marine Department</td>
<td>eSeaGo</td>
<td>Maintenance contract is yet to be arranged. There is no related figure provided by the department at moment.</td>
</tr>
<tr>
<td>67.</td>
<td>Office of the Communications Authority</td>
<td>OFCA Broadband Performance Test</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<tr>
<td>68.</td>
<td>Office of the Government Chief Information Officer</td>
<td>EventHK</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
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<td>69.</td>
<td>Office of the Government Chief Information Officer</td>
<td>GovHK Apps</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<tr>
<td>70.</td>
<td>Office of the Government Chief Information Officer</td>
<td>GovHK Notifications</td>
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<tr>
<td>B/D</td>
<td>Name</td>
<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
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<td>71.</td>
<td>Office of the Government Chief Information Officer</td>
<td>Wi-Fi.HK</td>
<td>$88,000</td>
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<td>72.</td>
<td>Radio Television Hong Kong</td>
<td>Chinese History—the Flourishing Age</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>73.</td>
<td>Radio Television Hong Kong</td>
<td>RTHK Memory</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>74.</td>
<td>Radio Television Hong Kong</td>
<td>RTHK Mine</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
<tr>
<td>75.</td>
<td>Radio Television Hong Kong</td>
<td>RTHK News</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
</tr>
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<td>76.</td>
<td>Radio Television Hong Kong</td>
<td>RTHK On The Go</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td>77.</td>
<td>Radio Television Hong Kong</td>
<td>RTHK Screen</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
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<td>Annual Recurrent Cost (Approximate)</td>
<td>Total Number of Downloads as at 30 April 2019</td>
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<tr>
<td>78. Radio Television Hong Kong</td>
<td>RTHK Vox</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
<td>14 900</td>
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<td>79. Security Bureau</td>
<td>Safeguard HK</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
<td>196 000</td>
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<td>80. Social Welfare Department</td>
<td>Senior Citizen Card Scheme</td>
<td>$25,000</td>
<td>73 000</td>
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<tr>
<td>81. Tourism Commission</td>
<td>A Symphony of Lights</td>
<td>$42,000</td>
<td>18 000</td>
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<tr>
<td>82. Tourism Commission</td>
<td>HK Food Truck</td>
<td>$34,000</td>
<td>41 000</td>
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<tr>
<td>83. Transport Department</td>
<td>HKeMobility</td>
<td>Included in the maintenance cost of other systems. As it is not a stand-alone project, no separate cost breakdown is available.</td>
<td>4 010 000</td>
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<td>84. Water Supplies Department</td>
<td>WSD GA Product Directory</td>
<td>Maintained by deploying internal resources. No additional expenditure is involved.</td>
<td>7 000</td>
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<td>85. Water Supplies Department</td>
<td>WSD Mobile App</td>
<td>$164,000</td>
<td>44 000</td>
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Annex 2

Information of the mobile apps operated by relevant government organizations (as of end-April 2019)

<table>
<thead>
<tr>
<th>Organization</th>
<th>Name</th>
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<tbody>
<tr>
<td>1. Airport Authority</td>
<td>HKG My Flight</td>
</tr>
<tr>
<td>2. Construction Industry Council</td>
<td>Trade Test</td>
</tr>
<tr>
<td>3. Construction Industry Council</td>
<td>Zero Carbon Building</td>
</tr>
<tr>
<td>5. Construction Industry Council</td>
<td>DWDS Quick Guide</td>
</tr>
<tr>
<td>6. Construction Industry Council</td>
<td>easyJob</td>
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<td>7. Construction Industry Council</td>
<td>easyJob (Employer)</td>
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<tr>
<td>8. Consumer Council</td>
<td>The Diesel Price Calculator</td>
</tr>
<tr>
<td>9. Consumer Council</td>
<td>The Oil Price Calculator</td>
</tr>
<tr>
<td>10. Equal Opportunities Commission</td>
<td>EOC mobile application</td>
</tr>
<tr>
<td>11. Home Affairs Department (District Council)</td>
<td>TuenMun BM</td>
</tr>
<tr>
<td>12. Home Affairs Department (District Council)</td>
<td>Tai Po Fun</td>
</tr>
<tr>
<td>13. Home Affairs Department (District Council)</td>
<td>JOY in Yuen Long</td>
</tr>
<tr>
<td>14. Hong Kong Applied Science and Technology Research Institute Company Limited</td>
<td>ASTRI mobile application</td>
</tr>
<tr>
<td>15. Hong Kong Productivity Council</td>
<td>Lab Test One</td>
</tr>
<tr>
<td>16. Hong Kong Productivity Council</td>
<td>SME Biz Easy</td>
</tr>
<tr>
<td>17. Hong Kong Tourism Board</td>
<td>My Hong Kong Guide</td>
</tr>
<tr>
<td>18. Hong Kong Trade Development Council</td>
<td>HKTDC mobile application</td>
</tr>
<tr>
<td>19. Hong Kong Trade Development Council</td>
<td>HKTDC Marketplace</td>
</tr>
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<td>20. Hospital Authority</td>
<td>BookHA</td>
</tr>
<tr>
<td>21. Hospital Authority</td>
<td>Fall Prevention</td>
</tr>
<tr>
<td>22. Hospital Authority</td>
<td>Finding Patient Groups</td>
</tr>
<tr>
<td>23. Hospital Authority</td>
<td>HA Touch</td>
</tr>
<tr>
<td>24. Hospital Authority</td>
<td>減壓情識 (Chinese Version only)</td>
</tr>
<tr>
<td>25. Hospital Authority</td>
<td>PWH easyGo</td>
</tr>
<tr>
<td>Organization</td>
<td>Name</td>
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</tr>
<tr>
<td>26. Hospital Authority</td>
<td>PWH AE Aid</td>
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<td>27. Hospital Authority</td>
<td>TouchMed</td>
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<td>28. Hospital Authority</td>
<td>HApi Journey</td>
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<td>29. Hospital Authority</td>
<td>Stoma Care</td>
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<td>30. Hospital Authority</td>
<td>i-Easy</td>
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<td>31. Hospital Authority</td>
<td>DM Care</td>
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<td>32. Hospital Authority</td>
<td>HK BLOOD</td>
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<td>33. Hospital Authority</td>
<td>Kowloon Hospital Guide</td>
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<td>34. Hospital Authority</td>
<td>Hip Fracture</td>
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<td>35. Housing Department</td>
<td>iHousing</td>
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<td>36. Investor Education Centre</td>
<td>Money Tracker—The Chin Family</td>
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<tr>
<td>37. Mandatory Provident Fund Schemes Authority</td>
<td>MPFA mobile application</td>
</tr>
<tr>
<td>38. Mandatory Provident Fund Schemes Authority</td>
<td>Retirement Planning GPS</td>
</tr>
<tr>
<td>39. Mandatory Provident Fund Schemes Authority</td>
<td>MVP (Most Valuable Player)@Workplace</td>
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<td>40. Mandatory Provident Fund Schemes Authority</td>
<td>MPFA e-Enquiry of Personal Account</td>
</tr>
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<td>41. Vegetable Marketing Organization</td>
<td>Hong Kong Leisure Farms</td>
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<td>42. Vegetable Marketing Organization</td>
<td>Local Fresh</td>
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<tr>
<td>43. Vocational Training Council</td>
<td>CPD</td>
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<td>44. Vocational Training Council</td>
<td>中學生升學必備 App (Chinese version only)</td>
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<tr>
<td>45. Vocational Training Council</td>
<td>V-Network</td>
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<td>46. Vocational Training Council</td>
<td>VTC@HK</td>
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<td>47. Vocational Training Council</td>
<td>VTC@HK IM</td>
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<td>48. Vocational Training Council</td>
<td>Hong Kong Close-up</td>
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<tr>
<td>49. West Kowloon Cultural District Authority</td>
<td>Freespace Challenge!</td>
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<tr>
<td>50. West Kowloon Cultural District Authority</td>
<td>Freespace Happening</td>
</tr>
<tr>
<td>51. West Kowloon Cultural District Authority</td>
<td>M+Sigg Collection</td>
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<tr>
<td>52. Hong Kong Examinations and Assessment Authority</td>
<td>HKDSE mobile application</td>
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MEMBERS' MOTIONS

DEPUTY PRESIDENT (in Cantonese): Members' motions.

Debates on motions with no legislative effect.

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

Members who wish to speak will please press the "Request to speak" button.

I call upon Dr Elizabeth QUAT to speak and move the motion.

Stand-over items: Motions on "Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims" and "Keeping up with technological development and enhancing the protection of people's privacy", and Adjournment motion under Rule 16(4) of the Rules of Procedure (standing over from the meeting of 15 May 2019)

MOTION ON "REPORT OF THE SUBCOMMITTEE TO FOLLOW UP ISSUES RELATING TO THE UNIFIED SCREENING MECHANISM FOR NON-REFOULEMENT CLAIMS"

DR ELIZABETH QUAT (in Cantonese): Deputy President, in my capacity as Chairman of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims ("the Subcommittee"), I move the motion as printed on the Agenda.

The Subcommittee was appointed by the House Committee in October 2016 to follow up issues relating to the unified screening mechanism for non-refoulement claims and give advice. The Subcommittee has held a total of seven meetings during the 12-month working period since the commencement of its work in March 2018, and received views from organizations and individuals at one of these meetings. The deliberations and detailed advice of the
Subcommittee are set out in the report, which has been presented to the House Committee. I will now briefly explain members' deliberations and advice in several major areas.

Members have noted that from the implementation of the unified screening mechanism in March 2014 to the end of November 2018, non-refoulement claims together with torture claims pending screening previously and claims made on other grounds had reached a total of over 23 000 claims, which were all required to be screened by the Immigration Department ("ImmD"), but less than 100 claims had been substantiated. Members generally consider it immensely undesirable that a large number of claimants have to stay in Hong Kong for several years or even longer for a final decision to be made by ImmD on their claims. Members have called on the Administration to introduce measures to expedite the screening of pending cases, such that substantiated claimants can be arranged for resettlement to a third country as early as possible.

Some members have pointed out that claimants make claims only when an average of 15 months have passed since entering Hong Kong, and some claimants abuse the screening procedures by failing to submit claim forms and documents required on time on various grounds, and even failing to attend a screening interview without any reason, so as to delay the time for screening and repatriation. These members consider that the time allowed for filing a claim form should be shortened and the extension application of a claimant who fails to attend an interview of ImmD without a valid reason should be rejected.

However, some members have reservations about this proposal. They are concerned that this proposal will allow claimants no sufficient time to prepare the documents required. These members stress that the Administration should ensure that the rights of claimants are safeguarded and all the claims are screened in accordance with the high standards of fairness as required by the court while enhancing the efficiency of the unified screening mechanism.

Members have noted that ImmD has adopted various measures to expedite the screening of claims, but 95% of rejected claimants will lodge appeals. Some members are worried that when ImmD has expedited the screening of claims, the number of appeals to be handled by the Torture Claims Appeal Board ("TCAB") is expected to increase significantly, and the number of applications for leave to judicial review will also increase correspondingly. Members have also noted
that early this year, the Chief Justice of the Court of Final Appeal had expressed his concern about the impact of the upsurge of such judicial review cases on the Judiciary. In this connection, members urge the Administration and TCAB to maintain close communication with the Judiciary on the manpower and resources requirements, so as to ascertain whether additional resources need to be provided to cope with the upsurge in such cases.

In addition, most members take the view that rejected claimants should be removed from Hong Kong as soon as practicable. Members urge the Administration to step up discussion with governments of major source countries of claimants to ensure early removal of rejected claimants, especially those who are convicted of committing a crime in Hong Kong. Some members have also pointed out that many members of the public are concerned about the impact of claimants on their daily life, and thus strongly urge the Government to consider setting up detention centres to accommodate non-refoulement claimants. They believe that this will simultaneously reduce the incentive for claimants to come to Hong Kong to take up illegal employment, but some other members have strongly opposed to this proposal and consider that the Government should honour its international obligations to safeguard the rights of the claimants.

Some members have also been concerned about whether publicly-funded legal assistance and humanitarian assistance provided to claimants have been abused. These members consider that the Administration should expedite reviewing the existing mechanism, such as considering imposing a cap on publicly-funded legal assistance to ensure the proper use of public funds, and only providing necessary assistance to genuine claimants or claimants whose claims have been substantiated. Members have noted that the Administration is embarking on amending the provisions of the Immigration Ordinance in respect of the screening procedures and other related matters. Most members urge the Administration to expedite its drafting work and present a bill to the Legislative Council as early as possible. In the report the Subcommittee has also given an account of its deliberations in other areas and offered its advice, on which I will not speak again. I urge the Administration to accept the various proposals in the report.

Deputy President, I now speak in my personal capacity. Deputy President, Hong Kong is a diverse society, and Hong Kong people are kind-hearted and willing to lend a helping hand to genuine refugees. In fact, however, the experience over the years has told us that some illegal syndicates
and individuals have brought in bogus refugees to Hong Kong by abusing the loopholes in the unified screening mechanism for non-refoulement claims. These criminal syndicates place advertisements in South Asian countries to recruit people to come to Hong Kong and take up illegal employment for a living or even engage in illegal or criminal activities. Many of the refugees had previously illegally entered Hong Kong from the Mainland, and 51% of them have overstayed in Hong Kong before filing a claim. We have also discovered from the figures and cases that before the arrival of certain refugees in Hong Kong, they can already access to lawyer service. Thus we have ample reason to suspect champerty on the part of certain law firms.

Deputy President, I have followed up this issue since April 2015. We in the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB") are very much concerned about this issue, and we have conducted public opinion surveys and met with the Administration several times. We have put forward various proposals and Mr Holden CHOW once moved a Members' motion debate. Figures in 2015 revealed that around 440 claims were made each month in that year, 5 053 claims were made in the whole year of 2015, and the number of pending cases was 10 922. From 2015 to 2016, we spent some $800 million each year on handling non-refoulement claims, including providing legal assistance and humanitarian assistance, and some $254 million was spent on humanitarian assistance alone.

We found that the problem has aggravated. In 2018, despite the introduction of various measures, an average of 101 claims were still received each month, and a total of 1 216 claims were received that year. As a result of our proposal to increase manpower substantially and the amendment of the law to combat snakeheads at source, the number of pending cases was 546. The number of pending cases in 2019 has dropped from over 10 000 in 2015 to 275. If DAB had not proposed to solve the problem back then, or if we had not rigorously advocated combating bogus refugees, the "bomb" would have been far worse in Hong Kong today. As we have constantly proposed ways to deal with the problem and given advice on amending the law, and the Government has rendered its support, the problem has been progressively rectified. I hope that the problem can eventually be resolved.

We have recently received complaints from many members of the public, saying that they are worried about the deteriorating law and order. Since 2016, over 1 000 cases of serious crimes have been recorded each year, and most of
such crimes are committed by non-refoulement claimants in Hong Kong, including shop theft, serious drugs offences, wounding and serious assault. According to press reports, over 10 000 non-refoulement claimants are staying in Hong Kong, and in most cases, they are related to triad members. Some people have even told me that they have formed their own groups. Crimes involving fighting, killing or turf wars among triad groups are reported from time to time.

Some non-ethnic Chinese born and bred in Hong Kong with their families settling in Hong Kong for generations have complained to me that some non-refoulement claimants holding "going-out passes" have extorted money from them, threatening to harm their relatives back in their hometowns. An Indian jewelry trader was beaten over the head and robbed of his jewelries on the street. Recently, more parents have relayed to us that they are concerned that their children born and bred in Hong Kong may be recruited by such triad groups and engage in illegal activities. We have indeed discovered in certain cases that local young men and South Asian holders of "going-out passes" jointly engage in illegal activities. Members of the public have become gravely concerned and fearful about such cases. Many women have also expressed their concerns, saying that they now require their families to accompany them when they return home at night, an act not required in the past. As such, we believe that law and order problems in Hong Kong are severe.

Over the six financial years from 2014-2015, we have spent some $5.8 billion of public money on handling non-refoulement claims, including providing legal assistance and humanitarian assistance. It is estimated that in the year 2019-2020, nearly $1.3 billion will be spent. Many people hold that we are spending such money for no good reason. The amount of $1.3 billion or so can be spent on providing many social services to help a lot of people, but instead, we are spending the money on people who are mostly bogus refugees, who have no genuine needs but have come to Hong Kong simply to earn a living. Many members of the public hope that the Government will no longer dump money into the sea, and solve such problems as soon as possible.

The number of cases pending screening has dropped from over 10 000 back then to some 200 nowadays. But has the problem been solved? The fact is not so. While the number of cases pending screening is 275, the number of appeals pending a decision of TCAB is 6 281, and the number of cases involving applications for leave to judicial review had increased from the mere 103 in 2015 to some 3 000 in late 2018. Based on the experience of the Government, the majority of appeal cases will be dismissed, but applications for leave to judicial
review will be lodged in over half of such cases dismissed. In other words, the number of applications for leave to judicial review will probably exceed 6,000 in the future. This will place heavy pressure and burden on the Judiciary. There is also a large number of people pending removal. For non-refoulement claimants who are now staying in Hong Kong, and more than 10,000 cases pending screening, pending removal, pending a decision of TCAB and involving applications for leave to judicial review, we still need to spend over $1 billion each year. This places extremely heavy financial pressure on Hong Kong.

DAB has proposed to the Government long ago a number of solutions to address this issue. We have requested the interception of illegal immigrants at source, and the Government has actively responded to us, saying that it has amended the law to combat snakeheads and enhance the deterrent effect, and has conducted many cross-boundary joint operations with good results attained. That said, we have made several proposals, including requiring claimants to make claims within a stipulated period after their arrival in Hong Kong; requiring claimants to submit evidence within a stipulated period; streamlining the application process; and setting a ceiling on publicly-funded legal assistance. The Government has indicated that it will amend the Immigration Ordinance to follow up the issue, but we have not yet received a bill from the Government. We hope that the Government will act expeditiously.

On the other hand, the Castle Peak Bay Immigration Centre ("CIC") is packed with people, as many adult offenders pending removal from Hong Kong are detained there after they are released from prison. However, some of them will nevertheless be released from CIC if it is overloaded. For this reason, we propose that ImmD staff at CIC should be authorized to possess arms and ammunition, and their internal training and flexibility in manpower deployment should be enhanced, so that they will be able to cope with emergencies. People will understand why we propose setting up detention centres if they have seen the overloaded CIC. The setting up of detention centres will further dampen non-refoulement claimants' incentive to come to Hong Kong for making quick money, and hence alleviate the pressure on CIC. The Government has indicated that it would conduct further studies on setting up detention centres or stepping up the detention of non-refoulement claimants who threaten the lives and properties of Hong Kong people. I hope that the Government will introduce a bill as soon as possible. Thank you, Deputy President.

I so submit.
Dr Elizabeth QUAT moved the following motion: (Translation)

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

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr Elizabeth QUAT be passed.

SECRETARY FOR SECURITY (in Cantonese): Deputy President, I am grateful to Dr Elizabeth QUAT for moving the motion today to take note of the Report submitted by the "Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims" ("Subcommittee").

To begin with, the Government would like to take this opportunity to thank the Subcommittee for its work over the past year. Under the leadership of Dr Elizabeth QUAT, Chairman of the Subcommittee, the Subcommittee has held seven meetings, including a public hearing to receive the views of some 40 organizations and individuals. The Subcommittee also visited the Castle Peak Bay Immigration Centre of the Immigration Department ("ImmD") to gain a deeper understanding of the daily operations of the Centre and the challenges met by ImmD in running detention centres.

The Subcommittee's report to the Council has set out various suggestions and valuable input. The Government will consider the report in detail and examine in a practical manner how to thoroughly resolve the problem relating to non-refoulement claims.

Before Members go into a further detailed discussion on the Subcommittee's report, let me recapitulate the background leading to the Government's comprehensive review of the strategy of handling non-refoulement claims and the progress made so far.

Deputy President, the Court of Final Appeal ruled in December 2012 and March 2013 that when repatriating illegal immigrants, the Government must consider whether they would risk being subjected to torture and other inhuman treatment and persecution if returned to their country of origin.
After the two rulings made by the Court of Final Appeal and before the implementation of various measures to reduce the number of non-refoulement claimants from entering Hong Kong (i.e. in the four years between 2013 and 2016), a total of 17,000 non-refoulement claims were received, 44% more than the 12,000-odd torture claims received in the previous two decades. This has not only severely hampered effective immigration control for Hong Kong, but also caused problems relating to social order, public expenditure, and so on.

As a result, the Government launched a comprehensive review of the strategy of handling non-refoulement claims in early 2016, focusing on the following four areas:

(a) Reducing the number of new claims by preventing potential claimants from entering Hong Kong as far as possible;

(b) Expediting the screening procedures for pending claims and appeals and improving the relevant procedures;

(c) Expediting repatriation of claimants whose claims and appeals have been rejected;

(d) Stepping up law enforcement against illegal employment and other related offences in districts, while exploring other possible, legal and effective measures.

The Government has taken two major initiatives to prevent claimants from entering Hong Kong by targeting two major channels for coming to Hong Kong: smuggling via the Mainland and overstaying after a visa-free entry.

First, in February 2016, with support from the Ministry of Public Security of the Central People's Government, the SAR Government rolled out a dedicated programme in collaboration with the provincial security authorities of Guangdong, Guangxi, Yunnan, Xinjiang, etc., to step up enforcement actions against syndicates smuggling illegal immigrants into Hong Kong and strengthen efforts to crack down on illegal immigration activities along the maritime and land borders between Hong Kong and Guangdong. After several joint operations, a number of cross-boundary criminal syndicates were cracked down. Over 150 core syndicate members were arrested in the Mainland and in Hong Kong. Since then, the number of non-ethnic Chinese illegal immigrants arrested
in Hong Kong has dropped significantly by over 80% to 639 in 2018 from its peak at 3,819 in 2015.

The online pre-arrival registration system, introduced in January 2017 by the SAR Government, requires visitors from major source countries of claimants to register online before visiting Hong Kong. The system will perform a risk assessment to ensure that the applicants do not belong to the group most likely to overstay. Those who fail to pass the assessment will need to apply for a visa to enter Hong Kong, and this will enable ImmD to thoroughly analyse the risks of permitting their entry to Hong Kong. Since the implementation of the system, the number of overstayers from these countries has substantially reduced by over 80%.

The above two measures have produced immediate results. In 2018, there were 1,216 non-refoulement claims, representing a substantial 80% decrease from the peak of 5,053 in 2015.

Our next step is to expedite the screening of claims that have emerged following the judgment handed down by the Court of Final Appeal and appeals from rejected claimants.

The screening procedures involve various parts. ImmD and the Torture Claims Appeal Board ("TCAB") need to have adequate resources, an effective publicly-funded legal assistance scheme, a sufficient number of simultaneous interpreters, as well as the claimants' active cooperation in the screening process. The Government has introduced a number of targeted measures to address the bottleneck problems at various points of the screening process.

First, ImmD has deployed additional manpower in a timely manner to handle matters related to non-refoulement claims, tripling from around 100 to nearly 300.

Second, ImmD has created 20 new posts on non-civil service contract terms to provide specialized interpretation and translation services, so as to offer assistance to claimants.

Third, the Government has been discussing with the Duty Lawyer Service with a view to increasing the capacity of publicly-funded legal assistance. Between the end of 2012 and August 2015, the number of claims handled by the
Duty Lawyer Service increased from 8 cases per day to 13 cases per day, but there had been no further increase since then. Consequently, the Government launched a pilot scheme in September 2017 to run in parallel with the Legal Assistance Scheme for Non-refoulement Claims of the Duty Lawyer Service. The number of claims handled daily is thereby increased by 75% to 23.

Fourth, in order to cope with the uncooperative behaviour of some claimants, ImmD has constantly rolled out administrative measures to improve the operational workflow, so as to ensure an efficient process that meets high standards of fairness. With these efforts in place, the time required for handling each claim was reduced by 60% from an average of 25 weeks to 10 weeks.

After the implementation of the above measures, the screening of claims has clearly speeded up. In 2018, ImmD determined over 5 400 claims, representing a nearly 70% increase over 2016. With the sharp decrease in the number of new claims, ImmD has largely completed the screening of almost 12 000 pending claims earlier this year. In other words, newly received claims can now be handled promptly in most cases.

Most claimants who were rejected by ImmD failed to indicate the risks they face upon returning to their country of origin. A large portion of rejected claimants will lodge appeals, resulting in a drastic increase in the number of appeals. In view of this, the Government has been making efforts to identify suitable personnel to join TCAB. In addition to former local judges and magistrates, we have also proactively considered overseas individuals with relevant experience and background as well as experienced legal practitioners. Since mid-2016, the Chief Executive has appointed over 70 new members to TCAB, the size of the Board has thus increased threefold from 28 to nearly 100. At the same time, the Government has all along ensured that there are adequate assistance and support for TCAB, and TCAB has taken various steps to streamline and improve its workflow, so as to enhance its capacity and efficiency in handling appeals. At present, the number of appeals pending handling has started to fall from a peak of over 6 500 last year to the current level of around 5 600. We believe the number of appeals will continue to decrease, with the backlog expected to be cleared in two to three years.

On law enforcement, the Government has been monitoring the situation of crimes committed by non-ethnic Chinese persons (including non-refoulement claimants) and their involvement in triad activities in Hong Kong. The Police
have, in the light of crime trends in various districts, deployed manpower to step up patrol to prevent and combat crimes.

To address the related issues in a focused manner, formulate strategies and coordinate enforcement operations, the Police have set up the Working Group on Non-Ethnic Chinese Involvement in Organized Crime and Triad Activities. At the district level, the Organized Crime and Triad Bureau launched new strategies in 2017 to tackle the problem of non-ethnic Chinese persons committing crimes, with emphasis placed on four aspects, namely training, intelligence gathering and sharing, multi-agency cooperation and enhanced enforcement actions.

In 2018, the numbers of non-ethnic Chinese persons on recognizance arrested for criminal offences has dropped by 25 percentage points over 2017. The Police will continue to, in accordance with the relevant crime trends and operational needs, formulate effective measures and take timely actions.

Last week, the Police cracked down on a human-trafficking syndicate providing one-stop assistance to smuggle illegal immigrants into Hong Kong and arranging illegal jobs for them. The Police arrested 93 persons, including a mastermind and a core member of the syndicate, 26 Vietnamese illegal immigrants and 3 employers. The Police and ImmD will continue their efforts and enforcement actions against illegal workers and their employers. ImmD will continue to strengthen publicity to remind employers to abide by the law.

With efforts in the past few years, the influx of non-refoulement claimants into Hong Kong has been initially brought under control; screening has been completed for a large portion of pending claims; relevant appeal cases will be gradually handled.

However, our task is only half done. The most pressing task at hand is to expedite the repatriation of the claimants whose claims have been rejected.

In 2017 and 2018, ImmD repatriated 2,520 and 2,527 non-refoulement claimants from Hong Kong, representing a 48% increase over 2016. Upon completion of processing of pending appeals by TCAB, it is expected that more rejected claimants will be removed from Hong Kong. ImmD will redeploy a portion of its manpower originally responsible for screening of claims to arrange for early removal of claimants whose claims have been rejected. However, the
Government is still facing many difficulties in repatriation, which must be tackled one by one. We will continue to discuss the issue with major source countries of claimants.

In addition, the Government plans to amend the Immigration Ordinance, with a view to improving the screening procedures and plugging existing loopholes, so as to avoid a rebound in the number of claims and processing time. We are reviewing and analysing the views we have received while the relevant legislation is being drafted, which will be put before this Council as early as possible.

Deputy President, I hope this review and brief account will facilitate an in-depth discussion by Members. The Government will sincerely listen to practical and effective suggestions from Members regarding the strategy of handling non-refoulement claims. I shall give a further reply in due course.

Deputy President, I so submit.

MR TONY TSE (in Cantonese): Deputy President, the unified screening mechanism for non-refoulement claims has been abused since its implementation in 2014, with the number of so-called "refugees" stranded in Hong Kong peaked at nearly 20,000. However, as far as I know, only 0.3% of them were ultimately granted refugee status. In fact, an overwhelming majority of such claimants just want to come and work illegally in Hong Kong for some quick money. They can only be called "economic refugees" at the most. Some people even describe them as "bogus refugees".

Throughout the years, it has cost Hong Kong taxpayers billions of dollars to deal with the bogus refugee problem. Some bogus refugees even engage in illicit activities such as drug trafficking, thefts, affrays, etc. under triad manipulation. Just now, the Secretary also pointed out that the bogus refugee problem poses threats to the law and order of Hong Kong, and some districts are particularly affected. The citizens of Hong Kong, including legal immigrants and non-ethnic Chinese born and bred locally, are also affected. It is necessary for the Government to adopt measures to stop the screening mechanism from being abused, and examine ways to remove expeditiously those bogus refugees who are not genuine victims of torture or political persecution to their country of origin.
As pointed out in the Subcommittee's report and the Secretary's speech just now, with the Government's adoption of various legislative and administrative measures in 2016 which included tightening the immigration control, stepping up the combat against illegal immigration, expediting the screening procedures and increasing relevant penalties, the number of newly arrived non-refoulement claimants has dropped significantly since then. Nevertheless, there are still many claimants currently stranded in Hong Kong, mainly because they have, upon the advice of their fellow countrymen and some self-proclaimed "human right lawyers", kept lodging appeals or even judicial reviews upon rejection of their claims, so as to delay their departures as far as possible.

In light of the problem, the Government has earlier proposed to further amend the Immigration Ordinance with a view to reducing the chances of abusing relevant legal procedures by non-refoulement claimants. I will support this general principle. Certainly, I will also take note of the concerns raised by some members of the legal sector and human right concern groups that the proposed legislative amendment might undermine claimants' protection in respect of legal and human rights.

In my view, a balance should be struck between the two. The unified screening mechanism back then was loosely formulated, leaving much room that could be abused. To a certain extent, while excessive importance might have been given to human rights consideration, factors such as abusive use of the mechanism, law and order, enforcement and overall social livelihood might have been neglected. I hope we can learn a lesson and gain some experience in this respect.

In fact, tightening of refugee policy has been a major trend internationally, especially in some Western countries, including the United States, Europe, Australia, etc., which always speak of human rights, freedom and the rule of law. Ironically, some Hong Kong politicians often speak up for bogus refugees, asking the Government to provide them with sufficient assistance in areas such as housing, health care and even children's education; yet, on the other hand, they ask the Government to impose stringent restrictions on Mainland spouses and relatives of Hong Kong residents coming to Hong Kong for family reunion, claiming that people coming to Hong Kong on One-way Permit will compete with Hong Kong people for public housing, hospital services, school places, etc. Deputy President, I am really perplexed by their acts.
Deputy President, concerning the refugee problem, I have to mention that the United Nations High Commission on Refugees owes Hong Kong a sum of over $1.1 billion. The amount has actually been in arrears for more than 20 years and is still outstanding. I believe the chance of recovering the money is almost zero. Therefore, some Members have recently proposed that the Government should simply write off the amount. However, I personally hold that the Government must insist on recovering the debt, because by doing so, we would at least remind our debtor that Hong Kong, albeit a tiny place, had made tremendous efforts and devoted substantive resources to help refugees.

Deputy President, I so submit.

MR DENNIS KWOK (in Cantonese): Deputy President, it is ironic for a political party with the most cases of fake academic qualifications to speak on the bogus refugee issue; and it is even more ironic for the Secretary, a frequent liar who talks profusely of the so-called moral obligations, to speak on the refugee issue.

Speaking of the refugee problem, when we look at countries around the world, Hong Kong is not unique in confronting a refugee problem, as this problem is also faced by a number of advanced places. As known to all, many European countries have been affected by an influx by millions of refugees in recent years, giving rise to many social and political problems.

Dr Elizabeth QUAT said earlier that the problem of bogus refugees was quite serious in Hong, and that Hong Kong would have been on the verge of succumbing without the efforts made by the Democratic Alliance for the Betterment and Progress of Hong Kong ("DAB"). Indeed, the people of Hong Kong should be "grateful" to DAB for its "good deeds". They have described the refugee problem as rather serious, stating that refugees are all thieves, rapists, murderers and drug traffickers. Since Dr QUAT has joined the subcommittee, has she ever really listened to the views voiced by refugee representatives, or is she willing to listen? I am, of course, not saying that all the 10 000-odd refugees now stranded in Hong Kong meet the definition of refugees set out by the United Nations. It is true that some of them—or even a majority of them—might not meet the definition of refugees, but this does not mean that they are all thieves, triad members, murderers or rapists.
Many refugee organizations have come to my office to seek help. I have contacted and visited them to try to understand their stories. I became acquainted with Our Lives Matter, a group of refugee families stranded in Hong Kong for over a decade. They have children in Hong Kong, and their children are forced to live as refugees, without a chance of getting a job in Hong Kong when they reach adulthood. I believe if you were the parent, you would not opt to stay in Hong Kong as your children would not be able to settle down and lead a normal life. These refugees do not want to return to their homeland where they have to face their true fear. However, due to various reasons, they fail to meet the definition of refugees set forth by the United Nations and are therefore unable to obtain refugee visas, but they are not willing to or dare not return to their countries.

As a matter of fact, they want to leave Hong Kong; they do not want to be stranded here. No one would want to be stranded with their family at a place where they cannot work and live normally for over a decade. Yet, the Hong Kong Government has made no attempt to help them leave the city or to transfer them to other places and countries. In fact, the reason they want to leave Hong Kong is simple: to leave behind the life and shackles of being refugees. We should, on humanitarian grounds, assist them to leave Hong Kong, which is also the best for Hong Kong. If they are, as said by Members belonging to DAB, thieves, triad members and murderers, they should be sent away from Hong Kong; why, then, do we not let them leave but leave them stranded in Hong Kong?

In many cases I have come across, the refugees did not intend to remain in Hong Kong for so long, but the Hong Kong Government's repeated losses in court has attributed to their long stay. Why did the Government lose in court? It was because it had never faced the problem squarely and had never handled the cases based on a high standard of fairness and an approach that had taken into account the human rights of various parties involved.

Frankly speaking, the majority of these 10,000 cases should have been dealt with long ago. Yet, by not handling these cases, the Government was basically muddling through its work and shirking its responsibilities, expecting to get away with it. To its surprise, the case was lost in the Court of Final Appeal for the reason that the Government had not fulfilled its obligations to the international community. Needless to say, it is pointless for us to say to the Government about its obligations to the international community, since it just will
not listen. It talks about the United Nations requirements and standards all the time, but does it take them seriously? Do you think Secretary John LEE understands all these requirements and standards? Is he willing to listen to the voices of the international community? Will he listen to suggestions from the international community? He will not, because he is ignorant of these issues and does not have the courage to listen.

MR WILSON OR (in Cantonese): Deputy President, in the minds of many members of the public, people who make non-refoulement claims are no different to bogus refugees. According to government statistics, between 2014 and 2018, among the non-refoulement claims that were determined by the Immigration Department ("ImmD"), the claimants in 77 cases had their status recognized, representing less than 0.5% of the total. This implies that on average fewer than two (1.6) claimants were recognized as genuine refugees each month in those four years against an average of a few hundred non-refoulement claims lodged each month during the period. This is a solid proof that the mechanism has been frantically abused. The lodging of claims takes a long time and some claimants appeal to the Torture Claims Appeal Board of ImmD or even apply for judicial review. Thus, the processing time will certainly take years. These claimants live in various districts and communities of Hong Kong while waiting for their application results or hearings. Some of them do not abide by the law and disrupt law and order in the local communities. In the face of the numerous people who have abused the screening procedures, I think the Government is duty-bound to resolve today this problem that has plagued Hong Kong society for many years.

Last Monday (20 May), the Oriental Daily reported that a group of South Asians holding "going-out passes" were engaged in street fights in Yuen Long. There were similar incidents in Whampoa, Hung Hom and To Kwa Wan earlier. The crimes committed by these people range from robbery to drug taking, etc. As there are frequent reports on such incidents, they are not isolated cases and this group of people have formed the largest group of recidivists in Hong Kong. I think the Government is duty-bound to properly deal with the problem.

Some colleagues argue that not all claimants are criminals and we should not tar all of them with the same brush. However, I wish to take this chance to point out that among the South Asians, some are indeed bogus refugees and some
are non-ethnic Chinese who have the legal right to stay in Hong Kong. As it is difficult for members of the public to distinguish these people, whenever there are crimes committed by South Asians, people with label them as bogus refugees, which is to a certain extent unfair to those South Asians who have the legal right to stay in Hong Kong. I always say that is a case where one person making mistakes will affect the whole clan. I wish to take this opportunity to tell the Government that the problem should be addressed speedily.

To comply with the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Bill of Human Rights, the Government has spent a tremendous amount of money to provide legal and health care services, as well as humanitarian assistance to claimants. I have roughly estimated that in 2018-2019 alone, the Government spent over $1.4 billion for that purpose, more than half of the $2 billion transitional housing fund proposed in this year's Budget. May I ask the Government: Given the short supply of residential care homes for the elderly, the short supply of manpower in public hospitals and the fact that many people are now living in inadequate housing, will that amount of public money be better spent on those areas than on dealing with the problem of bogus refugees that we are unable to deal with? Besides, we can also avoid the screening mechanism being abused.

Deputy President, in January this year, the Security Bureau consulted the Panel on Security of the Legislative Council on the proposed amendments to the Immigration Ordinance. I think there is an urgency to conduct the amendment exercise, and the Government should expedite the drafting of the relevant bill and submit it to the Legislative Council for scrutiny and endorsement. After reviewing the proposed amendments, I think the Government has made a comprehensive consideration of the screening procedures and the amendments are practical and targeted. I wish to remind the Government once again that it should speed up the screening process to shorten the claimants' waiting time, so that bogus refugees can no longer use stalling tactics to stay in Hong Kong. Deputy President, I hope the Administration will be aware that if all requirements are to be met, the screening procedures must be conducted properly which includes combating the abuse of the mechanism. I hope that the Government will speed up the work in this respect so that the undesirable conditions will no longer arise in our communities.
This chart that I have in hand illustrates how bogus refugees engage in employment through various channels or how they engage in illegal activities. We are gravely concerned about the situation and so are members of the public. It is already inappropriate for bogus refugees to seek illegal employment, and it would be worse if they commit crimes such as robbery and affrays. We do not want to see hazards in law and order of society and Hong Kong being turned into a "refugee city". DAB has therefore put forward many proposals in the past, including intercepting illegal immigrants at source and setting up temporary detention centres or closed camps. I hope the Government will consider these proposals seriously.

As an elected Member from Kowloon East, many people in my constituency have asked me, "Wilson, will the bogus refugees come to our community in Kowloon East some day?" They criticized the Government for its slow action and its lack of courage and commitment to tackle the problem of bogus refugees. I hope that the Secretary will address the problem properly after listening to our views. At present, we can only advise kaifongs to be careful when travelling around and we have also asked them to voice their views to the Government or to Members of various political parties through different channels. As an elected representative in this Council, I am obligated to relay different views of the public, and I hope the Government will, after listening to such views, expeditiously plug the loopholes exploited by the claimants by examining afresh the impacts of various international conventions on Hong Kong, so as to safeguard the daily lives of local residents. Deputy President, I hope that this debate will help the Government further grasp the public opinions and make greater efforts to tackle this problem properly.

Deputy President, I so submit.

DR FERNANDO CHEUNG (in Cantonese): Deputy President, today I have heard many ironic remarks and Mr Dennis KWOK has mentioned some of them just now. Today, we also learnt from the press that two Hong Kong citizens, WONG Toi-yueng and LI Tung-sing, being charged with the offences of riot and incitement, are granted asylum as refugees in Germany. In Germany, if one can prove that he is persecuted because of his nationality, religion, political views or participation in social organizations, he can apply for and be granted asylum. However, Hong Kong will not grant asylum to those who make refugee claims for it has not signed the United Nations Refugee Convention. All we can do is
to allow them to remain in Hong Kong temporarily to lodge applications. Even if they are given refugee status under the relevant mechanisms of the United Nations, they cannot reside permanently in Hong Kong; and Hong Kong will accept no refugees.

Over the years, under the Unified Screening Mechanism for Non-refoulement Claims ("the Screening Mechanism"), only 100-odd claims have been substantiated and some Members thus claim that Hong Kong is faced with a huge refugee problem. However, when compared with the numbers of refugees accepted by countries in Europe and North America, how can we claim to have a huge refugee problem here? Besides such politicians, there is also the medium Oriental Daily which has outshined all others by disproportionately playing up to the issue of bogus refugees. Those politicians then dance to the tune, echoing that there are bogus refugees and the term "bogus refugees" even appears in the papers of the Legislative Council. The international community accepts that if one is persecuted because of his status, religion, political thoughts and participation in social organizations, he should be treated in a humanitarian way if he seeks asylum in another place. However, Hong Kong has regressed to treating all of them as bogus refugees.

Despite the low substantiation rate of the claims, which is lower than 1%, does it follow that all or most claimants in Hong Kong are bogus refugees? According to the research conducted by the Research Office of the Information Services Division of the Legislative Council, the rates of applicants granted asylum are 41% in the United Kingdom and 42% in Germany. As for Australia, the substantiation rates for applicants who enter Australia by air and by sea are 33% and 68% respectively. This information is posted on the web page of the Legislative Council. Why is the substantiation rate in Hong Kong lower than 1%? What has gone wrong? Are all people coming to Hong Kong bogus refugees? Should we label all claimants as bogus refugees if their claims are not substantiated under the Screening Mechanism? When a claim is not substantiated under the Screen Mechanism, does it imply that the claimant has not been persecuted in his country? It may not be so. We cannot thus discriminate against them.

Besides, what treatment do non-refoulement claimants get in Hong Kong? Each month they receive $1,500 for rental allowance, $1,200 for food allowance and children's allowances are halved. All claimants, disregarding their age, are not allowed to work to get an income. Deputy President, the Government
forbids claimants to work and then some people criticize the Government for giving claimants allowances. I have talked to many refugees who have the ability to work. They prefer to work, even if their income level is limited or they have to surrender all their income. They are willing to do so just to be self-reliant. Who wants to leave their home and come to live in Hong Kong where the living standard is so high? Can one rent a unit with $1,500? Can one buy food for a month with $1,200? Children are faced with even bigger problems as they are not accepted by many kindergartens. Even if the children are accepted by schools to receive free education, their parents do not have money to meet their children's education needs. In the face of all these difficulties, they still insist on staying in Hong Kong. Yet, we now propose to legislate to substantially shorten their application time and make it possible to repatriate them while they are applying for judicial review.

Deputy President, I have handled several cases involving children born in Hong Kong and some of them have lived here for more than 10 years since it takes years to complete the screening of claimants' applications. These children have grown up and attended school in Hong Kong. Even though some have outstanding achievements in sports and music and have been invited to participate in competitions abroad, they are not allowed to leave Hong Kong. We claim that we treat them in a humanitarian way, but where is our humanity? Now some pro-establishment Members even propose to set up closed camps and continue to publicize that South Asians are no different to criminals and bogus refugees. I urge pro-establishment Members not to discriminate against them. We must support the refugees from the humanitarian perspective and we should never enact legislation to solve this problem. (The buzzer sounded)

DEPUTY PRESIDENT (in Cantonese): Dr CHEUNG, your speaking time is up.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, first of all, the so-called "bogus refugees" are not genuine refugees as implied by the name. When we talk about torture claimants, we refer to the group of people who may face tortures in their homeland. The so-called "bogus refugees" are those whom we consider that they may possibly abuse our current generous refugee policy or even our legal aid policy. Worse still, certain illegal syndicates exploit the refugee policy to attract some befuddled refugees to come and work illegally in Hong Kong. Therefore, we are now dealing with a social problem, i.e. how to
differentiate, among the numerous claimants, the genuine refugees from the bogus ones. In fact, by allowing so many bogus refugees to sneak into Hong Kong and keep abusing our legal aid system for three to five years, great resentment has been aroused among Hong Kong people, and the scenario just mentioned by fellow Members has also risen i.e. legal immigrants and South Asians in Hong Kong will all be taken as illegal immigrants or bogus refugees. Hence, in today's discussion, we should not smear the Members who request to deal with the problem of bogus refugees.

In fact, the first complaint I received was from a group of Indians doing business in Tsim Sha Tsui. They have lodged their complaints time and again, and have been to the Legislative Council to express their views, claiming that they were truly the main victims of the bogus refugee problem. Given that their business practices and way of living can easily be grasped by their fellow countrymen, many armed robberies had occurred. They got assaulted with neck injuries and were robbed wantonly. Another person seeking my assistance is Ms LAM Wai-lung, who lives in Chungking Mansions, Tsim Sha Tsui. She urged me some six or seven years ago that I should raise this matter at the Legislative Council. She hoped that the residences of torture claimants and torture claim abusers would separate from legitimate residents, because many crimes had happened in Chungking Mansions.

Hence, today we are discussing how to solve the problem. With numerous bogus refugees creating law and order problems, the applications of genuine torture claimants have been delayed for no reason and hence they fail to obtain an identity and lead a normal life in Hong Kong. This is undesirable. I do not bother to talk further about such areas as Whampoa, or Kwai Lam Street in Sham Shui Po, which are badly hit by the problem, as there are already a lot of press reports on such issues. Recently, street robberies happened even in middle-class areas such as Whampoa. I trust the Government must face this problem squarely.

Looking back at the measures launched by the Government over the past few years, I think it is not true that no progress has been made in this regard. Initially, we asked the Government to raise the penalties in the legislation, such that not only Vietnamese "snakeheads" would be sentenced to 14 years of imprisonment. Concerning this issue, I had paid a visit to the Ministry of Foreign Affairs of China. Moreover, given that the oppositionists said that
many bogus refugees came from Guangdong, Mr Jeffrey LAM and I visited the Guangdong Provincial Public Security Department in July 2016. Surprisingly, the Guangdong authorities complained that Hong Kong's policy was so generous that they had to spend over $50 million each year to repatriate tens of thousands of bogus refugees to their places of origin. Certainly, both sides have to join hands to combat the influx of refugees from Guangdong into Hong Kong.

Nevertheless, how is the situation in Hong Kong? All along, I am of the view that the Government has not solved the problem concerning the incentives for bogus refugees to come to Hong Kong. What are the "incentives"? Look at this leaflet given to me by an Indian friend. This leaflet is posted everywhere in India, telling people that they can get some $8,000 and living allowance if they come to Hong Kong. According to this leaflet, Indians can come to Hong Kong under the torture claim regime and then they can engage in illegal employment. Therefore, I always hold that if we want to reduce the number of refugees, we should indeed consider cancelling the policy of issuing "going-out passes". This is the root of the problem because these people can engage in illegal employment after their arrival in Hong Kong. When these people just came to Hong Kong, they might be befuddled and they might be the victims themselves. Some "snakeheads" might ask them to commit crimes in Hong Kong and later, they would probably be killed and dumped into the high seas. There are really such cases. That is not what we want; we just want to reduce the number of refugees and focus on processing cases of those who are likely to be genuine torture claimants.

Therefore, it is actually not true that we cannot consider the option of setting up closed camps. Why? This is because there is the common law Hardial Singh principles, i.e. a person under vetting may only be detained for a period that is reasonable. We know that the Government has signed the United Nations' Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, under which, the Government cannot remove a person if he has lodged a torture claim after arriving in Hong Kong. Some people or foreign domestic helpers lodge torture claims immediately upon dismissal, and denounce their country by saying that they will face torture upon returning to their homeland. This is precisely a case of abusing the system. I hope these people will not get legal assistance in Hong Kong because based on prima facie evidence, they are actually bogus refugees who are telling lies.
Given that the Under Secretary reported just now that the number of claims has decreased significantly, I consider it reasonable to set up closed camps, abolish the "going-out passes" and shorten the processing period for each case to six weeks to two months. I believe the court will also find such arrangements reasonable. Why? That is because at the beginning of this year, the Chief Justice of Hong Kong said the huge number of cases has exerted tremendous pressures on the Court of First Instance, Court of Appeal and Court of Final Appeal; and judges now handling other cases have to handle refugees' claims first. As such a situation has an adverse impact on judicial work, the problem does not solely concern money. Apart from the legal aid system, the judicial system of Hong Kong also has a huge backlog of applications for judicial review on claim cases. In this connection, I think the Government should act boldly and decisively to abolish the "going-out passes", consider afresh the setting up of closed camps, shorten the period of detention and set a time limit for lodging non-refoulement claims, with a view to utterly solving the bogus refugee problem.

Deputy President, I so submit.

MR YIU SI-WING (in Cantonese): Deputy President, Hong Kong is a State Party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and no State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture. The original procedures of the SAR Government had provided sufficient protection to claimants in respect of screening, interview, legal assistance, appeal and judicial review. However, since the Court of Final Appeal upheld the appeal in two cases in 2012, the Hong Kong Immigration Department ("ImmD") has re-introduced a unified screening mechanism of higher standards. Under the new mechanism, in addition to providing basic humanitarian aid and free legal services to the claimants in each case, more onerous and rigorous procedures, as well as multiple appeals and complicated screenings have been incorporated, geared to improving human rights protection and avoiding wrong judgment. This is of course understandable but the mechanism has been exploited by law-breakers. Owing to their abuse of the procedures, the issue of non-refoulement claim cases has been plaguing Hong Kong in recent years.
Since the implementation of the new mechanism in March 2014, the number of non-ethnic Chinese illegal immigrants and the number of persons claiming non-refoulement protection in Hong Kong have soared. The average number of non-ethnic Chinese illegal immigrants was only 840 in each of the previous three years, but the number increased to 3,800 in 2015, which is 2.4 times the number before the implementation of the mechanism. The average number of non-refoulement claim cases increased five times from 1,000 in each of the previous three years to 5,000 in 2015. The Government had spent a lot of public money in this connection and it had put in $5.8 billion within six years from 2014 to the present. From the implementation of the new screening mechanism to late November 2018, the total number of non-refoulement claim cases exceeded 23,000 but refugee status was established in 77 cases, taking up only 0.3%, meaning that there are far more bogus refugees than genuine refugees. The smuggling syndicates has exploited the loophole under the mechanism and recruited claimants by various means. As a result, the problems of bogus refugees, illegal workers, law and order and street sleeping have constantly emerged.

After the Policy Address 2016 proposed to optimize the screening mechanism to plug the loopholes, the Security Bureau immediately launched a series of measures to reduce the chances of abusing the mechanism. I support the Government's measures against the abuse of the mechanism for non-refoulement claims.

I hope the Government will review one of the measures. Since January 2017, ImmD has implemented pre-arrival registration for Indian passport holders. Indian nationals are required to complete pre-arrival registration before they can visit Hong Kong visa-free. When compared with visa-free access to Hong Kong in the past, this will undoubtedly dampen Indian visitors' desire to visit Hong Kong.

According to the figures provided by the Hong Kong Tourism Board ("HKTB"), the Indian market was growing each year from 2013 to 2015 and the growth rate in 2014 even reached 18.7%. After the implementation of pre-arrival registration in 2017, the number of Indian visitors dropped by 18.3% as compared with the preceding year. Although the Government explained that the success rate of pre-arrival registration is very high (more than 90%) and unsuccessful applicants can submit an application for a visa to visit Hong Kong, given the high flexibility in travelling, visitors, especially family visitors, can visit
other places instead. Imagine that if one of the family members fail to get pre-arrival registration approval before departure, this will definitely affect the desire of other members to visit Hong Kong. The same applies to corporate tour groups. If Hong Kong imposes restrictions on visa-free access, corporates may find pre-arrival registration very troublesome and are afraid that some of their employees may not be able to visit Hong Kong, hence they will choose to visit other visa-free places. This practice will somehow affect Hong Kong's competitiveness in the Indian market.

In recent years, the number of inbound overseas visitors has remained low and the emerging Indian market has always been the focus of HKTB's promotion. India's economic development in recent years has been robust, and those who can afford to travel abroad are mostly middle-class people, mainly family visitors. Their spending power is high and one of their favourite tourist spot is the Hong Kong Disneyland. Seeing that young people in India love to read, HKTB invited an Indian author to write a love story in 2014 using Hong Kong as the background. As the novel is very popular in India, HKTB has worked with Indian travel agencies to launch Hong Kong tours using scenes in the novel as the theme. This act has attracted the attention of many Indian nationals. The diversified culture in Hong Kong is also an important factor that attracts Indian visitors. HKTB and the tourism industry have invested a lot of resources in India in the past few years and it is now time for a harvest; yet, the practice of pre-arrival registration does have a considerable impact.

As shown by the recent figures, through multi-pronged measures, the number of non-refoulement claim cases has significantly decreased and the incentives for bogus refugees to come to Hong Kong by exploiting the loopholes have also been further reduced. Nonetheless, the number of inbound Indian visitors has also decreased; fortunately, the rate of decrease is not too high and the rate of decrease in 2018 was only 1.6%. I hope the Government will, in the light of the present trend, review the pre-arrival registration arrangement for Indian visitors in due course, and also consider how to further simplify the procedures to avoid, as far as possible, affecting Indian visitors who are really interested in visiting Hong Kong. As the Indian market has shown signs of recovery, HKTB should also step up promotion to avoid wasting past efforts.

Deputy President, I so submit.
MR AU NOK-HIN (in Cantonese): Deputy President, I have heard the remarks of a few Members but I think that we are basically caught in a deadlock in respect of the issue of non-refoulement claim cases. If we deal with this deadlock using a pro-establishment approach, I believe it will be harder to find a way out.

At a recent Legislative Council Finance Committee meeting, I noticed—I believe Honourable colleagues also noticed—that the Immigration Department ("ImmD") intended to extend a number of supernumerary posts, mainly for dealing with non-refoulement claims. I also asked at the meeting about the latest situation of non-refoulement claim cases. Regarding the arrangements for non-refoulement claims, there are some crucial problems; if we do not tackle the crux of the problems and only persist in labelling claimants as bogus refugees or law-breakers, we will not be able to solve the problems. At the Finance Committee meeting, I asked ImmD of the some 100 established non-refoulement claim cases handled since 2014, how many cases had the claimants been transferred to a third country. After I had repeatedly raised questions, ImmD finally replied that claimants were successfully transferred in only four of the over 100 cases.

The question we have been discussing is that the Hong Kong Government has not signed the United Nations Convention Relating to the Status of Refugees which stipulates that anyone whose eligibility for non-refoulement claims has been established should theoretically be transferred to a third country. I agree that it is most satisfactory if ImmD can transfer these people to a third country expeditiously, so as to avoid having too many refugees in Hong Kong. However, over the years, claimants were successfully transferred in only four of the over 100 cases. What are the difficulties faced by ImmD in transferring refugee cases to the Office of the United Nations High Commissioner for Refugees? How come the number of successful transfer is so small? If this is the case, we have to explore the reasons why the number of successful cases is so small and whether a larger number of claimants can be successfully transferred.

Second, as pointed out by Honourable colleagues, we cannot say that the Government has not made efforts over these few years as the number of non-refoulement claim cases has significantly decreased. Many Members have pointed out that refugees would appeal or apply for judicial review if their applications are rejected, and hence enabling them to stay in Hong Kong pending judicial procedures. If the current problem is that the refugees are staying in Hong Kong for a long time to wait for the judicial procedures, should we consider
expediting the trial proceedings in the judicial system so that cases of manipulating the procedures as claimed by the pro-establishment camp will be handled? However, procedures have actually been set and the international community also has established procedures, requiring the compliance of the Hardial Singh principles and certain thresholds. As such, we should consider from the judicial perspective how to solve the problems while taking into account issues such as resources and mechanisms, instead of proposing to set up a closed camp. The proposal to set up a closed camp violates the Hardial Singh principles which emphasize that a claimant cannot be indefinitely detained in a place because of his non-refoulement claim.

Therefore, I am worried about the current practices of the Security Bureau. For example, it is stated in paragraph 38 of the Subcommittee's report that "The Administration would continue studying the issue, including exploring any lawful, practicable and effective option, and would keep the Legislative Council updated when ready." If Honourable colleagues have kept the matter in view, ImmD created certain posts in 2016 to handle non-refoulement cases and it has recently extended these supernumerary posts. I have asked ImmD about the result of the study but no findings have been revealed so far. Moreover, ImmD indicated that a bill would be introduced in the middle of this year but the bill has yet to be introduced.

In my opinion, the following problems should be tackled by the Government. First, as I said earlier, what difficulties have arisen in transferring non-refoulement claimants to a third country? The Government should try to resolve this problem. Second, what problems have arisen in respect of the judicial procedures and how should such problems be ameliorated? At the Finance Committee meeting, I also asked ImmD whether they had consulted legal professionals in the whole process. For instance, whether they had at least exchanged views with the two law associations and how the screening of non-refoulement cases could be expedited. Nevertheless, it seems that ImmD rarely exchanges views with legal professionals. In this connection, I think the Government can do a better job; otherwise, if the legal profession and even the judiciary have reservation, the problem can hardly be resolved. I also hope that government departments will understand that if there are continuous disputes in court and constant challenges to legal procedures, this may result in a full-scale confrontation and the crux of the problems will not be addressed.
Honourable colleagues can refer to the Court of Final Appeal's judgment in 2014 which confirmed that the Hardial Singh principles applied to Hong Kong. In other words, it has correctly interpreted the principles to be followed in exercising any statutory power of administrative detention. I believe the Government should consider how to solve the problems under this framework instead of considering the setting up of a closed camp or making amendments to the Immigration Ordinance. In the end, if the court ruled that the Government's approach is inappropriate; a few more years may have to be wasted. This is definitely not a satisfactory way to solve the dilemma. I hope the Government can really pinpoint the problems when handling the related matters.

I so submit.

MS YUNG HOI-YAN (in Cantonese): Deputy President, first of all, I declare that I am a Duty Lawyer handling non-refoulement claims. As the Deputy Chairman of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims ("the Subcommittee"), I strongly endorse the proposals put forward by the Subcommittee. Apart from providing appropriate assistance to genuine non-refoulement claimants or claimants whose claims have been substantiated, the Government should continue to monitor the trend of non-refoulement claims and collaborate with the Mainland authorities to combat the smuggling of illegal immigrants into Hong Kong; monitor the impact of the pre-arrival registration requirement on Indian nationals; speed up the screening of pending non-refoulement claims; maintain close communication with the Torture Claims Appeals Board to see if the Board needs additional resources to handle the appeals; maintain close communication with the Judiciary concerning the manpower and resources required to cope with the upsurge in the number of judicial reviews relating to non-refoulement claims; step up negotiation with governments of countries where the majority of claimants come from to ensure early removal of rejected claimants, especially those who are convicted of crimes in Hong Kong; liaise with the United Nations High Commissioner for Refugees on the resettlement arrangements of substantiated claimants; enhance enforcement action against illegal employment of claimants, disseminate information on the legal consequences of employing illegal workers to employers as well as enhance publicity in the claimants'
countries of origin that they are not allowed to take up employment in Hong Kong; and expedite the review of the Pilot Scheme for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants.

Deputy President, in recent years there have been quite a number of media reports on crimes committed by claimants, including suspected illegal employment, robbery, assault and drug trafficking, during their stay in Hong Kong. Consequently, law and order have deteriorated, causing grave concerns among the public.

John LEE, Secretary for Security, said at a meeting of the Fight Crime Committee in August last year that he was extremely concerned about the number of South Asian claimants committing crimes, with 1 300 to 1 500 persons arrested each year on average. According to the statistics provided by the Police, in 2017, 1 542 non-ethnic Chinese persons holding "going-out passes" were arrested for committing criminal offences, i.e. four to five persons were arrested each day on average. These are objective figures and we do not pick on non-ethnic Chinese persons. The number of crimes involving these people, including drug-related offences, wounding and serious assaults, is also on the rise. The Police have formed task forces to gather intelligence and crack down on such crimes committed by non-ethnic Chinese persons. They also identify black spots in various districts and step up inspection in those districts.

As certain claimants are involved in crimes and disrupt social order during their stay in Hong Kong, law enforcement departments should step up actions against such crimes, including enhancing the inspection of black spots and the gathering of intelligence. In order to effectively resolve this problem, I think the Government must tackle the problem at the root by expediting the screening of the claims, studying the reasonable length of detention, and plugging the present loopholes in the screening mechanism that can be exploited by people who are not truly subjected to threats of torture but want to stay in Hong Kong indefinitely by lodging claims, as this would cause delay in providing prompt assistance to those who are genuinely in need of help.

Deputy President, in the past six years since I participated in the Legal Assistance Scheme for Non-refoulement Claimants in 2013, I have followed up many cases and provided legal advice to non-refoulement claimants and
accompanied them to attend screening interviews. I understand and sympathize with their plight, and I hope I can do my best to help all those in need. However, I have also heard and seen many suspected cases involving the abuse of the present screening procedure. For example, some claimants have repeatedly used delaying tactics since the commencement of the procedure by not submitting or delaying the submission of the necessary documents, and not attending the interviews on the pretexts of being unwell, being in poor psychiatric condition, having forgotten the interview time, and so on. For certain cases, the processing time has been delayed for 49 months, that is, the screening procedure has spanned over four years.

Therefore, I agree that the Government should take all feasible measures to expedite the clearing of the backlog, so as to prevent anyone from delaying the screening procedure by various means. In the past two years, the Immigration Department ("ImmD") has effectively expedited the screening of claims. As at the end of 2018, there were only some 540 outstanding cases, a reduction of over 90% from the peak. I have to commend the cooperation of colleagues of ImmD and the proactive assistance of Duty Lawyers, making it possible to attain such a good result. However, let us not forget that there are still 14,450 cases waiting for appeal or 3,100 applications waiting for leave to judicial reviews. How can the process of these cases be sped up?

Of course, ImmD has cleared many backlog cases but how should the appeal procedure be further expedited, and how should the handling of the applications for leave to judicial reviews and other litigation procedures be expedited? I hope that ImmD and the Security Bureau can proactively consider how to resolve this bottleneck problem.

Moreover, according to government statistics, in about 20% of the cases, the claimants only file the claims almost two years after their arrival in Hong Kong and some people do not file the claims until they are about to be deported. That is totally against the original intent of the mechanism. The Government should put in place a corresponding mechanism which requires people to file a claim within a time frame, so as to facilitate the procedures to screen out the claimants who genuinely need help and repatriate substantiated claimants as soon as possible.
Deputy President, the problem of claimants being stranded in Hong Kong has plagued Hong Kong for a long time. The Government must amend the legislation to plug the loopholes and strictly safeguard the system to prevent criminals from taking the opportunity to upset the order in Hong Kong, and to lower the relevant crime rate.

Deputy President, I so submit.

MR CHAN HAK-KAN (in Cantonese): Deputy President, the report of the Subcommittee stated that there is a time lag of 15 months between entering Hong Kong and making claims by torture claimants and 49 days are given for a claimant to complete a claim form. The claimants can also apply for legal aid indefinitely. In the year 2018-2019, we spent $271 million of taxpayers' money in this respect and the amount excluded the living allowances provided to torture claimants. I believe that many grass-roots people in Hong Kong may not be able to enjoy the good benefits that are now provided to bogus refugees.

I believe that most Hong Kong people will not oppose helping genuine refugees but the problem currently facing Hong Kong is that most of the refugees are bogus refugees. They have exploited the tolerance of Hong Kong people and even of Honourable colleagues towards genuine refugees, and regard Hong Kong people as piggy banks. They come to Hong Kong not only to make a living, but also to consume our public resources. Moreover, they have created a lot of law and order issues, posing threats to the property and life of the residents in some districts. I would like to give an example. Last year, 1,150 non-ethnic Chinese persons holding "going-out passes" were arrested for offences including burglary, blackmail and drug offences. If we are benevolent to bogus refugees, we are cruel to Hong Kong people and this Council can definitely not ignore this problem.

I understand that some tasks carried out by the Government might not be thorough enough due to certain legal principles but the Government has put forward certain measures. For instance, the Government has made efforts in respect of the arrival of claimants, immigration control and pre-arrival registration, which can reduce the arrival of bogus refugees to a certain extent. Although we can reduce the number of bogus refugees at source, we fail to deal with the bogus refugees stranded in Hong Kong. As stated by the Government
in the report, the framework of the existing screening procedures has been formulated since 2009, i.e. 10 years ago. How do bogus refugees exploit the existing procedures to stay in Hong Kong? Just like pan-democratic colleagues, they have played the filibustering trick to extend their stay in Hong Kong for more than 10 years. As I said earlier, 49 days are given for a claimant to complete a claim form. This requirement is too lenient and it also reflects that the authorities have turned a blind eye to their filibustering tactics.

Although the report mentioned that these restrictions and practices have been determined after deliberations, the Government has only deliberated on the legal requirements while neglecting the problem on the abuse of financial resources, and it has also failed to resolve the law and order issue. Has the Government only deliberated on the legal requirements? Should it also deliberate on the overall issues of law and order and allocation of public resources arising from bogus refugees? Therefore, the Government has introduced a unified screening mechanism and the Immigration Department estimates that the screening of all the pending non-refoulement claims can be completed by the first half of 2019. Can the problem of bogus refugees be solved after the screening of the claims? No, it cannot. If these people no longer wait for screening, they will wait for appeal, and the number of appeal cases is on the increase. The Government told us that the pending appeal cases would be completed in 2021. This is only the Government's estimate, and I believe that this estimate is too optimistic. As the claimants can, after lodging appeals, apply for judicial review just like what pan-democratic colleagues did before, the whole process can drag on for decades. The claimants will keep stalling and Hong Kong will continue to suffer. Perhaps they have frequently watched the live broadcast of Legislative Council meetings and have thus learnt the tricks of filibustering and judicial review from pan-democratic colleagues.

Deputy President, even though we have criticized the Government, we think that some results have been attained in dealing with the problem of bogus refugees, and we cannot completely deny the efforts of the Security Bureau and the Immigration Department. However, Hong Kong people have tolerated for a long time for bogus refugees have negative impacts on law and order, public resources, the overall image of Hong Kong, and the image of ethnic minorities. The general public cannot differentiate bogus refugees holding "going-out passes" from ethnic minorities who have permanent right of abode or right of abode in Hong Kong. If the public mix them up, it will be unfair to ethnic minorities.
Hence, I hope that the Government will solve the problem of bogus refugees as soon as possible. My office has received some cases requesting for assistance. The parties would like to apply for legal aid because of some legal problems but their applications were rejected due to various restrictions. However, the applications for legal aid by bogus refugees are immediately approved. Is this very unfair to Hong Kong people? Our legal system should help Hong Kong people but not bogus refugees who are messing up Hong Kong. Thank you, Deputy President.

MR LEUNG CHE-CHEUNG (in Cantonese): Deputy President, this is a timely discussion on the Report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims today because the refugee problems have plagued Hong Kong for quite some time. We are greatly concerned and worried about those problems, including law and order in Hong Kong and the public money spent on refugees.

Some pan-democratic Members asked just now how the number of refugees in Hong Kong could be compared with those in European countries and the United States. I find such a comment rather strange. There are wars involving European countries and the United States because the latter keeps provoking conflicts everywhere, which leads to the displacement of large numbers of refugees. Among the refugees, the number of refugees from Africa is especially high. Where do the refugees in Hong Kong come from? According to government statistics, they basically come from countries such as Pakistan, India, Vietnam, Bangladesh, Indonesia and the Philippines. As far as we know, there are no wars in these countries. The reason for their coming to Hong Kong is to get the benefits and that is a great incentive. Therefore, the problem is concerned with Hong Kong’s policy on the handling of refugees and whether refugees find Hong Kong better than other places. If so, more and more refugees will certainly be attracted to come to Hong Kong.

To take care of refugees, the SAR Government had spent some $5.7 billion of public money in the past six years and there are still 14 000 refugees in Hong Kong. Mr CHAN Hak-kan has just pointed out the various tricks of refugees and upon their arrival, the SAR Government needs to take care of their daily living in respect of clothing, food, accommodation and transport. Most of the $5.7 billion had been spent on those four aspects but excluding the amount spent on legal assistance and social work support provided under the Unified Screening
Mechanism for Non-refoulement Claims ("the unified screening mechanism"). If those expenses are also included, the amount will be even bigger. Hence, after this discussion, I hope that the Government will look squarely at this problem and put forward some better solutions immediately.

The unified screening mechanism is better than the previous arrangement, but it still fails to solve the problem. We once suggested the Government to set up refugee camps, but the Government said that the Vietnamese refugee camps set up in the past had resulted in arson and affray. However, I pointed out that the brutish nature of refugees were incited because the refugee camps at that time were closed camps, but it might be feasible this time if open refugee camps are set up. However, the Government still insisted that this could not be done but it did not cite any reasons. It only said that this should not be done and refugees should not be locked up.

Where does the problem lie? There are many refugees in Yuen Long and Tuen Mun because the rural areas are more spacious and rents are lower. That may be the refugees' only choice because their rental allowances are not high. They usually choose to live in squatters, not alone but together more than 10 people. A villager once sought my assistance. This villager had a squatter and another property and he lived in either of them from time to time. But when he returned to his squatter two months later, he found that over 10 refugees were living there. He could not evict them. He tried to ask the Police for help but to no avail because with their refugee status, they were allowed to stay temporarily in Hong Kong. He was at a loss of what to do.

The rural areas in Hong Kong are the paradise for refugees because there are lots of living spaces there, the rents are low and more than 10 people can live together in one premises. Does the Secretary know that there is another advantage in those areas? Refugees can find work in the neighbourhood and they can make money by taking up odd jobs in the village, such as scrapping vehicles. Frankly speaking, because of these incentives, this problem can never be solved.

Another problem caused by refugees is law and order. The situation is better during summer but in winter it gets dark after 5:00 pm. When villagers, especially women, return to the village after work at night, they will very often see refugees gathering at the entrance of the village, talking loudly or some even urinate or defecate casually. Villagers are disgusted by such behaviours and
they are also very worried. That is why many villagers have to accompany their
daughters or wives home after work. This problem has caused great distress to
the villagers.

Secretary, the unified screening mechanism has many advantages but it is
still inadequate. To solve the problem, the Government needs to make greater
efforts, including amending the legislation, or communicating more with other
countries. If the economic problems of refugees can be resolved, it is most
important to solve their problems, rather than allowing them to make money in
Hong Kong. Therefore, I advise the pan-democratic colleagues to stop
sheltering these refugees who had incurred $5.7 billion of our public money in the
past six years. For those who are found to be bogus refugees, we must send
them away. Statistics show that each year only 20% to 30% of these people are
genuine refugees, while the rest are all bogus refugees. Why should we
continue to shelter the bogus refugees and strain Hong Kong's public money?

Deputy President, I so submit.

MR VINCENT CHENG (in Cantonese): Deputy President, in recent years, large
numbers of people who are now commonly known as bogus refugees have come
to Hong Kong and remained here by abusing the non-refoulement claim
mechanism ("claim mechanism"). They not only strain large quantities of social
resources but also disrupt Hong Kong's law and order. More importantly, many
innocent ethnic minorities have become scapegoats. The relation between local
Chinese people and ethnic minorities has become increasingly strained, which is
not desirable. The Government must introduce effective measures to prevent the
abuse of the claim mechanism and put an end to the issue of bogus refugees.

According to the statistics provided by the Immigration Department
("ImmD"), as at the end of last year, ImmD had handled over 22 000
non-refoulement claimants, among whom about 40%, that is, about 9 000, were
repatriated, meaning that 14 000 claimants still remain in Hong Kong. The
reason why these people still remain in Hong Kong is that some of them have
abused the claim mechanism for the obvious purpose of staying in Hong Kong.
The number of applications for leave to judicial review lodged by claimants rose
sharply from 60 in 2016 to 1 000 in 2017 and then close to 3 000 in 2018. Most
outrageously, only one application was granted in 2018, which reflects the serious
abuse of judicial procedures by bogus refugees.
As long as these people stay in Hong Kong, the Government has to provide them with the daily necessities and food. Each of them receives a monthly allowance of about $3,000. If the expenditure on legal assistance is also taken into account, the Government has spent more than $5 billion on handling bogus refugees in the past five years. Apart from incurring large amounts of money, bogus refugees also commit various offences, disrupting law and order in Hong Kong. There is a steady increase in the number of offences committed by claimants, from 600 in 2011 to close to 1,200 in 2015, almost a double in five years. Some claimants have gone missing after making claims. As at the end of January last year, there were about 250 cases in which claimants had absconded or had lost contacts, rendering ImmD unable to process their cases. These persons might have been recruited by criminal syndicates to engage in criminal activities or illegal employment. They are not genuine refugees and all they want is to stay in Hong Kong to make money.

Deputy President, as someone who cares about the ethnic minorities, I must stress that bogus refugees cannot be confused with the ethnic minorities in Hong Kong. In 2016, the non-ethnic Chinese population was 580,000, representing 8% of the total population in Hong Kong, and the majority of them are law-abiding and they are also members of Hong Kong.

Yesterday I visited a school that exclusively accepted ethnic minority students. Many students there studied hard. The teachers told us that these students made great efforts to learn Chinese. They might not be too keen to study other subjects but they were particularly keen to learn Chinese because they were very anxious to integrate into Hong Kong society. Therefore, we hope that the Government will give them appropriate support. Regrettably, owing to the severity of the problem concerning bogus refugees, the ethnic minorities born and bred in Hong Kong are misunderstood, labelled and even discriminated against as they are mistaken as those who disrupt law and order. As the public’s concern over the issue of bogus refugees grows, the ethnic minorities, who are already underprivileged, are in an even more disadvantaged position under the pressure of the public opinion. Not too long ago, an ethnic minority girl was suspected of being indecently assaulted and the perpetrator arrested was someone who had constantly shown concern for the ethnic minorities but the incident did not receive much public attention. I am very worried that this incident will seriously harm the mutual trust between the ethnic minorities and Hong Kong people.
To combat bogus refugees more effectively, DAB has put forward many suggestions to the Government, which have been mentioned by Dr Elizabeth QUAT and other colleagues, and I will not repeat. I just wish to stress two points: first, the Government must step up the cooperation with Mainland authorities to intercept illegal immigrants from the source; and second, it should set restrictions on the claims mechanism, such as requiring claimants to lodge claims and submit evidence in support of torture claims within a reasonable time frame after arriving Hong Kong. This can stop bogus refugees from stalling the screening procedures by various means, thereby preventing a large number of backlogs. Besides, it can also be stated that claimants, who are detained and later convicted of criminal offence, shall be deported after being released from prison. That will dampen the incentives for bogus refugees to come to Hong Kong to make money.

Deputy President, I hope that the SAR Government will expeditiously plug this loophole in the screening mechanism of claims, so as to protect the daily lives of Hong Kong residents and ethnic minorities, return a safe community to the people of Hong Kong, reduce the opportunities for abusing the mechanism, and concentrate the resources on helping those in need.

Deputy President, I so submit.

MR KWOK WAI-KEUNG (in Cantonese): Deputy President, in response to the report of the Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims, the Hong Kong Federation of Trade Unions has the following reply.

First, the Immigration Department ("ImmD") received a total of some 4,900 claims from 2010 to 2013, an average of 102 claims per month. From the introduction of the unified screening mechanism by the Government in 2014 to the end of 2015, ImmD received a total of 9,687 claims, an average of a whopping 440 claims per month. Following the introduction of the comprehensive review by the Government in early 2016, ImmD received an average of 320 claims per month in 2016, an average of 154 claims per month in 2017 and an average of 101 claims per month in 2018.

Many people hold that non-refoulement claimants are bogus refugees who have made their claims not because of political persecution, but rather for seeking employment and making quick money in Hong Kong. And, in order to stay for
a longer period in Hong Kong, many bogus refugees may abuse the legal procedure of Hong Kong, and resort to various reasons to cause delays in judicial proceedings. They have many reasons for delays, including awaiting legal assistance, awaiting legal advice, intentionally requesting different documents from ImmD, and reviewing a judgment handed down by the Court of Final Appeal. These actions may take some six months to one year. Thereafter, bogus refugees may apply for leave to judicial review, and if the court grants leave, a few more years will be required before a formal hearing can be held. Thus bogus refugees can keep staying in Hong Kong.

Figures have reflected the increasingly serious abuse of legal procedure. In the past the ratio of rejected claimants lodging appeals was less than 50%, but now it has risen to nearly 95%. The number of applications for leave to judicial review in relation to non-refoulement claims received by the Court of First Instance of the High Court had increased from 103 in 2015, 60 in 2016 to some 1 000 in 2017. As at December 2018, there were an aggregate of some 3 000 applications for leave to judicial review in relation to non-refoulement claims. This reflects that in order to stay in Hong Kong, more and more bogus refugees seek to manipulate all legal procedures that they can manipulate.

In order to handle non-refoulement claims, the Government had spent a total of some $4.9 billion of public money over the past five financial years. The amount close to $5 billion is not small. If such money had been spent to help those who truly faced persecution, people would consider that the money had to be spent for the sake of justice. However, members of the public are now most disgusted or displeased with or most disapprove of Hong Kong's public money being expended on bogus refugees. These people basically do not have genuine needs; they merely abuse the system of Hong Kong to continue seeking employment and making quick money in Hong Kong and sending money back home. How can we say that the $5 billion or so is not wasted? The $5 billion or so is not a small amount. The additional amount earmarked in the Budget this year for the Hospital Authority to expedite the upgrading and acquisition of medical equipment is only $5 billion. Furthermore, for an annuity plan introduced by the Hong Kong Mortgage Corporation Limited, the total issuance amount is also only $5 billion. Evidently, if the $5 billion or so of public money has been put to proper use, members of the public would have been benefited.

In addition, members of the public are greatly concerned about law and order and people's livelihood problems arising from bogus refugees, particularly
the problem with illegal workers. Bogus refugees who stay in Hong Kong are not permitted to work, but since they have come to Hong Kong mainly for solving their financial problems, they will take every possible means to seek illegal employment clandestinely. For example, last December the Police unveiled a case involving illegal workers, in which seven South Asian men and women pending decisions on their non-refoulement claims were found to be working at a dishwashing facility, and they were all holders of "going-out passes" temporarily permitted to stay in Hong Kong.

There are frequent news reports about the arrest of bogus refugees who take up employment illegally. Most of them undertake kitchen, dishwashing, cleaning, construction, renovation or removal jobs, and they work as casual workers to avoid being pursued by law enforcement agencies. These bogus refugees have received no occupational training, and thus they lack the safety awareness and expertise required for their jobs. In particular, as industrial accidents easily take place when they undertake construction or renovation jobs, they may get wounded or even lose their lives. We do not wish to see all these happen.

Furthermore, as it is illegal for bogus refugees to work in Hong Kong, and their living expenses are already funded by the Government—I am talking about the $5 billion of public money—the salaries they demand are on the low side. Apart from putting a heavier burden on taxpayers, their stay in Hong Kong also affects the livelihoods of local wage earners, as they grab local workers' "rice bowls". As the trade war between China and the United States is imminent, and Hong Kong may encounter an economic downturn at any time, the adverse impacts of bogus refugees taking up employment illegally and grabbing "rice bowls" will be more significant. Either for the sake of bogus refugees' personal safety, or for the sake of local workers' "rice bowls", we hope that the Police and the Labour Department will step up law enforcement and crack down on bogus refugees taking up employment illegally.

In addition, the Government will introduce seven corresponding measures by way of amending the Immigration Ordinance, including setting a time limit for making a claim, permitting removal in cases pending decisions on applications for judicial review, increasing the penalties for employers of illegal workers, preventing bogus refugees from entering Hong Kong, and dealing with delaying tactics. We welcome this move. We hope that the Government will propose
legislative amendments as soon as possible, so as to step up cracking down on bogus refugees, and rectify problems brought by them in terms of illegal workers, law and order, and economics.

I so submit. Thank you, Deputy President.

MR SHIU KA-FAI (in Cantonese): The Liberal Party has long been quite concerned about the issue of bogus refugees. We have all along explained to the Government that most of the so-called refugees are bogus refugees, who abuse the procedure in Hong Kong, abuse the mercy of Hong Kong, and come to Hong Kong to commit crimes in violation of the law. We can see from the figures why we have had such doubts. Based on figures provided by the Government, from the implementation of the unified screening mechanism in March 2014 to 2018, the Immigration Department ("ImmD") received a total of some 16 480 non-refoulement claims. Together with around 2 500 torture claims pending screening previously, and around 4 100 claims on other grounds such as inhuman treatment lodged before the implementation of the mechanism, there are some 23 000 claims requiring ImmD's screening under the mechanism.

The Security Bureau and ImmD have over the year or so substantially increased the provision of resources and almost 20 000 claims or so have been processed. Owing to shortage of manpower in the past, most cases were pending screening. Most of my colleagues have just referred to the outcome of screening, but I would like to further speak on this. Of the 23 100 claims or so, only 77 were substantiated. As the Secretary said just now, there were some 200 claims pending determination by the Government, and rejected claims included some 14 400 claims where appeals were lodged and some 1 100 claims where no appeals were lodged. In addition, some 6 600 claims were withdrawn. Simply put, of the 23 000 claims or so, only 77 were substantiated, and only some 200 were pending determination by the Government. Of such 20 000 claims or so, some 99% involved bogus refugees.

Why do these people stay in Hong Kong for long periods of time? I can only say that many Members of the Legislative Council have been excessively kind-hearted. We should naturally provide assistance to genuine refugees, but if we sympathize with bogus refugees, we will end up attracting many people to Hong Kong.
As far as public finance is concerned, Dr Elizabeth QUAT has said just now that the expenditure in this regard has amounted to $4.9 billion. What can these people do in the future? Hong Kong has a well-established appeal mechanism, and the number of claimants who still stay in Hong Kong is 14,000 or so. If the Torture Claims Appeal Board has rejected their appeals, they need not leave Hong Kong immediately. Rather, they can immediately apply for legal assistance, and further lodge appeals to the Court of First Instance and then the Court of Appeal. If the Court of Appeal has rejected their appeals, they can still appeal to the Court of Final Appeal. Given exorbitant litigation fees, even Hong Kong people will not easily lodge appeals to a court at such a high level. I believe most of these 10,000 people or so will apply for legal assistance, and the costs will be borne by taxpayers.

Dr Fernando CHEUNG is present. I know that Dr CHEUNG is kind-hearted, but I hope he will think thoroughly. We very much agree that we should help the needy, but most of them are not refugees. Not only has a large amount of public money been spent, but our health care system has been overburdened. And the biggest problem is not about money. Dr CHEUNG, will you please tell me how many wounding, indecent assault and robbery cases involving holders of "going-out passes" are reported in newspapers every day?

As several Members have said just now, among all Hong Kong residents there are some 260,000 South Asians, accounting for about 3% of the total population of Hong Kong. Most of them are born and bred in Hong Kong or have immigrated here legally, and they have made great contributions to Hong Kong. However, I have also received phone calls from South Asians telling me that they are concerned about being threatened by holders of "going-out passes" in their vicinity whose physical characteristics are like theirs, or Hong Kong people mistaking them for such people. Why is it that Hong Kong has come to this pass?

We have all along proposed to set up detention camps. If detention camps are set up in Hong Kong, these people will not come to Hong Kong for they will not get any benefit. Among those who have come to Hong Kong, good persons will look for jobs while bad persons will become robbers. If we have set up detention camps, will they still come? Certainly not. They will go to other places and consequently will not affect Hong Kong.
Our mercy has given rise to the situation today. We have spent some $4 billion to $5 billion. As far as our health care system is concerned, we will need to treat them when they are sick in Hong Kong, causing a burden to our health care system. Nowadays, when we see South Asians on the street, we simply do not know whether they are genuine refugees, bogus refugees, or South Asians born and bred in Hong Kong. We are thus in a constant state of fear.

I have all along participated in the relevant Subcommittee. In January this year, we expressed our full support of ImmD’s proposal raised at the Panel on Security to expedite the handling of cases. We hope that ImmD and the Security Bureau will allocate more resources to expeditiously ascertain whether these people are genuine or bogus refugees. I reiterate that we are obliged to help genuine refugees. Hong Kong people are always sympathetic, but we shall not be excessively sympathetic. Excessive sympathy will get us into trouble, and all Hong Kong people will have to pay the price. Finally, I hope that the Bureau will spare no effort in handling the cases expeditiously. Thank you.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak? Mr Charles Peter MOK, please speak.

MR CHARLES PETER MOK (in Cantonese): Deputy President, I did not intend to speak initially, but after hearing so many specious arguments, I cannot remain silent. Pro-establishment Members use the term bogus refugees all the time. Just now Dr Fernando CHEUNG already said that the label was incorrect and highly discriminatory. Deputy President, I have written down the names of pro-establishment Members who have uttered this term, and originally I intended to read out their names, but it is not necessary for me to do so now because every one of them has uttered this term. Local people of South Asian origins are Hong Kong people like us. They are the ethnic minorities but mistaken to be bogus refugees referred to by pro-establishment Members and their image is thus tarnished. According to the argument of pro-establishment Members, almost all non-refoulement claimants have abused the procedures, committed crimes and taken drugs. Law-abiding local ethnic minorities are thus affected. I have no qualms in naming these Members. Mr YIU Si-wing went so far as to say that Indian tourists dare not visit Hong Kong anymore. Earlier, Mr SHIU Ka-fai suggested setting up closed camps; it seems that he wants to turn Hong Kong into a place even more "Xinjiang" than Xinjiang; how could he make such a remark?
However, what is the reality? First, the Government has the responsibility to process non-refoulement claims, but owing to the outdated system and insufficient resources, the processing of claims made by genuine refugees has been delayed. Although I seldom handle such cases, I have interviewed some of these claimants before. The problem is that the Government's system has imposed numerous obstacles for genuine refugees, hence they cannot leave Hong Kong to overseas countries which intend to take them in, and they are described as bogus refugees by pro-establishment Members.

More importantly, some people say that it is sad for local ethnic minorities to be mistaken as bogus refugees; hence we should drive all non-refoulement claimants away. What is the problem here? That is racial discrimination. At present, some politicians and political parties have resorted to dividing the community of Hong Kong and they talk about bogus refugees all the time, which is a very bad label. We have recently noticed from the advertisement of an airline …

(Mr SHIU Ka-fai indicated his wish to raise a point of order)

DEPUTY PRESIDENT (in Cantonese): Mr MOK, please hold on. Mr SHIU Ka-fai, what is your point of order?

MR SHIU KA-FAI (in Cantonese): I would like Mr Charles Peter MOK to elucidate whether he said that we have discriminated against people of different races.

DEPUTY PRESIDENT (in Cantonese): Mr SHIU, you have asked Mr Charles Peter MOK for an elucidation.

MR CHARLES PETER MOK (in Cantonese): If I really think that the speeches of some Members may involve racial discrimination, can't I point it out …

DEPUTY PRESIDENT (in Cantonese): Mr Charles Peter MOK, please hold on. You can choose whether or not to elucidate that point.
MR CHARLES PETER MOK (in Cantonese): … Deputy President, in that case, does it mean that I cannot make any criticism of other Members? What is the rationale?

(Mr SHIU Ka-fai indicated his wish to raise a point of order)

MR CHARLES PETER MOK (in Cantonese): … I have not yet explained why I said that your perspectives were racist …

DEPUTY PRESIDENT (in Cantonese): Mr MOK, please hold on. Mr SHIU Ka-fai, what is your point of order?

MR SHIU KA-FAI (in Cantonese): That is an accusation. Apparently, racial discrimination is against the law of Hong Kong. If we have racially discriminated against others, we have broken the law. Thus, I would like Mr MOK to elucidate whether he has accused us of breaking the law.

(Mr Charles Peter MOK spoke loudly)

DEPUTY PRESIDENT (in Cantonese): Mr Charles Peter MOK, please hold on. You mentioned earlier that some Members might have discriminated against people of different races and Mr SHIU Ka-fai asked you to elucidate on that point. You can choose whether to elucidate or not. Please continue with your speech.

MR CHARLES PETER MOK (in Cantonese): I am continuing with my speech and I shall elucidate that point.

DEPUTY PRESIDENT (in Cantonese): Mr MOK, please continue with your speech.
MR CHARLES PETER MOK (in Cantonese): I will continue with my speech and elucidate that point; and I have not touched on that part yet. Let me repeat, many politicians have resorted to dividing the community; they often mention the term of bogus refugees which is a label. In a recent advertisement of an airline, we saw the slogan of "move beyond labels", which means we should distance ourselves from labels. We should not speak like those people and often mention bogus refugees because that will seriously harm the community of Hong Kong and tarnish our image.

If Hong Kong people and the majority of Chinese people cannot differentiate coloured people from bogus refugees and have mistaken them as the latter, is it the fault of the ethnic minorities or is it the fault of the people who cannot differentiate between the two? It should be the latter. If members of the public say these things to me, I will tell them that they should not treat the ethnic minorities in that way. But, have pro-establishment Members done the same? They continue to indulge in fearmongering, which is a popular term these days. If we notice that some people have discriminatory perspectives, we should tell them that it is not right.

There are real solutions to handle real refugees. The Government should do better, instead of frequently giving the label of bogus refugees. If we base our views on the colour of the skin … if some Hong Kong people cannot differentiate the local ethnic minorities from the others, then they should learn to differentiate. Thus, it is totally unreasonable for pro-establishment Members to put forward such an argument and I hope they will not continue to blame the victims. If they have resorted to dividing Hong Kong to obtain votes, then they have acted more "TRUMP" than TRUMP. Thus, I have spoken although I did not intend to do so.

Many Members have blamed ethnic minorities, be they the so-called "refugees" who make non-refoulement claims or local non-ethnic Chinese, for committing crimes and snatching "rice bowls". Such an approach will only allow discrimination to continue, thus, I ask Members to stop using such remarks and perspectives. If Members really want to solve problems, we Hong Kong people, particularly we Chinese, should first refrain from adopting such perspectives …

(Dr Priscilla LEUNG indicated her wish to raise a point of order)
DEPUTY PRESIDENT (in Cantonese): Mr MOK, please hold on. Dr Priscilla LEUNG, what is your point of order?

(Dr Priscilla LEUNG started raising her point before putting on her microphone)

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG, please put on your microphone.

(Dr Priscilla LEUNG put on her microphone)

DR PRISCILLA LEUNG (in Cantonese): I have been sitting here listening to the speeches of many Members, and I have not heard any Member attack any ethnic minority friends when he or she is speaking on the problem of bogus refugees. Thus, I believe Mr MOK has distorted the contents of the speeches of Members who have spoken earlier and he should give an elucidation.

(Mr Charles Peter MOK spoke loudly)

DEPUTY PRESIDENT (in Cantonese): Dr Priscilla LEUNG, if you wish to elucidate the part of your speech which has been misunderstood, you can wait till Mr Charles Peter MOK has finished his speech.

Mr Charles Peter MOK, Dr Priscilla LEUNG has also requested an elucidation from you on whether you have said that Members of this Council have discriminated against people of ethnic minority origin. You can choose …

(Mr Charles Peter MOK and Mr Dennis KWOK stood up and spoke loudly)

DEPUTY PRESIDENT (in Cantonese): According to the Rules of Procedure, Mr Charles Peter MOK can choose whether to elucidate the point or not. Mr Dennis KWOK, please sit down.

Mr Charles Peter MOK, please continue with your speech.

(Dr Priscilla LEUNG stood up)
DEPUTY PRESIDENT (in Cantonese): Dr Priscilla LEUNG, the point of order raised by you has been dealt with. Please sit down.

DR PRISCILLA LEUNG (in Cantonese): You have not understood the part I have asked him to elucidate. He has distorted the contents of the speech of a Member when he said that some people have mixed up bogus refugees with local ethnic minorities. That is the part I have asked him to elucidate. Deputy President, we can play back the video recording.

(Mr Charles Peter MOK spoke loudly)

DR PRISCILLA LEUNG (in Cantonese): We can play back the video recording …

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG, you have clearly pointed out the issue you have requested Mr Charles Peter MOK to elucidate.

Mr Charles Peter MOK, I have clearly pointed out earlier that Dr Priscilla LEUNG asked you to elucidate whether you have said that Members of this Council discriminate against ethnic minorities. If you have not, you can elucidate that point in your speech. Please continue with your speech.

MR CHARLES PETER MOK (in Cantonese): They have interrupted my speech many times and wasted my time. Do they know that what I have been saying does not only concern whether they have discriminated against people of different races? I have been saying that their arguments have affected local ethnic minorities and caused them to be mistaken as the so-called bogus refugees and made them feel dreadful. This approach perpetuates the racial discrimination perspective which is not correct. The problem lies with people who have adopted such a perspective and not non-refoulement claimants. That is what I have been talking about. If Members do not understand even this point, that is their problem, and that is also a very serious problem in Hong Kong, i.e. why do some people make such remarks? The reason is that they cannot "move beyond labels", and they continue to divide Hong Kong with labels. I do not want to say whether the problem is caused by pro-establishment Members or
any other reason. I do not know why they take such actions: is it because they want to get votes? Is it because it is easy to get votes in this way? They have blamed those people for problems such as crimes. (The buzzer sounded) Do they really think they should take such actions?

**DEPUTY PRESIDENT** (in Cantonese): Mr MOK, your speaking time is up. Please stop speaking.

Does any other Member wish to speak?

(No Member indicated a wish to speak)

**DEPUTY PRESIDENT** (in Cantonese): If not, I will call upon the Under Secretary for Security to speak.

**UNDER SECRETARY FOR SECURITY** (in Cantonese): Deputy President, first of all, I am very grateful to the 15 Members who have spoken in this debate. This fully reflects the continuous concern of the Legislative Council and various sectors of society about the issue of non-refoulement claims.

In fact, there is one thing in common in the motion moved by Dr Elizabeth QUAT, the speeches made by Members and the Report of Subcommittee to Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims ("the Subcommittee's Report") submitted today. People share the common hope that the Government will continue to actively implement all the measures proposed in its comprehensive review. These measures of preventing claimants from entering Hong Kong, expediting the procedures of screening and appeals, removing claimants to their countries of origin as soon as possible and stepping up law enforcement, etc. seek to deal with problems of non-refoulement claims at root in a continuing, comprehensive and decisive manner.

Nine recommendations are made in the Subcommittee's Report, which dovetail with the objectives of the continuing comprehensive review conducted by the Government. The Government will generally accept all the recommendations of the Subcommittee. We will keep reviewing the
effectiveness of the existing measures and make improvements and propose new measures in a timely manner, so that we can respond to the ever changing trends in illegal immigration and non-refoulement claims.

I would hereby respond specifically to the Subcommittee's Report and the speeches of Members.

Deputy President, in the past three years, the Security Bureau and the Ministry of Public Security of China have held five joint working group meetings to continue with the special operations in combating the smuggling of illegal immigrants; keep on reviewing the latest developments and make suitable adjustments where necessary.

Regarding frontline law enforcement, the Organized Crime and Triad Bureau, the Border Police District, the Marine Police and the Immigration Department ("ImmD") have maintained liaison with various law enforcement agencies of the Mainland, and have planned and carried out joint operations of law enforcement in a timely manner to seriously combat all smuggling of illegal immigrants and crime syndicates.

The special operations have produced obvious results. There is a drop of over 80% from the peak in the number of non-ethnic Chinese illegal immigrants arrested in Hong Kong. The Mainland authorities and the Hong Kong Government will continue to conduct special operations to jointly combat illegal entry across the Hong Kong-Guangdong boundary and crack down on criminal activities effectively.

(The President resumed the Chair)

The measure of online pre-arrival registration, introduced specifically for visitors from the major countries of origin of people making non-refoulement claims after arriving at Hong Kong under visa-free arrangement, has been implemented for more than two years. The measure has been operating smoothly and up till now, more than 92% of about 670 000 applicants have successfully registered. The number of these visitors who overstayed in Hong Kong has reduced by 82% and the number of non-refoulement claims filed by
them has also reduced by 79%. Evidently, the measure has successfully prevented the arrival of suspicious visitors without compromising the convenience of real visitors to Hong Kong. ImmD will continue to pay close attention to the situation, maintain liaison with members of various sectors who may be affected and fine-tune the measure where necessary to ensure that the system of pre-arrival registration will continue to operate effectively. Certainly, we will consider Members' proposals in this regard and continue to review the situation.

President, regarding screening of claims, as I said in my opening speech, ImmD has basically finished processing the backlog of over 10 000 claims. At present, all new claims can basically be processed immediately without having to wait for a long time. Besides, the Government will amend the Immigration Ordinance to expedite screening and plug the loophole of abusing the process; avoid a resurge in the number of claims and processing time; and strengthen the powers of ImmD in law enforcement, removal and detention, with a view to solving the problem of non-refoulement claimants at root in the long term. In this connection, the Government consulted the Panel on Security of the Legislative Council on the legislative amendment proposal in July last year and January this year. We are now carefully considering the opinions of the Panel and the views collected before finalizing the legislative proposal.

In relation to appeals, the Torture Claims Appeal Board ("TCAB") determined nearly 4 000 cases of appeals last year, representing an increase of 42% as compared with 2017 and the number is almost seven times that of 2016. Apart from significantly increasing the membership of TCAB, the Government has, in the past two years, increased the number of posts in the TCAB secretariat from 12 to 36; and continued to increase and enhance ancillary facilities, e.g. increasing the number of hearing facilities from 4 to 15, and introducing a video system to facilitate the processing of appeals lodged by detainees.

As at the end of April 2019, there are over 5 600 cases pending appeal and the number is expected to fall continuously. At present, TCAB can process 4 000 to 5 000 appeal cases each year. We expect the backlog can be cleared in two years at the earliest. The Government will continue to maintain close liaison with TCAB to ensure that adequate resources and ancillary facilities will be provided to achieve the above mentioned targets.
A number of Members have expressed concern about an increasing number of judicial review applications by claimants whose claims and appeals were unsuccessful. The Government has also noted this trend. In fact, the Government has maintained liaison with the Judiciary in the past few years so that it can make early preparations. In January this year, the Chief Justice of the Court of Final Appeal ("the Chief Justice") openly indicated that the significant increase in the number of litigation cases on non-refoulement claims in recent years has given the court a heavy burden. The Chief Justice also said that the Judiciary would discuss with the Department of Justice in exploring the possibility of suitably amending the laws to increase the efficiency of processing such cases.

The Security Bureau will pay close attention to any relevant proposal and continue to explore ways to tackle the problem of some claimants extending their stay in Hong Kong by instituting judicial review proceedings. The relevant government departments will also maintain close liaison with the Judiciary regarding the manpower and resources required to practically meet the surging number of judicial reviews relating to non-refoulement claims.

President, regarding removal of claimants, ImmD needs full cooperation of governments of claimants' countries of origin to provide assistance in respect of travel documents and flight arrangement. In the past three years, the Security Bureau and ImmD have actively discussed with a number of major countries of origin of the claimants on the issue of removal. In particular, we have obtained the collaboration of the Vietnamese Government in implementing a number of measures, including increasing the number of travel documents issued and shortening the waiting period; and assisting Hong Kong in implementing three large-scale removal operations by means of chartered flights. We will continue with the work and maintain close liaison with the other major countries of origin of claimants to seek their support and collaboration.

President, I would like to take this opportunity to reiterate that the 1951 UN Convention relating to the Status of Refugees has never been applicable in Hong Kong. The SAR Government will not determine the refugee status of anyone, nor will it allow people with substantiated non-refoulement claims to stay in Hong Kong permanently. We will continue to urge the United Nations High Commissioner for Refugees ("UNHCR") to make expeditious arrangement for people who are waiting to be resettled in a third country.
The law enforcement agencies have never slackened off in conducting operations to combat illegal employment. During the whole year of 2018, ImmD conducted 720 operations targeting non-ethnic Chinese illegal workers. It arrested 451 non-ethnic Chinese who were illegally employed or involved with immigration offences and 242 local employers. Meanwhile, ImmD has been strengthening its publicity to remind employers that employing a person who is not lawfully employable is a serious criminal offence punishable by immediate imprisonment. The Government will consider ways to strengthen its publicity work on a continuous basis. In addition, the proposal to amend the Immigration Ordinance includes increasing the penalties for employing illegal workers with a view to further enhancing the deterrent effect.

Regarding the Pilot Scheme for Provision of Publicly-funded Legal Assistance for Non-refoulement Claimants ("the Pilot Scheme"), we have commenced a review on the operation of the Pilot Scheme to assess if the operational mode can be more flexible while effectively expediting the processing of claims, etc. The task force responsible for the review is chaired by a retired Registrar of the Court of Final Appeal and comprises representatives of the two legal professional bodies and other members. Our target is to complete the review by the end of this year.

President, a Member thinks that the large backlog of claims in the past years is attributed to a fresh review of cases upon the completion of judicial reviews. This view is incorrect and unsubstantiated. In fact, as at the end of March 2019, of the 21 063 non-refoulement claims received by ImmD, claimants of nearly 80% (i.e. 16 096 cases) of claims have never submitted torture claims or applied to UNHCR for determining their refugee status. A Member criticized that under the unified screening mechanism, only an extremely small number of claims have been substantiated. President, we think that the result has just demonstrated that a great majority of illegal immigrants or overstayers in Hong Kong cannot provide adequate reasons and evidence to substantiate their claims of real risks targeted at them upon their return to their countries of origin. Whether the screening procedure is fair or not is thus irrelevant.

In Hong Kong, almost 90% of non-refoulement claimants came from South Asia and Southeast Asia, whereas asylum seekers in Europe mainly came from the Middle-east or African regions, thus, we cannot make direct comparisons. For example, in 2017, asylum seekers in Germany came from the five major countries of origin of Syria, Iraq, Afghanistan, Eritrea and Iran; whereas most of
the asylum seekers in France came from the five countries of Albania, Afghanistan, Haiti, Sudan and Syria. As the backgrounds of claimants in Europe are totally different from those in Hong Kong, it is meaningless to compare the so-called low substantiation rate of claims in Hong Kong with the substantiation rates in European countries. According to the figures provided by UNHCR in 2017, in Japan, about 80% of asylum seekers came from South Asia and Southeast Asia, the situation of which is similar to that in Hong Kong. According to UNHCR's statistical report in 2017, among 9,755 cases screened in Japan, 64 were substantiated, representing about 0.7%. We think that assessing the fairness of our mechanism on the basis of the number of substantiated cases is putting the cart before the horse.

President, the Government has all along handled issues relating to non-refoulement claims in a proactive, conscientious and pragmatic manner. Over the past year, at meetings of the Subcommittee under the leadership of Dr Elizabeth QUAT and on various other occasions, we have had in-depth exchanges with Members and other stakeholders on different issues and have built a good consensus on various subjects. The recommendations of the Subcommittee will help the Government continue to take forward the all-inclusive review in a better and more comprehensive way.

In handling issues of non-refoulement claims, the key principle adopted all along by the Government and agreed by the Subcommittee is that we must implement effective immigration control at source to reduce the room for abuse under the screening mechanism. In this way, people with real needs for non-refoulement protection can be identified as soon as possible; while those whose claims were unsubstantiated can be expeditiously repatriated to their countries of origin to reduce their impact on law and order, public resources and other areas of Hong Kong in the long term.

Let me thank Members once again for their views and the Subcommittee for its recommendations. I hope that the Government will continue to get the support of the Legislative Council and the general public in its work on non-refoulement claims as well as various enhancement and new measures to be introduced in the future.

President, I so submit.
PRESIDENT (in Cantonese): Dr Elizabeth QUAT, you still have three seconds to reply. Then, the debate will come to a close.

DR ELIZABETH QUAT (in Cantonese): I urge Members to clearly see the fact and support this motion. Thank you, President.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Elizabeth QUAT be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Dr Fernando CHEUNG rose to claim a division.

PRESIDENT (in Cantonese): Dr Fernando CHEUNG has claimed a division. The division bell will ring for five minutes.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr Abraham SHEK, Mr Tommy CHEUNG, Mr Jeffrey LAM, Mr WONG Ting-kwong, Ms Starry LEE, Mr CHAN Kin-por, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr Jimmy NG, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU
Ka-fai, Dr Pierre CHAN, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan and Mr Tony TSE voted for the motion.

Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK and Mr IP Kin-yuen voted against the motion.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mr WONG Kwok-kin, Mrs Regina IP, Mr Paul TSE, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan, Mr Vincent CHENG and Ms CHAN Hoi-yan voted for the motion.

Ms Claudia MO, Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr Andrew WAN, Mr LAM Cheuk-ting, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted against the motion.

THE PRESIDENT announced that among the Members returned by functional constituencies, 31 were present, 24 were in favour of the motion and 6 against it; while among the Members returned by geographical constituencies through direct elections, 27 were present, 17 were in favour of the motion and 10 against it. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion was passed.

PRESIDENT (in Cantonese): Debate on motion with no legislative effect.

Motion on "Keeping up with technological development and enhancing the protection of people's privacy".

Members who wish to speak please press the "Request to speak" button.

I call upon Dr Priscilla LEUNG to speak and move the motion.
MOTION ON "KEEPING UP WITH TECHNOLOGICAL DEVELOPMENT AND ENHANCING THE PROTECTION OF PEOPLE'S PRIVACY"

DR PRISCILLA LEUNG (in Cantonese): President, I move that the motion, as printed on the Agenda, be passed.

Ever since our childhood, we have been warned by elders not to be greedy for small favours or not to believe in having free lunch. This reminds me of an English saying: "Free is not free." Today, almost everyone has an Octopus Card and the Octopus Rewards Programme, which gives reward points, sounds appealing. Yet in 2010, the media revealed that the Octopus Cards Limited had sold users' data without their consent for eight consecutive years since 2002 to gain $44 million, causing a stormy issue in town.

With the advance in technology, our high-tech products are not limited to Octopus Cards but also smart phones installed with free mobile applications such as email, WhatsApp and social media. There are also many other mobile applications available for download from time to time. But do we know that the use of these free platforms has caused many of our valuable personal data falling into the hands of others? For example, it is common for celebrities to post ultrasound images of their babies on Facebook; yet, in overseas countries, some people feel aggrieved when they grow up and request the deletion of these ultrasound images as these images involve their privacy.

Smart phones aside, technological advancement has also brought us the world of big data. Earlier on, my friends told me that they wanted to go to Taipei for vacation, and when they talked to each other over the phone about buying air tickets, some information on relevant flights and hotels soon popped up on their Facebook. They are just ordinary people, neither politicians like us nor government officials. They wonder if they have downloaded some applications which allow some commercial organizations—to give service providers an automatic access to their phone conversation. In the old days, one had to fill out a membership form before his personal data could be obtained by others. Thanks to the Octopus incident in 2012, the Personal Data (Privacy) Ordinance ("the Ordinance") was amended accordingly.
Recently, I have deliberately looked up the Ordinance to find that apart from the major provisions which include the amended sections 35A, 35B, 35C, 35D and 35E, there are also many guidelines, such as the proper use of electors' data by the Registration and Electoral Office ("REO") and the procedures for handling and notification of data leakage incidents. We have guidelines for everything. But how come the numerous guidelines failed to stop the loss of personal data of 3.78 million electors in 2017 (i.e. two years ago)? Not long ago, it was exposed that a Register of Electors containing data of some 8,000 electors also went missing in 2016.

The leakage of Secretary for Justice Elsie LEUNG's medical record was the first known personal data leakage incident. In 2018, a USB flash drive containing data of hundreds of patients of the United Christian Hospital was lost by someone, probably at home or in a taxi. An even more shocking incident was that Cathay Pacific Airways ("Cathay Pacific") leaked the personal data of 9.4 million passengers last year. Being a victim of this data leakage, I got an apology letter from Cathay Pacific asking me if I would accept a one-year Identity Works Global Internet Surveillance service as remedy and compensation. Ridiculously, when I searched the information concerning this service provider, I found that it was also involved in a data leakage of 15 million users three years ago. Isn't it ironic?

Are there similar cases overseas? Last year, Facebook was found to have performed badly in gatekeeping and acquiesced to the excessive collection of users' data by a third party. In this incident, Cambridge Analytica, a British political consulting firm, harvested the personal data of 87 million users through the psychological tests on Facebook. Such data were believed to have been used by the campaign team of Donald TRUMP, the incumbent President of the United States. This incident has of course shocked the world. It is expected that Facebook will be fined US$1.6 billion for breaching the General Data Protection Regulation ("GDPR") of the European Union ("EU") and US$5 billion by the Federal Trade Commission of the United States. The fines will add up to about HK$52.8 billion, close to the fiscal surplus of the SAR Government for the whole of last year.

The aforesaid GDPR is known as the most stringent privacy law on earth right now. It came into effect in May 2018. An offending enterprise may be fined up to 4% of its turnover or €20 million (i.e. about HK$180 million). According to GDPR, the collection of personal data, including name, identity,
location, cookies and IP address, must not be excessive; data subjects should have the right of access and the right to erasure regarding their own data; data users should take the initiative to seek consent from data subjects in collecting personal data, and the relevant statements shall not be hidden in small print. For enterprises outside EU, they shall be bound by GDPR if they collect and control personal data of individuals in EU. Since EU is the third largest trading partner of Hong Kong in 2017, some Hong Kong enterprises have voluntarily followed the requirements of GDPR.

Just now, I said that we should thank the Octopus Cards Limited, and the Personal Data (Privacy) (Amendment) Ordinance 2012 was in some way similar to GDPR. This Ordinance emphasizes much on consent as both sections 35A and 35D prohibit the transfer of personal data to a third party for, among others, direct marketing (direct marketing was the main concern at that time) without the consent of data subjects. Moreover, silence does not mean consent, and data users shall not collect excessive personal data.

In 2017, Benny TAI was suspected of using the data collected from the civil referendum in his "PopVote" programme for his political movement. He was later warned by the Privacy Commissioner for Personal Data ("PCPD") against any further use of such data. In circumstances like this, the Personal Data (Privacy) (Amendment) Ordinance 2012 can offer protection. It provides an "opt-in" and "opt-out" mechanism and requires data subjects, after giving their oral consent, to send a confirmation written in a visible font size to the data user concerned by fax within 14 days; the words in such confirmation must not be small like the terms and conditions of credit cards.

The Personal Data (Privacy) (Amendment) Ordinance 2012, however, fails to deal with the data leakage incidents mentioned earlier. To me, that is unacceptable. Cathay Pacific ended the dispute simply by commissioning a third party to provide some sort of services while the Octopus Cards Limited merely donated some $40 million earned from the sale of customers' data as a remedy. As for the case of REO, Secretary, we really cannot accept that no one should be held accountable for losing the personal data of more than 3.7 million electors. The design of the security system was too bad. Is Hong Kong capable of using high technology? Did REO provide reasonable data protection by saving a large amount of electors' data carelessly in one single computer? Does Hong Kong only appear to be technically advanced on the surface? In 1995, Hong Kong followed the steps of EU and enacted the Ordinance based on
EU's Data Protection Directive. Yet, in the following 20 years or so, users might have fallen victim repeatedly. Are we driving a diesel locomotive on an express rail track? While many advanced technologies may now be used to collect personal data, our security system is simply too backward to meet the challenge.

When it comes to penalty, PCPD is definitely a "toothless tiger". GDPR requires notification of a data breach be made no later than 72 hours after the breach is known. Notification to the affected data subjects is also required if the data breach is likely to result in a high risk to their rights and freedoms. Apart from setting a time frame for notification, GDPR also requires the notification to specify the nature of the incident, the likely consequences, the categories and number of personal data records concerned, the remedies to be taken, etc. Failure to make timely notification shall be subject to a fine up to €10 million or 4% of the enterprise's total worldwide annual turnover, whichever is higher. Hong Kong should catch up in this respect.

At present, we need to catch up not only in terms of laws but also … I had been to Hangzhou and Shanghai, and I saw massive personal data being collected by different enterprises through the use of artificial intelligence ("AI"), the Skynet, and so on. Given that huge enterprises have countless personal data in hand, in case Google, AlphaGo, IBM, Alibaba or other enterprises harvest personal data around the globe through online shopping platforms, AI computers and robots, the problems so caused may go beyond the reach of laws. As things are still under control for the moment, we should be forward-looking. Hong Kong, which is well-known for the rule of law, should proactively and expeditiously amend its laws to address the issues of personal rights and social ethics in the AI world.

My proposal today is made up of four points: firstly, to amend the Ordinance expeditiously by drawing reference from GDPR as far as possible to require data users (including the Government and public and private organizations) to give notifications for any data leakage incidents within a specified and reasonable time frame and raise the penalty; secondly, to confer on PCPD the power to exercise administrative penalties (such as fines); thirdly, to inject substantial resources for government departments and public and private organizations to enhance their security capability, or else they cannot guard against data theft aided by high technologies; fourthly, to enhance public education. As I said earlier, people may have to consider the privacy of unborn babies. Nevertheless, considering the love of parents for their children, I do not
think it is time to legislate for this issue. We should, however, teach members of the public to respect the privacy of children under 18 as they have privacy rights over things like their ultrasound images before birth. Their privacy should be respected.

Lastly, I would like to thank the Members who propose amendments today. From the perspective of broad principles, I will certainly support their amendments which are meant to perfect my motion. However, noting that Mr Alvin YEUNG has mentioned in his amendment the Interception of Communications and Surveillance Ordinance ("ICSO"), I urge him not to digress too much from the subject but focus on how to improve the Ordinance in his speech. I will wait and see if he will mainly speak on ICSO or the Ordinance. Yet, considering the broad principles, I call on different political parties to put away their diverse views and support my original motion and its amendments.

President, I so submit.

Dr Priscilla LEUNG moved the following motion: (Translation)

"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."

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Dr Priscilla LEUNG be passed.

PRESIDENT (in Cantonese): Three Members will move amendments to this motion. This Council will conduct a joint debate on the motion and the amendments.

I will call upon Members who will move the amendments to speak in the following order: Mr Alvin YEUNG, Mr Charles Peter MOK and Dr Elizabeth QUAT, but they may not move the amendments at this stage.

MR ALVIN YEUNG (in Cantonese): President, first of all, I would like to thank Dr Priscilla LEUNG for moving this motion. This motion is mainly about how the Government should enhance protection for the privacy of members of the public and my amendment is mainly about the Interception of Communications and Surveillance Ordinance ("ICSO"). Just now Dr LEUNG was worried that I
would digress from the subject. I am going to explain slowly why privacy is directly related to ICSO.

President, the amendments to ICSO were passed in 2016, which are more recent than the amendments to the Personal Data (Privacy) Ordinance passed in 2012. Is it that an ordinance that has more recently been amended has no problem at all? Although I was not a Legislative Council Member at that time, I was also aware that the amendment to ICSO in 2016 aroused a lot of controversies. At that time, democratic Members and community groups proposed a large number of amendments, the main focus was that instant messaging software had become one of the major communication tools of the public with technological advancement, but the Government had not, during the amendment, considered including the software in ICSO or formulating any guidelines. I am going to talk about this point from another perspective, so as to help Honourable colleagues consider whether this loophole should be plugged.

President, I always wonder when and on what grounds the Government will propose to amend an ordinance. Let us take the Fugitive Offenders Ordinance which is now the talk of the town as an example. The Government has put forward the arguments concerning righteousness and loophole, thinking that there are strong justifications for amending the said Ordinance. Can we consider other ordinances using the same yardstick? President, there are many ordinances in Hong Kong with certain provisions being outdated and failing to catch up with the changes of the times. What criteria does the SAR Government adopt to determine the priority of legislative amendment? Can these ordinances be amended only after the community has reached a consensus? Let me once again cite the Fugitive Offenders Ordinance as an example. Why should this Ordinance have priority over other ordinances? Obviously, the community has not reached a consensus on the Fugitive Offenders Ordinance but other ordinances can only be amended in the Legislative Council after a consensus has been reached.

President, the Fugitive Offenders Ordinance is a very obvious example but ICSO also needs to be amended because the amendments in the past failed to catch up with the changes of the times. I will slowly elaborate further later. The Personal Data (Privacy) Ordinance mentioned by Dr Priscilla LEUNG involves the leakage of personal privacy of millions of people. All people are impacted, from social celebrities to the general public, and nobody will be spared. ICSO has widespread implications; is there no urgency at all? The Government
absolutely has the responsibility to give due consideration. Another point is that the typhoon season is approaching, and the private bill I have proposed about the state of disaster is also urgent for it highlights the impacts of natural disasters or man-made disasters on society. However, it seems that the SAR Government turns a blind eye to the laws or opinions that are directly related to individuals and have significant impacts on the community. Therefore, we want to know what criteria the SAR Government adopts in amending the ordinances.

President, I will definitely not discuss the impacts of the Fugitive Offenders Ordinance on the community and whether many people will go to the streets at 3 pm on 9 June. Yet, I would like to point out that when ICSO was amended in 2016, one of the most controversial issues was the definition of "interception" and "communication system". At that time, the SAR Government considered that social media and instant messaging programmes did not meet the definitions concerned. It also stated that law enforcement officers could collect evidence through intercepting "mails being delivered" or "telephone conversations". As regards the instant messaging programmes frequently used by the public, such as WhatsApp, Telegram, and WeChat now installed in all mobile phones, as the transmission process was excessively fast, law enforcement officers could not "intercept" communication during the transmission process. Hence, the Government considered that social media and instant messaging programmes did not meet the definition of "interception". If this is the case, how will law enforcement officers obtain the contents of instant messaging as mentioned above? As it turns out, they will directly request Internet service providers for the communication history of users.

President, the Government pointed out that court warrants are required for directly obtaining user information from Internet service providers. However, the authorization criteria under ICSO are very different from those for court warrant applications. The criteria for obtaining information under ICSO are higher than that for applying for court warrants. In other words, the Government has not expanded the scope of ICSO in the last amendment exercise to cover law enforcement agencies requesting Internet service providers for information sent through instant messaging programmes. This is actually intentionally or objectively allowing law enforcement agencies to obtain information via Internet by easier or relatively easier methods.

President, let us conduct a review: Did we just enter a new technology era in 2016? Obviously not. Was instant messaging software a merging
application at that time? No. Was WhatsApp, Telegram or WeChat a new invention at that time? No. Did people still communicate with physical letters? Of course not. Most Hong Kong people used instant communication software at that time. Why did the Government not cover the relevant scope in the amendment exercise? President, I can only think of two possibilities on a matter of logic. First, the offenders still used letters, telephone calls or even messenger pigeons in committing crimes, so the Police had to intercept criminal information by telephone tapping or simply shooting the pigeons down; second, the Government deliberately left loopholes which allowed law enforcement agencies to arbitrarily obtain communication information of the public without being subjected to the regulation of ICSO.

If law enforcement agencies consider that the major modes of evidence collections are covered by ICSO, i.e. interception of letters and telephone calls is sufficient, how come law enforcement agencies have recently asked Internet companies to provide personal information, have seized and inspected portable computers and Internet servers for collection of evidence? President, figures will not deceive people. According to the figures obtained by Mr Charles Peter MOK each year after raising questions to the Government in the Legislative Council, taking the previous year as an example, there were 3,622 requests made by various government departments for disclosure of information by various information and communication technology companies, among which 3,440 requests were made by the Police for disclosure of information.

President, I cannot help but ask: if the Government does not think that obtaining personal information from Internet companies is an important part of collecting evidence and does not regard such act as "interception", why are there frequent requests for disclosure of information every year? Obviously, amending ICSO in 2016 was simply a trick and the scope required had not been fully covered. Even though ICSO was revised in 2016, it appears today that it is still lagging far behind the times. If Mr Charles Peter MOK has not asked the Government to account for the relevant figures every year, the Government will not have actively disclosed the relevant information because it wants to avoid giving the public an account.

I think that the relevant provisions of ICSO should be amended as soon as possible to cover personal data in electronic communication that may be intercepted. This is an important task for protecting the privacy of the public, which I think is comparable to the review of the Personal Data (Privacy)
Ordinance. In the preamble of her motion, Dr Priscilla LEUNG cited a number of serious incidents relating to leakage of personal privacy and data. For example, in 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, no officials have undertaken responsibility so far; in the leakage of the personal data of 9.4 million passengers by the Cathay Pacific Airways in 2018, the incident was only notified five months later and the airline has not been held accountable. President, I would like to point out that the above example is only one of the most serious examples and there are many other examples. However, we fail to see any practical action taken by the Privacy Commissioner for Personal Data to punish those who made mistakes. Is ICSO useless or not useful enough? Perhaps both are true. I believe it is necessary for the Secretary to play a gatekeeper's role for the privacy of Hong Kong people and to strengthen the deterrent effect of ICSO. The organizations concerned will then be willing to be monitored by ICSO and they will not get away. I so submit.

MR CHARLES PETER MOK (in Cantonese): President, I thank Dr Priscilla LEUNG for moving this motion today, so that we can have a detailed discussion on better protection of people's privacy in Hong Kong amid rapid technological development and widespread use of technology.

The occurrence of large-scale thefts of personal data has become more frequent over the years, affecting more and more people. I am not going to repeat the various cases just mentioned by Dr LEUNG and another Member, but we should note that nowadays, any organizations, big or small, have to face information security risks. For organizations such as government departments, public bodies, large enterprises, small and medium enterprises ("SMEs"), schools, non-governmental organizations, non-profit organizations and hospitals, they have to handle an increasing amount of personal data in their operation. When there are data to handle, there is a risk of theft.

The Personal Data (Privacy) Ordinance ("the Ordinance") in Hong Kong was promulgated before the era of Internet; many of its provisions are hence outdated. The Cathay Pacific incident has actually revealed how serious this problem is. As the penalties imposed by the Ordinance fail to give deterrent effect, and there is neither explicit notification duty nor clear information security standards in the Ordinance, incidents such as the Registration and Electoral
Office's loss of a computer and its subsequent loss of a Register of Electors are often left unaddressed, with no one being held accountable for the losses.

The power conferred by the Ordinance is also very restrictive for the Office of the Privacy Commissioner for Personal Data ("the PCPD's Office") to instigate prosecutions or impose fines. In case of data leakage, all the PCPD's Office can do is to conduct compliance investigations or self-initiated investigations and serve enforcement notices. As a result, the PCPD's Office often fails to address the problems and is dubbed the "toothless tiger". That is what the PCPD's Office can do for a first-time offence. But will there be anyone so stupid as to commit the same offence again? Even if there is such an offender, he will only be fined $50,000.

I totally agree with Dr Priscilla LEUNG's proposal that a notification duty should be imposed expeditiously to replace the existing voluntary notification for data leakage, and the penalty should be raised based on the extent of data leakage. Under the General Data Protection Regulation ("GDPR"), if any data breach is likely to result in a risk to the rights and freedoms of individuals, a notification should be given to the supervisory authority within 72 hours where feasible. Such notification is indeed necessary. Even though SMEs and the business sector may not like this initiative at the beginning, I do not think it is a dead-end problem as they will get used to the change some day. In addition, the Government will issue guidelines and provide education in this regard.

But is that all that we have to do? Drawing reference from the European Union's ("EU") GDPR, which formally took effect in May last year, I would say that it is far from sufficient to simply impose a notification duty for data leakage and raise the penalty if we wish to keep up with technological development as suggested in the motion subject. Technological development is likely to give rise to more privacy issues. That is foreseeable. The development of Internet and technology was completely different today than 10 years ago. EU, after conducting a privacy legislation reform in 2012, passed a new law in 2014 and put it into force since 2018. As for Hong Kong, the last substantial amendment of the Ordinance was made in August 2009, which was 10 year ago. After the passage of GDPR, the regulator of France fined Google €50 million just for failing to obtain user consent for advertisements. It shows how backward Hong Kong is in terms of regulation and penalty. Instead of urging the Government to make piecemeal amendments, I would ask for a comprehensive legislation review to take into account the future technological development so that all our relevant
laws will be amended in one go to align with international standards, thereby enhancing the fairness, transparency and accountability in the collection and use of personal data.

After announcing the Hong Kong Smart City Blueprint, the Government has introduced a number of plans to, among others, launch the electronic identity system by applying biometric authentication and facial recognition technologies and install smart lampposts equipped with cameras. While cameras may be used for a good purpose, it is undeniable that closed-circuit television cameras have been installed almost everywhere in Hong Kong, even inside a car or a shop. The Government has also installed more panoramic cameras at public places. In the Mainland, the 600 million surveillance cameras, coupled with superior facial recognition systems and advanced artificial intelligence ("AI") technologies which are linked with the social credit system, have put all nationals under surveillance as if they were living in the world depicted by the novel *1984*. In the United Kingdom, by contrast, the court is hearing a case in which the police's use of instant facial recognition systems is challenged by members of the public. The law enforcement departments of the United Kingdom may probably be barred from using an instant facial recognition system at will in future. In the long run, we should also look into this issue.

I have proposed in my amendment that we should "[review] the definition of personal data" and "differentiate personal data that are sensitive from those that are not". Information such as race, religion, genetic information, biometric information and political views should be classified as sensitive personal data. In fact, these proposals were once discussed in 2009; just that they were not followed up after discussion.

Electronic payment, online shopping and social media have already become part of our life. Meanwhile, mobile phone applications and operating systems can detect user location at any time; smart bracelets and watches will also record our whereabouts and keep generating personal data. Yet, do members of the public know how their personal data will be used before clicking the "Agree" button? I have therefore proposed in my amendment that we should "[require] data controllers to explain their privacy policy in the most direct and easy-to-understand way, and to obtain the freely given and explicit consent of data subjects" before they are allowed to use relevant data.
Individual digital footprints may seem insignificant but if they are put together to form big data, they can be analysed with the aid of deep learning technologies, AI, and so on, for an easy identification of a person through the description of appearance, habits, social network, etc. This is what we call "profiling".

Nowadays, an increasing number of companies are using AI in service provision. For example, AI can be used for vetting loan applications, providing virtual bank services, handling resumes and dealing with government welfare applications. Human decisions are now handed over to algorithms. However, AI cannot explain its decisions or the reasons for rejecting a particular application. This problem has already caught the eyes of foreign experts. Therefore, the Government should further analyse, examine and study the subject of AI and ethics to avoid the wide use of AI technologies causing worries to Hong Kong people or prejudicing their interests.

I have also proposed in my amendment that in case the personal data of data subjects are to be compiled or used for profiling by algorithms as described in the aforesaid example, data subjects should have the right to know such arrangement and require an explanation of the relevant principles. Data subjects should also have the right not to be subject to this arrangement. This right has already been covered by GDPR under Article 22, and this recent regulation on AI is important.

Regarding cross-boundary data transmission, section 33 of the Ordinance is not yet in operation 22 years after enactment. The Government decided to withhold its implementation after a consultancy study years ago. However, the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area has proposed to jointly develop a Greater Bay Area big data centre. Against this background, we believe proposals of this kind must be addressed carefully, particularly before section 33 of the Ordinance comes into force.

The Mainland lags far behind Hong Kong in terms of the level and system of privacy protection. The Mainland's Cybersecurity Law prohibits cross-boundary data transmission and requires all data generated in the Mainland to be maintained in China. Furthermore, the Mainland requests network operators to cooperate with national security departments and public security intelligence agencies and provide them with technical support. These rules are
not in line with the practice of allowing free flow of information in Hong Kong. As regards a Member's proposal that targeted regulation should be imposed on Internet storage of personal privacy, I believe we should be prudent in considering it because free flow of information across the Internet is a core value of Hong Kong.

I absolutely disagree with the view that we should surrender a small degree of personal privacy for the promotion of innovation and technology. When the Ordinance was enacted in 1995, Hong Kong was the pioneer in Asia, but we are now lagged behind. We cannot afford to stand still anymore. We must catch up not only in technological innovation but also in statutory regulation.

With these remarks, President, I urge Members to support my amendment.

DR ELIZABETH QUAT (in Cantonese): President, first of all, I would like to thank Dr Priscilla LEUNG for moving this motion.

Late last year, three large-scale incidents relating to leakage of personal privacy and data have occurred, which involved an airline, a credit reference agency and an international hotel group. It was revealed last month that the Registration and Electoral Office had lost a register of electors again. Similar to many data leakage incidents in the past, these incidents had occurred for some time and acknowledgement was made only upon the self-disclosure of the party involved or the exposure of another party, and by then, the Office of the Privacy Commissioner for Personal Data ("PCPD Office") was notified. This reflects that the Personal Data (Privacy) Ordinance ("the Ordinance") has insufficient monitoring power and this is just like a slap in the face of PCPD. The data subjects do not have time to protect themselves and minimize the loss caused by the data leakage incidents.

In fact, I have repeatedly said that the existing Ordinance has a number of shortcomings and it has always been a "toothless tiger". For example, enterprises are allowed to collect excessive personal data and PCPD Office has failed to impose deterrent punishment on enterprises leaking information. The Ordinance is totally incompatible with the current development of the Internet economy, big data and artificial intelligence. While the stringent General Data Protection Regulation ("GDPR") of the European Union came into force in May last year, Hong Kong is still marking time. In fact, we should comprehensively
review the policy for protecting personal data privacy as soon as possible and enact a privacy protection law applicable to local networks.

In this regard, I have put forward many specific proposals in my amendment. As time is limited, I would like to focus on the issue of protecting children's online privacy today. In the face of inadequate protection under the law, adults still have the ability to take preventive measures in advance such as adding stronger passwords but children have a weak sense of self-protection; thus, we must have a set of laws that specifically protect children's privacy.

At present, many electronic products have become children's electronic dummy to accompany their growing up. Many children's toys are equipped with functions such as Internet access and artificial intelligence and many parents buy these toys for their children. Children can learn social communication and interaction etc. by talking to these toys but these smart toys have a lot of hidden risks. These artificial intelligence toys are mostly equipped with microphones, lenses and recording functions, and they can transmit dialogues between people and the toys to the cloud storage online via Wi-Fi etc. Children talk almost about everything to these toys, e.g. their names, schools, family members, addresses and daily lives etc., and the lenses may record the daily lives of parents and children, and chat records may be automatically uploaded to the cloud storage online.

Once hackers invade the cloud storage online, they can use Wi-Fi signals to track children's locations, kidnap them or use their voices or photos in child pornography crimes through reading audio and video files. There is a case in a foreign country where a paedophile controlled a toy bear with Internet access function and made indecent remarks on children, he even asked children to commit indecent conducts. As these toys have recording functions, the privacy of children has been severely infringed. Parents think that these situations can simply be described as horrifying and scary. We are not over worried as e-learning products being hacked are not impossible. The server of the e-learning product manufacturer VTech was hacked a few years ago, the accounts of 4.86 million parents and the files of 6.36 million children had been invaded. As a result, the company reached an agreement with the Federal Trade Commission of the United States to pay a fine of $650,000 and pledged to take various security measures in accordance with the Children's Online Privacy Protection Act of the United States.
In addition to the security issue of personal data stored in electronic products, we are really worried about children's use of products with Internet access functions for daily entertainment and learning because many websites and mobile applications collect excessive personal data of children. In addition, some criminals will get to know and contact children via the Internet and even ask children to reveal more personal information.

In light of these problems, the Ordinance appears to be extremely weak in terms of protecting children's online privacy. For example, the Ordinance does not impose the restriction that children under certain ages must have parents' authorization for submitting personal data through the Internet. The Ordinance also lacks the definition of sensitive information, allowing enterprises to collect excessive personal data that are not related to services. In addition, we do not have a mandatory notification mechanism, so enterprises will not automatically make notifications when incidents have occurred and the victims cannot implement timely safeguards. The excessively low penalties also lack deterrent effects.

President, can these problems be solved? They can certainly be solved and it depends on whether the SAR Government attaches importance to it and whether it has the determination. Many overseas jurisdictions also have a lot of examples worthy of reference. For example, the Children's Online Privacy Protection Act of the United States as I just mentioned specifies that websites or mobile applications collecting information on children under the age of 13 must have the consent of parents before collecting personal data such as photos, ages, addresses, email addresses and telephone numbers. Hong Kong lacks awareness of the protection of children's online privacy and no specific legislation has been enacted. Therefore, I suggest that the Government should expeditiously consider legislating to restrict the collection and storage of excessive personal data of children by network operators, enacting legislation to protect Hong Kong's Children's Internet privacy and introducing related policies and measures.

President, I believe that most Members will also support the review of the Ordinance to strengthen regulation and enforcement, and provide greater protection to personal privacy. The existing Ordinance is really out-dated, so we should review what kind of personal data can be collected by certain organizations, how much data can be collected and how long data can be stored; whether there should be certain standards for safety protection; whether the complete deletion of personal data should comply with international standards;
how soon should notification be made, how to notify the victims and how to notify PCPD when data are lost or stolen. In these respects, we need clear guidelines and legal provisions, and the penalties must have certain deterrent effects. I believe this discussion can drive the Government to comprehensively review the Ordinance as soon as possible.

We believe that we must carefully deal with Mr Charles Peter MOK's amendment. We support the first half of the proposal in item (1)(iii) of Mr Charles Peter MOK's amendment, i.e. granting data subjects the right to freely choose to permit or refuse the computing and use of their personal data by enterprises. However, for the second part of the proposal, i.e. granting data subjects the right to require data controllers to explain the principles for profiling by algorithms and for automated decision-making by artificial intelligence, the information technology industry has great reservations. They think that this is equivalent to requiring enterprises to disclose their trade secrets and computing methods, which will impose certain constraints on the development of the business environment and artificial intelligence, and probably surpass the pure need to protect personal privacy. We find it necessary to strike the right balance between protecting personal privacy and encouraging technological development. Hence, the Democratic Alliance for the Betterment and Progress of Hong Kong will abstain from voting on Mr Charles Peter MOK's amendment.

President, I so submit.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): President, first of all, I would like to thank Dr Priscilla LEUNG for moving this motion today. Dr Priscilla LEUNG's motion 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 amendments proposed by Mr Charles Peter MOK, Mr Alvin YEUNG and Dr Elizabeth QUAT are respectively about issues such as collection of personal data by technology software, personal data being used for profiling by algorithms, the Interception of Communications and Surveillance Ordinance, Internet privacy and protection of children's privacy. On this motion, I would like to elaborate the current situation and policies on personal data protection first.
Personal data is protected by the Personal Data (Privacy) Ordinance ("the Ordinance") in Hong Kong. The Ordinance was enacted in 1995 and came into force in 1996. The Office of the Privacy Commissioner for Personal Data ("PCPD Office") is an independent statutory authority responsible for monitoring, promotion and supervision, and it promotes and enforces compliance with the Ordinance to ensure the protection of personal data privacy. In response to some incidents that happened in 2009, the Government started to consider amending the Ordinance. The Ordinance was amended in 2012 to regulate the provision and use of personal data in direct marketing and deal with the disclosure and sale of personal data obtained without consent from data users. The amendments contain requirements on providing and using personal data in direct marketing, providing legal assistance to data subjects and imposing a heavier penalty for repeated contravention of enforcement notices issued by PCPD Office.

Nowadays, there is rapid development in information technology and Internet and mobile communications have become very popular. As Members have said just now, the advancement of technology brought new challenges to the protection of personal data privacy. In recent years, incidents relating to large-scale leakage of personal privacy caused the public to be concerned about whether the protection of personal data privacy is sufficient and the Government also attaches importance to these incidents and concerns. The personal data privacy violations in the past involved improper collection and use of personal data and direct marketing, etc. In recent years, most of the violations involved data security, including leakage of personal data and loopholes in the security system which resulted in hacking. Moreover, quite a few jurisdictions have recently reviewed and improved the regulations governing personal data privacy. The General Data Protection Regulations of the European Union, which came into force in May 2018 are more comprehensive and cover a wide range of personal privacy protections, e.g. requiring data processors to make notification after becoming aware of a data breach and authorizing the supervising authority to impose fines on data users and data processors, as well as directly regulating data processors etc.

In view of this, the Government agrees that it is necessary to consider how to enhance the protection of personal data privacy and it is open-minded towards the proposed amendments. The Constitutional and Mainland Affairs Bureau and
PCPD are now reviewing the Ordinance. Our consideration has a few major directions and I would also like to listen to the views of Members on these amendment directions in the debate today:

First, consider whether a mandatory personal data leakage notification mechanism should be established; second, whether it is necessary to set a time limit for retaining personal data; third, whether fines should be imposed for serious violations of the data protection principles; and four, whether data processors should be regulated.

Apart from the above four amendment directions, I have also noted other proposals put forward by Members in the motion and amendments, e.g. reviewing the definition of personal data, differentiating personal data that are sensitive from those that are not, enhancing the control of personal data by data subjects, introducing statutory requirement on privacy impact assessment and accreditation, and the safeguards and requirements on restricting information storage in Internet. We will listen carefully to the views expressed by Members on these issues which will serve as important reference in the course of our review for amending the Ordinance.

Lastly, I would also like to say that, apart from regulatory control, it is also very important to promote the community's respect for the protection of personal privacy. PCPD Office has been actively encouraging public and private organizations to establish a positive culture of privacy management, provide advice and assist organizations in protecting personal privacy.

President, I will respond further after listening to Members' remarks. Thank you, President.

MR CHRISTOPHER CHEUNG (in Cantonese): President, I speak in support of the motion on "Keeping up with technological development and enhancing the protection of people's privacy" moved by Dr Priscilla LEUNG today.

In recent years, there have been many large-scale personal data leakage incidents. While last year's Cathay Pacific incident happened was certainly the most shocking one, the Registration and Electoral Office ("REO"), a government department, also lost a computer containing elector data and a Register of
Electors, and had covered up the incident for as long as two years. The public are concerned about the carelessness of the Government in handling personal data of members of the public, and their confidence in government departments has been undermined. Dr LEUNG's original motion comes right in time for the Government to appreciate the need to improve personal data protection promptly.

Nowadays, personal data are no longer limited to identity card number, date of birth or phone number. In the era of Internet technology and electronic products, personal data are widely used in our daily consumption, travelling modes, etc. When smart phone is now a necessity for almost everyone today, many of the mobile applications therein will ask for user authorization before installation to gain different degrees of access to our personal data in the smart phones. Some popular applications, such as electronic wallets and software products requiring a membership system, may have obtained important data of millions of people.

Why do Internet giants collect massive personal data? The reason is nothing but money. Even Mark ZUCKERBERG, founder of Facebook, once admitted in the United States Congress that "free services" were supported by advertisements, and the key to maximize advertisement effectiveness lies in personal data. Therefore, in order to profiteer from the use of big data, more and more enterprises are now collecting personal data from different places and sources. If the Government does not strengthen its role in regulation, I am afraid that there will be greater risk of more extensive data leakage, affecting many more people.

Currently, the Government mainly relies on the Personal Data (Privacy) Ordinance ("the Ordinance") to protect the personal data of Hong Kong people. Yet, it is obvious that the Ordinance, which was enacted 20 years ago, cannot keep up with the times. Owing to the outdated Ordinance, loose regulation, lack of corresponding penalties or mandatory notification duty, and failure to confer the Office of the Privacy Commissioner for Personal Data ("PCPD Office") with greater power to take the initiative to carry out investigation and enforce the law, PCPD Office has hence been dubbed "the toothless tiger" for years.

Ironically, one major reason for Hong Kong to enact the Ordinance was to facilitate trade with the European Union ("EU"). Over the past two decades, EU has kept abreast of the times and introduced last year the General Data Protection Regulation ("GDPR")—the most stringent regulation in the world—to protect the
personal data of the Europeans. In addition to significantly increase the maximum fine to the shocking level of 4% of the offending enterprise's total worldwide turnover or €20 million, EU's GDPR also requires the enterprise to notify the local supervisory authority within 72 hours after privacy leakage. Large enterprises are even required to designate a data protection officer for handling relevant issues. I would say that EU understands the importance of personal data and has provided the necessary protection in all aspects. This is what should be and must be learnt by the SAR Government. In the past two decades, Hong Kong only made minor amendments to the Ordinance in 2012; our personal data protection is grossly out of step with the current technology era.

Dr LEUNG's four proposals on the improvement of existing legislation in her original motion are right to the point. I believe they can greatly enhance privacy protection if implemented. However, I would like to also highlight the importance of increasing deterrent effects as it can raise the awareness of customer data protection among local enterprises on all fronts. It is the social responsibility of enterprises to protect customer data when they use such important data for profits. Data leakage of any form is going to affect members of the public. Only when penalties are increased will enterprises realize the importance of data protection. Meanwhile, the Government should legislate for the timely disclosure of accidental data leakage.

As for the amendments proposed by the three other Members, I support the amendments proposed by Dr Elizabeth QUAT and Mr Charles Peter MOK as both of them specifically seek to strengthen protection in the technological arena. I, however, oppose Mr Alvin YEUNG's amendment because his proposal to amend the Interception of Communications and Surveillance Ordinance will greatly affect the operation of law enforcement agencies.

President, I so submit.

MR KENNETH LEUNG (in Cantonese): President, it is mentioned in the cover story of The Economist magazine in May 2017 that the most precious resources in the world is no longer petroleum or rare earth but a large amount of data generated by our online behaviours. Many Honourable colleagues have said that these data, including cookies, the websites browsed and global positioning data, can be transformed using artificial intelligence technology and have substantial commercial value.
As mentioned by many Honourable colleagues, the Personal Data (Privacy) Ordinance ("the Ordinance") in Hong Kong was enacted in 1995 and it was a very advanced legislation in Asia back then. However, 24 years have passed since the enactment of the legislation, in the light of different organizations collecting a large amount of data and extensively applying artificial intelligence to analyse big data, can the Ordinance keep up with latest developments and enhance protection of our privacy?

Honourable colleagues have just remarked that the General Data Protection Regulation ("GDPR") of the European Union ("EU") is a very good example for our reference. Speaking of the Ordinance, a number of proposals have been made: first of all, penalties. After receiving a complaint and conducting an investigation, the Privacy Commissioner for Personal Data ("PCPD Office") may issue an enforcement notice directing a company or a person found to have committed misconduct to remedy the contravention. Otherwise, PCPD Office will impose a light penalty of a fine of $50,000 for the first offence and a fine of $100,000 for a second or subsequent offence. For deferring the implementation of the direction, there will be a fine of $1,000 per day for the first offence and a fine of $2,000 per day for a second or subsequent offence. What effect will the penalty have on a sizeable group?

On the other hand, the penalties of EU are very alarming and the maximum fine is nearly HK$183 million. Of course, we can take GDPR as a starting point but we can further consider if this is applicable to Asia or the business conditions of the enterprises in this region.

Second, a mandatory notification mechanism. EU specifies that, if the leakage of personal data is involved, EU regulatory authorities must be notified within 72 hours. Nevertheless, the Ordinance has not prescribed a mandatory notification mechanism and it has only prescribed notification guidelines, and there will not be any fines or other consequences even if the guidelines are not followed.

I have asked many large commercial organizations if notification within 72 hours is feasible. In respect of a small number of cases relating to large-scale leakage of personal data, e.g. the leakage of the personal data of 9.4 million passengers by the Cathay Pacific Airways or other data leakage incidents, it takes time to investigate into the scale of data involved, when the leakage started and how many people are affected. We also need to think about what details should
be notified within 72 hours. What actions will be taken by the relevant data processors or law enforcement agencies after making the notification? Is notification within the time zone of 72 hours appropriate to enterprises?

Another direction of reform is that personal data should be clearly defined as some have said. Of course, there is some sensitive personal data, including our genetic and biological data, personal political opinions and trade union membership, etc. According to GDPR, such data cannot be processed unless when required. Should we divide our data into two categories? If so, are we absolutely prohibited to fully process sensitive data or only allowed to process the data on a limited basis or in specified circumstances? This is also an issue for consideration.

I cannot clearly understand another point, i.e. section 33 of the Ordinance about prohibition against transfer of personal data to places outside Hong Kong except in specified circumstances. Why has this section never been implemented for more than 20 years? The Bureau has explained that many commercial organizations consider that this provision is unfeasible. However, similar privacy provisions have been implemented in many countries or regions and there are restrictions on the transfer of data to foreign countries. Why can we not implement the provision? I really want to know the real reasons.

Many Honourable colleagues have talked about the problems or risks of children surfing the Internet or using electronic products. In fact, apart from amending the legislation, we must have behavioural change or paradigm shift to ensure the protection of privacy in our daily lives. If we cannot … how should we teach children? According to my own experience, children should not be allowed to get in touch with electronic products prematurely—electronic product manufacturers will certainly berate me—children should not be allowed to spend too much time on electronic products every day, they should get in touch with nature more often and do more exercise. They should, like our Secretary, take regular exercise by jogging every day and stay away from electronic products. In fact, many medical studies have shown that premature contact with electronic products will create pathological conditions.

President, I so submit.
MR KENNETH LAU (in Cantonese): President, first of all, I would like to thank Dr Priscilla LEUNG for moving this motion on "Keeping up with technological development and enhancing the protection of people's privacy". In an era of advancement in information technologies, personal preferences, consumption patterns or whereabouts are considered as marketable commercial intelligence. While the customer database of commercial organizations has become larger with the lapse of time, the risks of disclosure and misappropriation of personal data have become higher. How data users can effectively protect the privacy of the public is a subject worthy of discussion. In view of this, I have raised two written questions on "Protection of personal data collected by social media platforms" and "Protection of consumers' personal data" at the meetings of the Legislative Council and suggested that the Government should review the relevant legislation in line with global trends.

A number of major incidents relating to leakage of personal privacy have happened in Hong Kong. For example, the security loophole of TransUnion enabled the unauthorized access to the credit report of 5.4 million people, and the leakage of personal data of passengers by the Cathay Pacific Airways had affected around 9.4 million passengers worldwide. In these two incidents, personal information such as credit card information, property addresses, mobile phone numbers and identity card numbers were leaked. Most ridiculously, Cathay Pacific only disclosed the incident seven months after leakage of personal privacy of passengers was first found. The handling of the incident had aroused global concern.

In addition to private organizations, government departments have also inadvertently leaked personal privacy of clients. After the Chief Executive Election in 2017, the staff of the Registration and Electoral Office lost two notebook computers at AsiaWorld-Expo containing the personal data of 1 200 Election Committee members and 3.78 million registered voters throughout the territory. In April this year, it was also revealed that the Registration and Electoral Office lost a register of electors containing the personal data of more than 8 000 registered voters including their genders, names, addresses and identity card numbers.

President, regarding the notification time for leakage incidents to be made by commercial organizations, I have looked up the relevant information and found that listed companies which had client information stolen notified the Hong Kong Exchanges and Clearing Limited less than one week after the incident.
For instance, in the incident relating to the leakage of customer information by the Hong Kong Broadband Network Limited in April 2018, 380,000 customers were affected and the incident was disclosed two days afterwards; and in November 2015, the data of 5 million Vtech customers were stolen and the incident was disclosed six days afterwards.

Although the Office of the Privacy Commissioner for Personal Data ("PCPD Office") has always encouraged government departments and enterprises to make notification as soon as possible after the leakage of information, the current legislation relies solely on voluntary compliance by organizations and has not specified the notification time. If the organizations concerned adopt a stalling tactic and try to conceal the facts when dealing with the incidents, PCPD Office can actually do nothing as it is a "toothless tiger".

The frequent occurrence of incidents relating to large-scale leakage of personal data revealed the fact that the Personal Data (Privacy) Ordinance ("the Ordinance") is outdated. Therefore, I support the original motion and the amendments proposed by Mr Charles Peter MOK and Dr Elizabeth QUAT to make reference to the General Data Protection Regulation ("GDPR") of the European Union ("EU") and amend the Ordinance, so as to develop a sound and reasonable notification mechanism, specifying clearly that PCPD should be notified of the incidents within a specified time frame.

President, under the existing legislation, violating the data protection principle does not directly constitute a criminal offence. PCPD does not have the power to enforce administrative penalties and he can only issue an enforcement notice. If the notice is not complied with, the case will be referred to law enforcement agencies for follow-up. The maximum penalty is only $50,000 and two years' imprisonment. The meagre amount of fine has no deterrent effect on large enterprises. Furthermore, the success rates of prosecution and conviction were low. In the past three years, 1,800 to 3,500 complaints were received each year but only four cases in 2017 and five cases in 2016 were successfully prosecuted and convicted.

In the neighbouring areas of Hong Kong, Macao's Office for Personal Data Protection and Singapore's Personal Data Protection Commission are conferred with the powers of administrative penalties and sanction. I think the Administration should consider conferring the Privacy Commissioner for Personal Data with real powers and increasing penalties, so as to ensure that
enterprises and public bodies will properly handle and maintain the personal data of members of the public.

Lastly, I would like to express my views on a point raised by Mr Charles Peter MOK. With artificial intelligence becoming more and more popular, it is time for the Administration to consider, in respect of the behavioural data collected by new technology products and mobile devices, whether it is necessary to limit or monitor the type and degree of collection and how our society can strike a balance among upgrading products, service quality and respecting personal privacy. In this era of science and technology, these are issues for critical and thorough study and exploration. I so submit.

MR JAMES TO (in Cantonese): President, Dr Priscilla LEUNG moved a motion to enhance the protection of people's privacy and Mr Alvin YEUNG proposed an amendment to extend the ambit of the Interception of Communications and Surveillance Ordinance ("ICSO") to cover instant messaging softwares, such as WhatsApp, which is more frequently used in our daily lives. However, I have just heard Mr Christopher CHEUNG from the Business and Professionals Alliance for Hong Kong say that he opposed this amendment for he was mainly concerned about the impact on law enforcement. I am quite disappointed about that.

In fact, the British Hong Kong Government was forced to enact the Personal Data (Privacy) Ordinance in 1996. At that time, the Government was not very interested in actively protecting the public in this respect. It was only because the European Union ("EU") declared that Hong Kong would not be able to exchange information with EU if privacy was not sufficiently protected at the end of that year. In particular, the exchange of information in the banking industry would stop immediately. For more than 20 years since the establishment of the SAR Government, the Government has never been interested in protecting the privacy of the public. Why? The Government has not reviewed the legislation and it is only forced to make minor patch-ups after the occurrence of major incidents. It has never considered which areas of privacy protection are considered to be insufficient by members of the public. For example, how a proper balance should be struck when there is a conflict between commercial behaviours and the Government's law enforcement actions taken and data owned. The Government has never actively conducted comprehensive consultations.
As regards ICSO, members of the public think that communication privacy should be protected and a balance must be struck between law protection and law enforcement. The Government's attitude is that powers should be conferred speedily while infringement on people's privacy is a matter of course but the same applies to protection of privacy. For example, the court only forced the Government to enact ICSO after a former Legislative Council Member, LEUNG Kwok-hung, won the lawsuit. I am not sure if the President still talks over the phone; nowadays Hong Kong people do not talk over the phone very often. Why? That is because the other party has to be on the other side of the phone; we have to ensure that the telephone conversation will not affect the people around and that the conversation will not be overheard by others. Therefore, as we can see in train compartments of the Mass Transit Railway, many Hong Kong people are constantly tapping the screens of their phones. They are actually using instant messaging software to transmit information. Even if a person in Hong Kong wants to call someone, he will first send a WhatsApp message to find out if it is appropriate to call for fear of disturbance.

However, I would like to tell all Hong Kong people, under the existing ICSO, the Police must apply to the court before phone tapping to monitor telephone conversations. But if the Police ask communication service providers to provide the WhatsApp records or audio records of the messages sent via WhatsApp, they only need to make applications to the magistrates' courts. Hence the protection is not as stringent as those required for phone tapping under the Ordinance. The requirements of the whole process and monitoring are far lower than the requirements of the Ordinance, and this is really an abnormal phenomenon. In other words, the protection for all instant messaging softwares, be it email, WhatsApp, Telegram or Instagram, is disproportionate. On the contrary, there is greater protection for telephone communication which is rarely used by the public. This is really an abnormal situation that is completely inconsistent with common sense, logic and public expectations.

We have asked the Government to amend the legislation for several years. We asked the Government to provide data relating to the search of instant messaging software records by the Police and other law enforcement agencies but were told that there was no relevant data. When I asked why there was no data, the Government indicated that the data had nothing to do with law enforcement. I remarked that the data was closely related to the Legislative Council's monitoring of the Government, enactment of legislation and adoption of a
forward-looking approach. Yet, the Government indicated that it would not keep the relevant data. The reason is simple enough. The Government does not want to have actual data to show the public that law enforcement agencies are looking up the records of instant messaging softwares, such as WhatsApp, all the time. As it turns out, looking up the relevant communication records is very easy, the abuse of power is serious, and protection of the public is insufficient.

President, the Government's approach has completely detached from those of other countries and regions. Of course, this can be easily explained because the Government believes that law enforcement is of prime importance, as evident from the amendment to the Fugitive Offenders Ordinance. After the amendment of the Fugitive Offenders Ordinance, people can be surrendered to regions with lower levels of rule of law. The Government considers that greater protection is not required in Hong Kong as information obtained by the Police will not be abused. Lastly, I would like to say that the Government asks for speedy authorization while turning a deaf ear to the requests for monitoring the Government and providing the public with proportional protection. This is what the Carrie LAM Government is doing.

MR CHAN CHI-CHUEN (in Cantonese): The media has compiled a list of data leakage incidents that happened in 2018: In April, an Asia Miles user was stolen 28 000 miles for redemption of mobile phones; in July, the payment system PayMe was found to have security loopholes which resulted in its users' email accounts being hacked; in October, the Cathay Pacific Airways ("Cathay Pacific") leaked the data of 9.4 million passengers around the globe; in November, TransUnion Limited ("TransUnion") was reported to have authentication loopholes which gave reporters an easy access to the credit reports of public figures, including Carrie LAM and Financial Secretary Paul CHAN, by simply using these figures' information to log into TransUnion's system. Hong Kong people are gravely concerned about these incidents as they happen once every few months and cause many to fall victim.

With increased use of innovation and technology, Internet of things and big data, more and more companies have created customer databases, turning personal data into company assets. Companies may expand their business by analysing the tastes and preferences of their customers. We are now in an era moving from 4G to 5G. In future, instant data transmission may not only be a
function found in smart phones; televisions, refrigerators or even rubbish bins may also be able to transmit data for real-time recording of customer habits at any time. Such information may then be sent to the databases of the companies concerned for adjustment of services.

The Personal Data (Privacy) Ordinance ("the Ordinance") has been enacted for more than two decades by now. Could anyone foresee today's technological advancement when the Ordinance was first drafted? Cyber security risks of companies is a common cause among data leakage incidents. In one incident, a victim had his identity card number leaked owing to the cyber security loopholes of the company in question; a swindler then obtained more of the victim's personal data, including residential address and credit records, through a third-party platform and impersonated the victim to call a bank for the reissuance of credit card. Consequently, the victim's new credit card was used by the swindler dishonestly. There is very little the Police and the Privacy Commissioner for Personal Data ("PCPD") can do even though the victim has sought assistance from them.

When the Ordinance has failed to keep up with the times, problems will naturally arise as we are applying the old mindset some 20 years ago in this 5G era. To the law-abiding companies which wish to develop personalized services, the absence of clear rules in this area under the Ordinance may arouse the concern of falling foul of the law inadvertently, thereby holding them back from service enhancement and further development. The collection of big data through vending machines is a case in point. Some technology firms plan to install cameras behind the vending machines to capture the facial expressions of customers. The vendor can then learn from the happy faces of customers which products are popular and hence revise its sales strategy accordingly. However, as there are no specific provisions in the Ordinance, the collection of such data may infringe privacy. As a result, the cameras in these vending machines have never been switched on in Hong Kong. This example is only the tip of the iceberg as problems of this kind will keep coming up. On the one hand, we wish to develop the use of big data; on the other hand, the fear of data leakage and unclear rules in the Ordinance has impeded the development of big data application. All in all, the Ordinance should be updated to keep abreast of technological development instead of being a hindrance.
Last year, EU's General Data Protection Regulation ("GDPR") formally came into effect. Its scope is so wide that it not merely regulates enterprises in EU. There are also regulations on notification, consent, penalties, extraterritorial effects, and so on. Businesses traded with EU, including foreign companies and organizations, may also be fined more than €10 million for breaching data protection requirements.

Last year, the Cathay Pacific's data leakage incident was very serious as 9.4 million passengers were affected. The data leaked included credit card information and identity card numbers, and certain information had been downloaded illegally. The people affected were not only limited to Hong Kong customers, but also travellers in different parts of the world. Back then, people queried that the Ordinance in Hong Kong was a "toothless tiger". As for EU's GDPR, it has the power to hold Cathay Pacific liable and impose a fine of about $4 billion for delayed notification. Although the fine will not go into the pockets of the customers affected, it can do justice to the victims and deter the offending company from making the same mistake again. Unfortunately, the results turned out to be disappointing as GDPR could not be applied to any data leakage incidents that happened before its effective date. Given that the aforesaid incident occurred in May last year, shortly before the EU's passage of GDPR, Cathay Pacific fell outside the ambit of GDPR and hence was not punished.

In fact, this incident had an extensive impact, affecting many people in Hong Kong. At that time, Chief Secretary for Administration Matthew CHEUNG said that the Government would draw reference from overseas experience, including EU's formulation of GDPR, to explore if the Ordinance could be further tightened. The Office of the Privacy Commissioner for Personal Data has all along been criticized as a "toothless tiger" because, firstly, it has no power to conduct criminal investigation and prosecution; secondly, it has no power to impose punishment; thirdly, it has no power to impose fines. In other words, it is a "three noes" organization. Private organizations may ignore PCPD, and even the so-called compliance checks fail to have any effect. By contrast, as EU may impose fine and penalties on organizations around the globe, the effect is totally different.
As Secretary Matthew CHEUNG once said that the Ordinance would be tightened and it has been six months by now, may I ask him about the Government's review progress? How come the review seems to have sunk into the bottomless gulf, with its progress being unknown to the public? The SAR Government indicated earlier its determination to plug legal loopholes and refused to act like an ostrich. Now that this loophole has existed for 20 years and Hong Kong people are increasingly concerned about personal data protection, the Government must tell us what it meant by saying "tightening the Ordinance" a few months ago. When will the Ordinance be tightened? Will the Government just sit on the tightening proposal to wait for the controversies to die down (The buzzer sounded) …

PRESIDENT (in Cantonese): Mr CHAN, please stop speaking.

MR TOMMY CHEUNG (in Cantonese): President, with rapid technological development, coupled with the issue of globalization, how to protect personal data becomes a great challenge to governments of different places. Everyone just keeps exploring and adapting to the situation.

The Office of the Privacy Commissioner for Personal Data ("PCPD Office") of Hong Kong is also having an in-depth study on the European Union's implementation of the General Data Protection Regulation ("GDPR"), which has just come into effect in the middle of last year. The study is to assess GDPR's impacts on Hong Kong and how areas outside the European Union have responded. Meanwhile, PCPD Office is also conducting a review of the Personal Data (Privacy) Ordinance ("the Ordinance"), with its report expected to be completed this year. The scope of the review includes whether notification of data leakage should be made mandatory, the duration of data retention by organizations, the organizations' responsibilities in strengthening security and handling data, and whether PCPD Office should strengthen its authorities or penalties.

The Liberal Party opines that since PCPD Office is now conducting a relevant study, we should wait till the completion of the study before considering how to amend the Ordinance, so as to avoid bypassing the functions of PCPD
Office. Hence, the Liberal Party has reservation over the various proposals for raising the penalty as stated in the original motion and the amendments thereof today. We should, in particular, handle cautiously law enforcement by the Police.

As a political party representing the business sector, the Liberal Party must point out that while security of personal data is certainly important, society also has to strike a balance between business environment and protection of privacy. The Liberal Party always holds that rashly enacting a "across-the-board" legislation is not a right remedy to the problem. As a matter of fact, amending the legislation hastily might impose additional restrictions to enterprises, incurring additional administrative costs. Particularly, setting too much regulation might make it impossible for technology start-ups to launch new functions, thereby ultimately affecting the business environment and leading to their withdrawal from Hong Kong. This will weaken Hong Kong's competitive edges in the long run.

It should be noted that enterprises often have the need to collect personal data, such as verifying members' identities to avoid exclusive benefits for members being abused by others. Instead of restricting enterprises in using personal data, the authorities should adopt a practical approach by enhancing the knowledge of enterprises and their executives about protecting personal privacy, encouraging enterprises to enhance the protective measures in the areas of hardware and corporate management, and assisting enterprises to establish, manage and monitor their privacy management systems. Such measures are more important to those law-abiding small and medium enterprises with tight resources, so that they will not breach the law inadvertently and will lower the risk of privacy leakage.

President, PCPD Office commissioned the Centre for the Advancement of Social Sciences Research of the Hong Kong Baptist University in 2013 to carry out an exploratory study on the privacy awareness on social media platforms. The results of the study indicate that over half of the interviewees have concerns about data leakage problem through social media, while only some interviewees said that they would take measures to limit the sharing of data. This reflects that members of the public are aware of privacy protection in social media, but have not taken any action.
As a matter of fact, when downloading applications in mobile phones, or when enterprises collect personal data, the relevant terms and conditions will be listed to inform the subject of the types of data will be collected, yet, such relevant details are seldom read meticulously. As such, users are tantamount to ignoring their own rights and their data being used by others.

(THE PRESIDENT'S DEPUTY, MS STARRY LEE, took the Chair)

Protecting personal data is not solely the responsibility of the data users; data subjects should also have the responsibility to safeguard their own personal data from leakage. Although PCPD Office organizes talks regularly to enhance the public's knowledge about the Ordinance and their understanding of the importance of protecting personal privacy, such talks are not popular. PCPD Office also arranges online learning resources for reference by different people. The authorities ought to consider stepping up publicity to enhance the community's awareness of personal data protection.

Deputy President, legal protection is certainly important, yet enhancing the awareness of personal privacy protection amongst the general public and even enterprises through education is the first line of defence of personal data security. I so submit.

MR CHEUNG KWOK-KWAN (in Cantonese): Deputy President, last year, local singer Jacky CHEUNG held a concert tour around provinces and cities in the Mainland. All his concerts had a full house and the organizer had certainly made a lot of money. Most surprisingly, the Mainland police had also benefited as at the end of last year, nearly 60 wanted criminals and suspects in the Mainland were arrested at CHEUNG's concerts, one of them being a wanted criminal who has been absconding for 10 years. Jacky CHEUNG was therefore nicknamed "The Worst Enemy of Fugitives" by Mainland netizens.

In fact, Jacky CHEUNG does not have a natural talent for catching fugitives. The arrests were made possible by the Mainland's comprehensive real-time facial recognition system known as Skynet. The utilization of new technology in catching bad guys is, needless to say, conducive to maintaining social order; but it has also given rise to controversies over privacy.
Deputy President, while the Mainland is leveraging on the Internet—particularly facial recognition technology—to facilitate security efforts, the United States, being the leader in the technology world, is doing just the opposite. In the technological capital of Silicon Valley, San Francisco's Board of Supervisors passed a bill on 14 May to ban the use of facial recognition systems by the Police and other public departments for monitoring the activities of the public. It is the first city in the United States and around the world to prohibit the use of facial recognition system. The bill naturally sparked debates in the local community, revolving around the contest between security and privacy rights.

The different stances of people in the Mainland and San Francisco towards facial recognition system has reflected two competing views. While the wide application of facial recognition technology for surveillance may result in an overlook of privacy issues, an overemphasis on privacy may lead to throwing the baby out with the bathwater and worse still, hindering social development.

With the rapid technological advances in the early 21st century, the use of personal recognition technology is unavoidable. While smartphones and instant messaging applications such as WhatsApp, GPS positioning, Facebook, Instagram, Twitter and other tools to record our everyday lives can reveal our privacy and whereabouts, they have become a necessity in the modern developed world.

Therefore, to me, the San Francisco Board of Supervisors' ban on facial recognition technology seems too passive. The 5G technology, which we hear a lot these days, will initiate an era of high-speed Internet. I am not familiar with difficult jargons such as Internet of Things, big data and cloud computing, but they will define the mode of living in the future. Therefore, from a positive perspective, we should discuss how we can enact concrete legislation to protect personal privacy amid new waves of technological innovations. Hence, I consider the motion moved by Dr Priscilla LEUNG today very meaningful and warrant in-depth consideration.

There have been several serious leakages of personal data from the Hong Kong SAR Government, as well as the public and private sectors. Many Members have expressed their views on this subject, and I will not repeat them. These large-scale leakages of personal information are, needless to say, frustrating; yet they are an indirect yet clear demonstration of how feeble the
current privacy legislation is, and how the Office of the Privacy Commissioner for Personal Data ("PCPD Office") is like a "paper tiger". This is why it is an urgent and important task to figure out how we should reform the current privacy legislation to strengthen the enforcement power of PCPD Office.

The original motion suggests that reference be made to the European Union's General Data Protection Regulation ("GDPR"), which just came into force on 25 May last year. I have looked up information and compared it to Hong Kong's privacy legislation. There are many areas which we can draw lessons from.

First, GDPR requires a data protection officer to be appointed by public bodies or enterprises which engage in large-scale processing of sensitive personal data; next, a data protection impact assessment should be carried out prior to processing of any information which may likely cause high risks to the rights and freedoms of individuals, and any data leakage should be reported within 72 hours. In Hong Kong, notification is voluntary. In fact, there are other aspects of GDPR that are worthy of our reference, but owing to time constraint, I cannot possibly elaborate them in detail. However, as I have said earlier, I very much hope that the relevant bureaux can draw reference from GDPR. In all fairness, Hong Kong's privacy legislation does have many shortcomings. I believe it should adopt certain practices from the European Union in order to reinforce protection and, most importantly, keep up with the latest technological developments.

Deputy President, I so submit.

IR DR LO WAI-KWOK (in Cantonese): Deputy President, to begin with, I would like to thank Dr Priscilla LEUNG, my fellow colleague from the Business and Professionals Alliance for Hong Kong, for moving the original motion. I believe most of the fellow Members in this Council would agree that how Hong Kong keeps up with technological development while enhancing the protection of people's privacy is a subject of grave concern amongst the general public.

Technological development is a double-edged sword. On the one hand, with the rapid advancement of the Internet, social media, big data, artificial intelligence, etc., members of the community enjoy all kinds of convenience in their daily lives, such as instant communication, information flow and paperless
electronic payment; and on the other hand, it also gives rise to many new problems, including a higher risk of information security and the increasing difficulties in protecting personal privacy and data.

As a matter of fact, serious incidents relating to large-scale leakage of personal privacy and data have occurred time and again over the past few years in Hong Kong. Some relatively significant examples include: the uncovering in 2009 of the resale of the data of 2.4 million customers by the Octopus Cards Limited to other companies for marketing use over the years; the Registration and Electoral Office's admittance of the loss of a notebook computer containing the personal data of 3.78 million Geographical Constituencies electors across the territory in 2017; the self-disclosure made by the Cathay Pacific Airways Limited in October 2018 that unauthorized access to certain information systems carrying the data of about 9.4 million passengers was found a few months ago; and the uncovering in 2018 of security loopholes in the website of the TransUnion Limited, which contains the credit rating reports of 5.4 million individuals.

The above examples indicate that incidents relating to leakage of personal privacy and data not only involve more and more people, but also a broader and broader scope of sensitive information. Incidents relating to leakage of personal privacy and data in the public and private organizations were often not announced until several months after the occurrence or were exposed by the media. What makes the situation even more complicated is that incidents relating to leakage of personal privacy and data happen in every nook and cranny, which are hard to be guarded against. Some days ago, a serious security loophole was exposed in WhatsApp, an instant communication software commonly used by Hong Kong people. Hackers may implant monitoring software through making calls to WhatsApp users, thereby stealing their information such as short messages, emails and online banking passwords. All of the 1.5 billion WhatsApp users around the world may thus be affected. Comparatively, the Personal Data (Privacy) Ordinance came into force in 1996, and was only amended once in 2012 to regulate the use of personal data in direct marketing. Obviously, it is hard for the current legislation to meet the need for enhanced protection of personal privacy and data in the Internet era.

Looking ahead, the general public will only be more and more reliant on various kinds of online service in the Internet era. For instance, Hong Kong is taking forward smart city development in an expedite manner. Amongst the
important moves, the Electronic Identity ("eID") will be launched so that
members of the public can use online government and business services in a
convenient and fast way with a single digital identity and authentication.
Another move is the development of a highly-efficient and reliable electronic
payment system to facilitate the reduction of cash transactions in people's daily
life. In the long run, with the increasing frequent exchanges and interactions
between cities in the Guangdong-Hong Kong-Macao Greater Bay Area ("the
Greater Bay Area"), the eID and electronic payment systems developed by Hong
Kong might need to be connected with various relevant systems in the Greater
Bay Area. All these indicate Hong Kong's pressing need for formulating
policies to step up the protection of people's privacy and data.

Deputy President, 22 Members of the Legislative Council paid a four-day
duty visit to the Yangtze River Delta Region in late April. On the last day of the
visit, i.e. 24 April, the delegation visited, in the morning, the exhibition hall at the
Alibaba Group's Headquarters in Hangzhou and listened to the introduction
delivered by members of the Group's senior management. In the introduction,
we learnt how the 18 founding partners of the Group developed their business
under the leadership of Jack MA in 1999, and set the promotion of e-commerce
as its goal with the objective being "to make it easy to do business anywhere".
The exhibition covered areas such as new retail, new countryside, inclusive
technology, inclusive finance and smart logistics, and platforms like Taobao,
Tmall, Alibaba Cloud, Alipay, etc., were introduced. The exhibition was
fantastic.

With twenty years of hard work, Jack MA led his team to build up the
Corporate culture of "customers first, employees second, and shareholders third".
He has realized his dream of the old days, changed people's ways of life, work,
business operation and sales, and established a new business culture. The Group
has also developed to a state of having 100 000 staff members, and its gross
merchandize volume will reach US$1 trillion next year.

During the exchange session, members of Alibaba's senior management
and traffic representatives of the Hangzhou Municipal Public Security Bureau
introduced the "City Brain Artificial Intelligence Platform" jointly developed by
Alibaba Cloud and the Hangzhou Municipal Government. Through the
application of big data analytics, the Platform largely enhances traffic
management capacity, thereby alleviating city traffic congestion. Jack MA
specially spared his precious time to share with the delegation his distinct insights
about big data and innovative technology. Jack MA even advised sincerely and earnestly that Hong Kong should not waste its abundant data, talents and resources. Hong Kong people have to seize big data for building the "city brain" of Hong Kong.

Deputy President, I cite this experience in our Yangtze River Delta Region visit to point out that big data and artificial intelligence will play a crucial part in the 21st century. Hong Kong must strike the most appropriate balance between keeping up with technological development and enhancing the protection of people's privacy.

With these remarks, Deputy President, I support Dr Priscilla LEUNG's original motion.

DEPUTY PRESIDENT (in Cantonese): Does any other Member wish to speak?

(No Member indicated a wish to speak)

DEPUTY PRESIDENT (in Cantonese): If not, Dr Priscilla LEUNG, you may now speak on the amendments. The time limit is five minutes.

DR PRISCILLA LEUNG (in Cantonese): Deputy President, a total of 12 Members—including me—shared views on the motion on "Keeping up with technological development and enhancing the protection of people's privacy" today. Having listened carefully to the speeches of the several Members who proposed amendments, I think they all share a general direction encompassing the protection of the Personal Data (Privacy) Ordinance.

Besides, Mr Alvin YEUNG proposed to amend the Interception of Communications and Surveillance Ordinance. I know some Members indeed have reservations about this proposal because there is not much time or chance for discussing it specifically and adequately.

Regarding Mr Charles Peter MOK's speech and proposal, I basically agree to his amendment. However, some Members pointed out that certain members of the sector have expressed reservations about "granting data subjects the right to
refuse the use of their personal data by data controllers for profiling by algorithms and for automated decision-making by artificial intelligence …" as mentioned by Mr MOK in point (1) (iii) of his amendment. To me personally, I am an owner of data, and I often advise victims as well. In respect of certain technologies … I greatly reject the idea that someone may just process my personal data on business grounds without seeking my consent and giving me an explanation. Therefore, I agree to Mr Charles Peter MOK's amendment.

In my opinion, we should find a point of balance if we want to strike a balance between technological development and personal privacy. Thus, I think the matter should be forward to the Office of the Privacy Commissioner for Personal Data to seek opinions from different sectors for subsequent determination of how the balance point should ultimately be set. In respect of whether personal data should be protected and whether law enforcement agencies possess relevant powers for the purpose, the authorities simply said "may" but not "shall". I heard the diction very clearly. Since the word "shall" has a sense of obligation, the word "may" attains strike a balance in wording. Data subjects actually may refuse to disclose data that they consider containing business secrets. I hope the Council can strike a balance in this regard.

I do not know if all amendments will be passed or not; yet I want to point out that in moving the original motion, I have made reference … I have also discussed with the Privacy Commissioner for Personal Data, and he considered the measures concerned feasible, and the direction is correct and acceptable. Although my wordings are not specific, I greatly hope that my motion can be accepted by all political parties and groupings. I particularly hope that even if some of the amendments cannot be passed owing to discrepancies amongst the Members proposing the amendments, their support to my original motion will not be affected, because the purpose of the original motion is that the Legislative Council sends a clear message to the SAR Government and the public, i.e. with the development of advanced technologies and the many "slips"—a relatively fair description—of large-scale data leakage over the past two years, I think the Personal Data (Privacy) Ordinance cannot stay put; it should instead be amended. These are my remarks made to the amendments.

Moreover, the amendment proposed by Dr Elizabeth QUAT lays particular emphasis on children protection. I strongly support such a direction.
Since I consider that the amendments have perfected my original motion, I am supportive to them; yet I will abstain to vote on Mr Alvin YEUNG's amendment.

Deputy President, I have commented the amendments with a view to meaning a reference for other Members.

I so submit.

SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, we have listened carefully to the valuable opinions given by 12 Members on the original motion and its amendments. As I said in the opening speech, the Government attaches great importance to personal data privacy protection, and I share the view that privacy protection should keep up with the times, especially when technology is developing fast. We are hence working in collaboration with the Office of the Privacy Commissioner for Personal Data ("the PCPD's Office") to review the Personal Data (Privacy) Ordinance ("the Ordinance").

After outlining the four directions to be explored in my opening speech earlier, I would like to further share my views on these four directions regarding the said review:

(a) In respect of exploring the establishment of a mandatory personal data breach notification system under which relevant organizations will be required to notify PCPD in the event of a data leakage, this initiative ensures that PCPD can monitor the handling of the leakage incidents. The relevant organizations may also seek guidance from PCPD in the process of following up. Notification threshold is one of the issues to be considered. In other words, we need to decide: the types and extent of data leakage which require the relevant organizations to notify such incidents to the PCPD's Office and data subjects; whether the same notification threshold should be applied to both the PCPD's Office and data subjects; and the notification time frame. Besides, notification items and methods (e.g. giving individual notification, issuing or publishing collective notification) warrant careful consideration.
(b) As for the data retention period, the longer the period, the greater the risk and impact of data leakage. Given that organizations provide services of different nature and have their own special needs, we do not think it is appropriate to standardize data retention periods. Therefore, we will consider requiring data users to formulate clear policies on personal data retention by specifying, among others, a time frame for data retention and the requirement for informing data subjects of the collection of personal data. Data retention policies of organizations are expected to include retention periods for different types of data, legal requirements affecting the lengths of data retention periods, criteria for determining the lengths of retention periods and measures devised to ensure proper implementation of such policies. All these data retention policies should be effectively communicated to data subjects and consistently implemented.

(c) As regards the imposition of monetary penalty on serious contravention of data protection principles, we will consider empowering PCPD to impose directly an administrative fine for serious contravention of data protection principles. We will also give detailed thought to the levels and amounts of administrative fine to provide deterrent effect while balancing carefully the impacts on business operation and compliance cost. Meanwhile, we will consider if it is necessary to establish an appeal mechanism for organizations to appeal against the decisions of the PCPD's Office. On the other hand, the PCPD's Office is expected to introduce clear guidelines and set out clearly the factors and principles to be considered before imposing monetary penalties to facilitate compliance by organizations.

(d) Regarding the proposed direct regulation over data processors, the current practice under the Ordinance is that data users are required to undertake the responsibility of adopting contractual means to ensure that proper measures will be taken by data processors or contractors to protect personal data. However, with the advance of technology, the outsourcing of personal data processing jobs to third parties (e.g. cloud service providers) has become more common, but there is higher risk of data leakage. We will therefore consider imposing
direct legal obligation on data processors or contractors by, say, requiring data processors to be directly responsible for the retention and protection of personal data and the notification of suspected and confirmed data leakage to the PCPD's Office and the affected data subjects.

I have just explained some of our thoughts about the four directions to be explored. In considering the aforesaid directions of legislative amendment, the Constitutional and Mainland Affairs Bureau and the PCPD's Office will draw reference from the relevant laws of different jurisdictions, including the General Data Protection Regulation ("GDPR") of the European Union ("EU") and the privacy protection laws in Canada, Singapore, Australia, New Zealand, and so on. We will take into account the actual circumstances of Hong Kong and balance the interests of different stakeholders, with a view to making proposals which meet the needs of Hong Kong and perfecting the Ordinance through legislative amendment. I thank Members for their views in this motion debate.

We are aware that the tightening of the Ordinance will impact the compliance cost of data users. We will strike a balance between personal privacy protection and public interests, such as free flow of information and room for business operation.

Noting that some Members talked about education and publicity of personal data privacy, I wish to point out that legislative amendment is not the only way to strengthen privacy protection. Raising the awareness of public and private organizations about personal data privacy protection and public education are equally important.

As regards the strengthening of personal data handling policies and security measures taken by public and private organizations, the PCPD's Office discharges its statutory duties through result-based approaches. Apart from enforcement, the PCPD's Office is also active in publicity, providing organizations with guidance and support on compliance and good practices of data protection by, among others, revising "Privacy Management Programme: A Best Practice Guide" in 2018 to assist public and private organizations, including government departments, in constructing a comprehensive Privacy Management Programme.

Moreover, the PCPD's Office is required by the Ordinance to inspect the personal data systems used by public and private organizations as data users for
the purposes of making recommendations to such organizations or the sectors that they belong to. The inspection reports in recent years have covered tutorial services, estate agencies, travel agencies, so on and so forth. In 2019, the PCPD's Office will also inspect employment-related personal data systems. These inspections allow the PCPD's Office to make recommendations to the relevant industries on their personal data protection measures and hence mitigate the risk of data leakage.

As for publicity, the focus of the PCPD's Office in 2019-2020 is to raise the awareness of enterprises in protecting personal data privacy. The PCPD's Office will provide training courses, conduct briefings on the Ordinance for business associations and relevant organizations and issue sector-specific guidelines to facilitate compliance with the statutory requirements.

The protection under the Ordinance covers data subjects of all ages, including children. Dr Elizabeth QUAT expressed her concern over the protection of children's privacy. As a matter of fact, the personal data protection laws in jurisdictions such as Australia, Canada, New Zealand and Singapore apply to all data subjects without categorizing them into different age groups. On the other hand, EU's GDPR and the privacy protection legislation in the United Kingdom require organizations to obtain parental consent before providing online services to children below the age of 16 years and 13 years respectively. The Children's Online Privacy Protection Act of the United States is a major law among the few which imposes direct regulation on the collection of children's personal data through Internet. Mindful of the need to safeguard personal data privacy of children, the PCPD's Office has been strengthening the protection of personal privacy of children through various publicity and educational activities. At present, the Government has no plan to legislate for children's online privacy.

Some Members also mentioned the implementation of section 33 of the Ordinance. Bringing section 33 of the Ordinance into force will impose more stringent regulation on cross-border data transfers in different sectors, and requires preparation on multiple fronts. Therefore, the Government has conducted a business impact assessment which shows that it is difficult for most small and medium enterprises to have sufficient resources for a professional assessment of the privacy protection laws of the destinations of intended data transfers. The legal adviser commissioned by the PCPD's Office is further
studying the issues raised by the trades with regard to the implementation of section 33 of the Ordinance and will draw reference from the relevant laws of other jurisdictions. Presently, by virtue of Data Protection Principle 3 under the Ordinance, personal data can be transferred outside Hong Kong only if the purpose of the transfer of personal data is the same as or directly related to the original purpose of collecting the data, or with the consent of the data subject.

Some Members asked whether the scope of the Interception of Communications and Surveillance Ordinance ("ICSO") was wide enough to keep up with the development of modern technology and communication media. According to the information provided by the Security Bureau, the Government repeatedly and clearly stated in the bills committee on ICSO and on other occasions thereafter that ICSO had effectively supported the operation of law enforcement agencies ("LEAs") after coming into effect in 2006. ICSO has clearly defined intercepting acts that require the obtaining of authorization before they are conducted, and LEAs must act in accordance with the relevant requirements. Under ICSO, an "intercepting act" means a LEA's interception of communication in the course of its transmission by a telecommunications system. Irrespective of the technology adopted by LEAs in gathering intelligence, if an operation constitutes an interception of communications or covert surveillance operation as defined by ICSO, such an operation must be authorized by a panel judge or a designated authorizing officer. Every stage of the operation is subject to stringent control under ICSO. The Commissioner on Interception of Communications and Surveillance also monitors the compliance with various requirements under ICSO by the LEAs concerned.

Deputy President, to conclude, I would like to once again express my gratitude to the 12 Members who spoke today. We will work with the PCPD's Office to consider Members' views, as well as the relevant privacy laws in other jurisdictions, so as to expedite the review of the Ordinance. We will also consult relevant stakeholders and the relevant panel of the Legislative Council in due course. Deputy President, I so submit.

DEPUTY PRESIDENT (in Cantonese): I now call upon Mr Alvin YEUNG to move an amendment.
MR ALVIN YEUNG (in Cantonese): Deputy President, I move my amendment.

The amendment moved by Mr Alvin YEUNG (See the marked-up version at Annex 1)

DEPUTY PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Alvin YEUNG's amendment, be passed.

DEPUTY PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

DEPUTY PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Alvin YEUNG rose to claim a division.

DEPUTY PRESIDENT (in Cantonese): Mr Alvin YEUNG has claimed a division. The division bell will ring for five minutes.

(While the division bell was ringing, THE PRESIDENT resumed the Chair)

(The President noticed that his sight lines were blocked by the placard on Mr Andrew WAN's bench)

PRESIDENT (in Cantonese): Secretariat staff will please put away the placard on Mr Andrew WAN's bench.

(Secretariat staff put away the placard on Mr Andrew WAN's bench)
PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Ms Starry LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr Holden CHOW, Dr Pierre CHAN, Mr LUK Chung-hung and Mr KWONG Chun-yu voted for the amendment.

Mr Christopher CHEUNG, Ir Dr LO Wai-kwok and Mr Kenneth LAU voted against the amendment.

Mr Tommy CHEUNG, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Martin LIAO, Mr POON Siu-ping, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai, Mr CHAN Chun-ying and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Ms Claudia MO, Mr Michael TIEN, Mr CHAN Chi-chuen, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Fernando CHEUNG, Dr Helena WONG, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr Alvin YEUNG, Dr Junius HO, Mr LAM Cheuk-ting, Mr Wilson OR, Mr CHEUNG Kwok-kwan, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN, Mr AU Nok-hin and Mr Vincent CHENG voted for the amendment.

Mrs Regina IP and Ms YUNG Hoi-yan voted against the amendment.

Dr Priscilla LEUNG and Ms CHAN Hoi-yan abstained.
THE PRESIDENT announced that among the Members returned by functional constituencies, 26 were present, 12 were in favour of the amendment, 3 against it and 10 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 23 were in favour of the amendment, 2 against it and 2 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

MS STARRY LEE (in Cantonese): President, I move that in the event of further divisions being claimed in respect of the motion on "Keeping up with technological development and enhancing the protection of people's privacy" or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.

PRESIDENT (in Cantonese): I now propose the question to you and that is: That the motion moved by Ms Starry LEE be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

I order that in the event of further divisions being claimed in respect of the motion concerned or any amendments thereto, this Council do proceed to each of such divisions immediately after the division bell has been rung for one minute.
PRESIDENT (in Cantonese): Mr Charles Peter MOK, you may move your amendment.

MR CHARLES PETER MOK (in Cantonese): President, I move my amendment.

The amendment moved by Mr Charles Peter MOK (See the marked-up version at Annex 2)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Mr Charles Peter MOK's amendment be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Charles Peter MOK rose to claim a division.

PRESIDENT (in Cantonese): Mr Charles Peter MOK has claimed a division. The division bell will ring for one minute.

(While the division bell was ringing, Mr Jeremy TAM stood up)

PRESIDENT (in Cantonese): Mr Jeremy TAM, what is your point?

MR JEREMY TAM (in Cantonese): President, I declare that I am an employee of the Cathay Pacific Airways Limited.
PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Mr LEUNG Yiu-chung, Prof Joseph LEE, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr Christopher CHEUNG, Mr IP Kin-yuen, Dr Pierre CHAN and Mr KWONG Chun-yu voted for the amendment.

Mr Tommy CHEUNG, Ms Starry LEE, Mr Steven HO, Mr Frankie YICK, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr CHUNG Kwok-pan, Mr HO Kai-ming, Mr Holden CHOW, Mr SHIU Ka-fai, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU and Mr Tony TSE abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Dr Priscilla LEUNG, Ms Claudia MO, Mr Michael TIEN, Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr LAM Cheuk-ting, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin voted for the amendment.

Mrs Regina IP, Dr Junius HO and Ms YUNG Hoi-yan voted against the amendment.

Mr CHAN Hak-kan, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Mr Wilson OR, Mr CHEUNG Kwok-kwan, Mr Vincent CHENG and Ms CHAN Hoi-yan abstained.
THE PRESIDENT announced that among the Members returned by functional constituencies, 29 were present, 10 were in favour of the amendment and 18 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 13 were in favour of the amendment, 3 against it and 11 abstained. Since the question was not agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was negatived.

PRESIDENT (in Cantonese): Dr Elizabeth QUAT, you may move your amendment.

DR ELIZABETH QUAT (in Cantonese): President, I move my amendment.

The amendment moved by Dr Elizabeth QUAT (See the marked up version at Annex 3)

PRESIDENT (in Cantonese): I now propose the question to you and that is: That Dr Elizabeth QUAT's amendment be passed.

PRESIDENT (in Cantonese): I now put the question to you as stated. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Alvin YEUNG rose to claim a division.

PRESIDENT (in Cantonese): Mr Alvin YEUNG has claimed a division. The division bell will ring for one minute.
PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr WONG Ting-kwong, Ms Starry LEE, Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Christopher CHEUNG, Mr Martin LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr HO Kai-ming, Mr Holden CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan, Mr Kenneth LAU and Mr Tony TSE voted for the amendment.

Mr James TO, Mr LEUNG Yiu-chung, Mr Tommy CHEUNG, Prof Joseph LEE, Mr Frankie YICK, Mr Charles Peter MOK, Mr Kenneth LEUNG, Mr Dennis KWOK, Mr IP Kin-yuen, Mr CHUNG Kwok-pan, Mr SHIU Ka-fai, Dr Pierre CHAN and Mr KWONG Chun-yu abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mrs Regina IP, Mr Michael TIEN, Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK Wai-keung, Dr Elizabeth QUAT, Dr CHIANG Lai-wan, Dr Junius HO, Mr Wilson OR, Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan, Mr Vincent CHENG and Ms CHAN Hoi-yan voted for the amendment.

Ms Claudia MO voted against the amendment.

Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Dr Helena WONG, Mr Alvin YEUNG, Mr LAM Cheuk-ting, Mr HUI Chi-fung, Dr CHENG Chung-tai, Mr Jeremy TAM, Mr Gary FAN and Mr AU Nok-hin abstained.
THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 16 were in favour of the amendment and 13 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 16 were in favour of the amendment, 1 against it and 10 abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the amendment was passed.

PRESIDENT (in Cantonese): Dr Priscilla LEUNG, you still have 52 seconds to reply. Then, the debate will come to a close.

DR PRISCILLA LEUNG (in Cantonese): President, the primary reason why I move this motion is because there is too little time for discussion by the Panel.

As Members can see, this is a directional motion. As stated in our discussion with the Privacy Commissioner for Personal Data, this motion seeks to enhance information security and increase deterrent measures. I hope Members will support my original motion and join me in pressing the Government to amend the Personal Data (Privacy) Ordinance expeditiously to tally with modern technological advancement.

President, I so submit.

PRESIDENT (in Cantonese): I now put the question to you and that is: That the motion moved by Dr Priscilla LEUNG, as amended by Dr Elizabeth QUAT, be passed. Will those in favour please raise their hands?

(Members raised their hands)

PRESIDENT (in Cantonese): Those against please raise their hands.

(Members raised their hands)

Mr Alvin YEUNG rose to claim a division.
PRESIDENT (in Cantonese): Mr Alvin YEUNG has claimed a division. The
division bell will ring for one minute.

PRESIDENT (in Cantonese): Will Members please proceed to vote.

PRESIDENT (in Cantonese): Will Members please check their votes. If there
are no queries, voting shall now stop and the result will be displayed.

Functional Constituencies:

Mr James TO, Prof Joseph LEE, Mr WONG Ting-kwong, Ms Starry LEE,
Mr Steven HO, Mr YIU Si-wing, Mr MA Fung-kwok, Mr Charles Peter MOK,
Mr Kenneth LEUNG, Mr Christopher CHEUNG, Mr IP Kin-yuen, Mr Martin
LIAO, Mr POON Siu-ping, Ir Dr LO Wai-kwok, Mr HO Kai-ming, Mr Holden
CHOW, Mr CHAN Chun-ying, Mr LUK Chung-hung, Mr LAU Kwok-fan,
Mr Kenneth LAU, Mr KWONG Chun-yu and Mr Tony TSE voted for the motion
as amended.

Mr Dennis KWOK voted against the motion as amended.

Mr LEUNG Yiu-chung, Mr Tommy CHEUNG, Mr Frankie YICK, Mr CHUNG
Kwok-pan, Mr SHIU Ka-fai and Dr Pierre CHAN abstained.

THE PRESIDENT, Mr Andrew LEUNG, did not cast any vote.

Geographical Constituencies:

Mr CHAN Hak-kan, Dr Priscilla LEUNG, Mrs Regina IP, Mr Michael TIEN,
Mr CHAN Han-pan, Mr LEUNG Che-cheung, Ms Alice MAK, Mr KWOK
Wai-keung, Dr Helena WONG, Dr Elizabeth QUAT, Dr CHIANG Lai-wan,
Mr Alvin YEUNG, Dr Junius HO, Mr LAM Cheuk-ting, Mr Wilson OR,
Ms YUNG Hoi-yan, Mr CHEUNG Kwok-kwan, Mr HUI Chi-fung, Mr Jeremy
TAM, Mr Vincent CHENG and Ms CHAN Hoi-yan voted for the motion as
amended.
Ms Claudia MO, Mr CHAN Chi-chuen, Dr Fernando CHEUNG, Dr CHENG Chung-tai, Mr Gary FAN and Mr AU Nok-hin abstained.

THE PRESIDENT announced that among the Members returned by functional constituencies, 30 were present, 22 were in favour of the motion as amended, 1 against it and 6 abstained; while among the Members returned by geographical constituencies through direct elections, 27 were present, 21 were in favour of the motion as amended and 6 abstained. Since the question was agreed by a majority of each of the two groups of Members present, he therefore declared that the motion as amended was passed.


PRESIDENT (in Cantonese): In accordance with Rule 16(6) and (7) of the Rules of Procedure and rule 18(b) of the House Rules, the time limit for this debate is one and a half hours, of which up to 75 minutes are for speeches by Members, and up to 15 minutes are for reply by the public officer. Therefore, if the total speaking time of Members reaches 75 minutes and a Member is still speaking, I am obliged to direct the Member to stop speaking immediately and ask the public officer to reply.

Each Member (including the motion mover) may only speak once and speak for up to five minutes. Members who wish to speak on the motion will please press the "Request to speak" button.

PRESIDENT (in Cantonese): Now is 6:15 pm. The debate now begins.

PRESIDENT (in Cantonese): I call upon Mr Tommy CHEUNG to speak and move the motion.
MR TOMMY CHEUNG (in Cantonese): President, I move 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 ("MCHK").

President, this motion was proposed two months ago but we have to wait till today to conduct a debate. During that time, something has come up and there have been disputes, which help us see the situation more clearly. Many doctors say that we are laymen and should refrain from making too much noise. If the medical sector did not practise protectionism but put patients' interests first, there would not be a shortage of doctors and the health care system would not be problem-ridden. We do not want to interfere in its affairs either.

Owing to this incident concerning MCHK, we can see very clearly that the medical sector cannot resolve this grave problem by itself. I always think that only a small number of members of the medical sector are impenetrably thick-headed and have over-protected their own interests. In this incident, these doctors employ the same old tactic to obscure the facts in an attempt to mislead the public into thinking that their proposal is to maintain the health care standard in the interest of patients, but in fact they only set up unnecessary thresholds, making it difficult to even pass a relatively lenient proposal.

The proposal targets at qualified overseas specialist doctors who have gained adequate clinical experience before they came to Hong Kong; and they have had three years' working experience in the public health care sector of Hong Kong and passed the local Licensing Examination. To them, the six-month internship is redundant and it is highly reasonable to waive it.

The proposal put forward by doctors was superfluous. Even the revised proposal put forward ultimately still requires the doctors concerned to work in the original organizations for an additional one and a half years. If doctors who have worked in the original organizations for three years cannot convince others that they have sufficient clinical experience, I do not believe they can convince others by working for an additional one and a half years after sitting the examination. Hence, these are all lies and their only aim is to mislead the public.
We are no stranger to such tactics. Some doctor representatives have recently raised the alarm, telling the public and young doctors that Members advocate the admission of overseas doctors. Today, a doctor wrote in a newspaper that the proposal passed would lead to "an influx of a large number of substandard Mainland doctors into Hong Kong, thereby lowering the health care quality of Hong Kong". He also wrote that the bigwigs, including Tommy CHEUNG—I wonder how I became a bigwig—intended to pave the way for their children to come back to practise in Hong Kong.

As a matter of fact, the public can clearly see that such comments aim to cover up the doctors' real intent of shielding one another. Fortunately, under the pressure of public opinion, MCHK finally passed a proposal favoured by the people on 8 May. Yet the medical sector also admitted that the proposal passed had little appeal to overseas doctors. However, it has not been easy for even such a conservative proposal to come by. In the end, the MCHK Chairman had to exercise his power to cast one more vote to pass the proposal.

The medical sector always claims to have professional autonomy and uses it as an excuse to shield one another. They always mention the Basic Law. I would like to remind them that there is no such term as "professional autonomy" in the Basic Law. Article 142 of the Basic Law reads, "The Government of the Hong Kong Special Administrative Region shall, on the basis of maintaining the previous systems concerning the professions, formulate provisions on its own for assessing the qualifications for practice in the various professions." Therefore, the Government has the power to formulate the method to determine the practising qualifications of various professions and it also has the power to regulate these professions.

Four years ago I proposed a Private Member's Bill to increase the number of lay members in MCHK and the Bill was accepted by the Government. Though a Member representing doctors and another doctor returned by geographical direct election had filibustered, the relevant Bill was finally passed in March last year. It is not true that the power and composition of MCHK cannot be changed under the Basic Law.

If the medical sector continues to ignore this issue and impose obstacles to admit overseas doctors, disregarding the health care needs of 7.5 million people in Hong Kong, there will be mounting public resentment. The Government
should resume the autonomy of the medical profession and, on the premise of not affecting the health care standard and ensuring public interest, lower the threshold of admission of overseas doctors into Hong Kong to alleviate the pressing need.

President, I also wish to tell everyone that 30% of doctors in public hospitals are treating 70% of patients while 70% of doctors are serving in private hospitals, where they can get very high pay and a lot of them have become elite doctors.  *(The buzzer sounded)*

**Mr Tommy CHEUNG moved the following motion: (Translation)**

"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."

**PRESIDENT** (in Cantonese): Mr CHEUNG, please stop speaking.

**PRESIDENT** (in Cantonese): I now propose the question to you and that is: That this Council do now adjourn.

**DR CHIANG LAI-WAN** (in Cantonese): President, shortage of medical practitioners in Hong Kong is a pressing problem. In order to promote the sustainable development of health care services in Hong Kong and protect the health of the public in a more comprehensive manner, we must find feasible ways to increase the local health care manpower.

According to the statistics provided by the Government, as at the end of 2018, there are 14 000-odd registered doctors in Hong Kong, i.e. 1.9 doctors per 1 000 persons in Hong Kong; is this a reasonable ratio? Let us look at the figures in our neighbouring countries. For every 1 000 persons, there are 2.3 doctors in South Korea and Singapore; and 2.4 doctors in Japan. If we look further away, for every 1 000 persons, there are 2.6 doctors in the United States, 2.7 doctors in Canada, 2.8 doctors in the United Kingdom, 3.6 doctors in Australia and 4.2 doctors in Germany. By comparison, the small ratio of only 1.9 doctors per 1 000 people in Hong Kong is really pathetic.
Secretary, we have adopted many international standards in Hong Kong and we have to comply with various covenants of the United Nations, but why is it that we have not adopted the standard regarding the number of doctors recommended by the World Health Organization ("WHO")? WHO recommends the ratio to be 2.3 doctors per 1,000 persons in every region. According to this ratio, we have a shortage of 3,000 doctors. Why can't we adopt the standard of WHO in this regard?

The Secretary may say that they are making effort in this regard and the Government has increased the number of places for training doctors, and starting from next year, more than 500 training places will be provided. However, the Secretary would know that we have to wait for 10 more years before these students can independently provide service to patients after graduation and completion of internship. While many things can wait, treatment of illnesses cannot. An illness should be treated before it becomes serious; if a patient cannot receive timely treatment, his condition will aggravate. Let us consider some figures. In 2018, the median waiting time for routine new cases is more than 29 months in some specialist clinics and 28 months for radiology check-ups. The situation in accident and emergency departments is also very poor and patients have to wait eight hours or more to see a doctor. Why do Hong Kong people have to tolerate such inhumane health care services?

I know that the Secretary has made efforts and over the past few years, she has travelled overseas to invite overseas doctors to serve in our public hospitals, but what is the result? In the seven years from 2012 to 2019, the Government has recruited a total of 12 overseas doctors to work in public hospitals. I remember that when Secretary Prof CHAN was answering a question in this regard, she was really very embarrassed.

The Secretary may say that the Medical Council of Hong Kong ("MCHK") has recently passed a proposal on exemption from internship requirement for overseas doctors who have passed the Licensing Examination, hasn't it? However, Secretary, you are a doctor too; you would know that some members of MCHK have clearly said that the proposal is merely a drop in the ocean which definitely cannot solve the current problem of severe shortage of doctors in Hong Kong. Thus, it is imminent for the Government to provide incentives to attract overseas doctors to serve in Hong Kong.
Therefore, Members of the Democratic Alliance for the Betterment and Progress of Hong Kong will introduce a private bill to increase the incentives for overseas doctors to serve in Hong Kong. We hope that if non-locally trained doctors, employed by the Hospital Authority ("HA") and permitted by MCHK to work for no fewer than five years in HA, have performed satisfactorily, they will be eligible to obtain full registration under section 14 of the Medical Registration Ordinance without the need to pass any licensing examination and internship assessment in Hong Kong.

Some may say that if overseas doctors are not required to take the local Licensing Examination, the quality of doctors cannot be ensured and the proposal may even be regarded as a regressive step. In fact, this argument is wrong because at present, doctors with limited registration now serving at public hospitals (The buzzer sounded) …

PRESIDENT (in Cantonese): Dr CHIANG, please stop speaking.

DR CHIANG LAI-WAN (in Cantonese): … have not taken the local Licensing Examination, thus, I implore Members to support our bill.

MR CHAN CHUN-YING (in Cantonese): President, the veto of the proposed arrangement to relax the internship requirement for overseas specialists by the Medical Council of Hong Kong ("MCHK") last month sparked a public outcry. MCHK held another meeting very soon afterwards and passed a proposal which is regarded as more lenient. However, it seems that the proposal cannot completely solve the shortage of doctors in Hong Kong at root. I am very grateful to Mr Tommy CHEUNG for moving the adjournment debate today so that the Legislative Council can objectively discuss how to detonate this bomb concerning people's livelihood.

Hong Kong is entering an era of population ageing. According to the estimation of the Census and Statistics Department, the number of people aged 65 or above will increase from 1.16 million in 2016 to 2.37 million in 2036. In 20 years, the number of senior citizens will increase by over 1 million. The most direct effect of an ageing population is a keen demand for hospital services.
According to the Report of Strategic Review on Healthcare Manpower Planning and Professional Development released by the Government in 2017, the requirement of hospital-bed use of those aged 65 or above is about nine times more than younger people, and for those aged 85 and above, their hospitalization need is almost 20 folds that of the under-65s. The average life expectancy in Hong Kong at present is the highest in the world and for women, it is about 87. Undoubtedly, the demand for public health care services will continue to rise.

Since it is beyond doubt that the demand for health care services will be keen, we have to consider how to respond to this need in terms of hardware and software. As the focus of our discussion today is not the hardware of hospital planning, we should concentrate on the software, particularly the demand and supply of medical practitioners. In the past 10 years, the University Grants Committee has significantly increased the places for training doctors, from 250 in 2005 to 470 in 2016; and the number will be further increased to 530 in 2022. At a glance, these figures show that the number of places for training doctors has almost doubled, which is good, but if we compare the numbers with the information provided by the Research Office of the Legislative Council, we will notice that there is actually a severe shortage of medical practitioners in Hong Kong.

Dr CHIANG Lai-wan mentioned some figures earlier. Let us suppose that there were 2 registered doctors for every 1 000 persons in Hong Kong in 2018. However, Dr CHIANG has not mentioned that the Organisation for Economic Co-operation and Development ("OECD") recommends that there should be 3.4 doctors for every 1 000 persons in Hong Kong. Mr Franklin LAM, founder of HKGolden50, pointed out in his article published in the *Hong Kong Economic Times* that if Hong Kong was to catch up with the standards of developed economies, we had to increase the number of doctors by 7 000, but not 3 000, which was the recommendation of World Health Organization mentioned by Dr CHIANG Lai-wan.

How can we expedite the process of increasing the number of doctors? In the same report of the Legislative Council, it was pointed out that before the reunification, Hong Kong accepted doctors trained in six Commonwealth countries to practise in Hong Kong without requiring them to pass any examination and no threshold was set. From 1990 to 1995 in the last century, among the 200 newly registered medical practitioners every year, about 42%
were doctors admitted from Commonwealth countries to meet the demand. Nevertheless, with the passage of the Medical Registration (Amendment) Ordinance 1995, all overseas graduates of Medicine, and even Hong Kong graduates, have to pass the Licensing Examination of MCHK before they could practise in Hong Kong. Overseas medical practitioners were a main source of doctors in Hong Kong before the reunification, why was it that the standard of these doctors suddenly became unsatisfactory and even undermined the quality of our health care services after the reunification? That is really baffling.

If the pace of our local training cannot meet the demand, I believe it is the consensus of the majority Hong Kong people to increase the number of overseas doctors to meet the urgent need. The proposal passed by MCHK this time is not an adequate solution and the real hurdle preventing overseas doctors to practise in Hong Kong is the Licensing Examination. Prof FOK Tai-fai, Pro-Vice-Chancellor of The Chinese University of Hong Kong and a renowned paediatrician, said during an interview that if he had to take the examination, he might not pass. He explained that since he had been practicing in the specialty of paediatrics for many years, it would be difficult for him to other questions on other subjects unrelated to his specialty.

All in all, apart from providing local training, admitting medical practitioners from overseas will be a very effective way to address the shortage of medical practitioners in Hong Kong. The key is how to assess the practical experience of senior specialists so that they can be exempted from examination. I hope that MCHK will not neglect the views of society, or even create doubt among the public whether professional autonomy has deprived the medical profession of its self-regulatory power. If that is the case, the Government should rectify the mistakes by administrative measures without delay.

President, I so submit.

MS ALICE MAK (in Cantonese): President, first of all, on behalf of several patients' groups, including Society for Community Organization, Elderly Rights League (H.K.) and Patients' Alliance on Healthcare Reform, I will quote their stance on the subject of this adjournment debate of the Legislative Council.
These groups particularly mentioned that the Hospital Authority ("HA") and the Department of Health actually had to provide various health care services for grass-roots elderly people, members of the public and chronic patients as they have to face problems of ageing, illnesses and poverty. Thus, these groups requested the Government to train more local doctors. Meanwhile, the two medical schools should recruit more senior doctors for teaching and research work, so as to solve various health care problems caused by an ageing population in Hong Kong.

Furthermore, even though on 8 May 2019, the Medical Council of Hong Kong ("MCHK") passed a resolution to relax the requirement of an assessment period for overseas specialists who have passed the Licensing Examination, we can anticipate that not many overseas doctors will return to practise in Hong Kong in the future. The number of additional doctors recruited under this proposal may only be a drop in the ocean.

Thus, these groups consider that all sectors of the community should continue to explore other ways to admit qualified overseas doctors. These measures include providing specialist training for medical practitioners with limited registration who have not obtained formal specialist qualifications and are now working in public health care organizations, and making arrangements for graduates of overseas medical schools to receive specialist training in Hong Kong in the hope that their medical standards will become consistent with doctors trained in Hong Kong and that they will be eligible to obtain full registration in Hong Kong after passing the Licensing Examination.

Furthermore, apart from the means of examination, reference should also be drawn from the successful experience of other countries. Other ways of assessment can be explored, such as the clinical performance of doctors with limited registration under a stringent mechanism. If MCHK considers that the professional standards of these doctors comply with the local requirements, they can be granted full registration after serving in the public health care system for a long period of time. We hope the Government will consider the above mentioned options, so that the number of doctors can eventually be increased to alleviate the existing burden on the public health care system.

Many Members mentioned that the doctor to patient ratio in Hong Kong is unsatisfactory. I would like to point out that the ratio is particularly unsatisfactory in New Territories West. At present, the major problem is the
imbalance between public and private health care systems. As pointed out by Mr Tommy CHEUNG, 80% to 90% of patients in Hong Kong receive treatment under the public health care system, but not many doctors work in the public sector as the majority of them practise in the private sector. In fact, the imbalance between public and private health care systems is an important problem faced by us.

How come we have recently very often heard about wastage of doctors in HA? I believe this problem is closely related to the chaotic human resources management system of HA. The Secretary will probably know that recently, there have been a lot of discussions on the remuneration packages offered to doctors and nurses by HA, and the remuneration packages offered to supporting staff have also lead to disputes. Over the years, although HA has substantial capital and resources and has received from the Government an annual provision of a large sum of funding, we do not understand why HA's human resources management has made all staff unhappy, be they doctors, nurses or supporting staff. They are unhappy not only because of the heavy workload, but also because the entire organization has exerted pressure on them and the system is very confusing.

Two days ago, the Secretary said at a meeting of a panel of the Legislative Council that HA was considering introducing a Retired and Rehire Scheme to increase the supply of doctors. However, I do not know if the Secretary is aware that HA only discusses with the doctors concerned at the eleventh hour of their retirement. As the Secretary had once taken up the post of the Cluster Chief Executive of HA, she would surely know that if HA had the intention to retain doctors, particularly senior doctors and rehire them upon their retirement, it should have discussed with the doctors as soon as possible and tell them such an intention. However, HA has not adopted such an approach. It discusses with the doctors only a few months before their retirement. By then, the doctors may have received better employment offers or they may think that HA is not interested or sincere in discussing with them. I believe staff members of HA can tell the Secretary many details of the Retired and Rehire Scheme.

If we want to expeditiously increase the supply of doctors, HA should not only retain talents, but also wisely use talents. We must study and follow up the problem of low morale of staff caused by such a chaotic system of human resources management in HA.
MR GARY FAN (in Cantonese): On 3 April the Medical Council of Hong Kong ("MCHK") vetoed all four proposals concerning the exemption of non-locally trained specialist doctors ("overseas specialist doctors") from complying with the internship requirement. Because of the public outcry, MCHK succumbed to public pressure and finally the Chairman of MCHK cast a decisive vote at the meeting on 8 May and the proposal commonly called the Government-backed proposal was finally passed. The proposal, put forward by Prof Grace TANG of the University of Hong Kong, was backed by the Government. Under the proposal, overseas specialist doctors employed with limited registration to serve in the Hospital Authority ("HA"), the Department of Health and the medical schools of the two universities in Hong Kong can, after working in those organizations for three years, be exempted from internship and formally obtain the licence after they have passed the Licensing Examination.

I think the biggest problem with this proposal is that it cannot ensure that overseas doctors will get clinical experience in public hospitals during their three years of employment. If this proposal aims at relieving the manpower shortage of public hospitals only, it should state clearly that the doctors concerned must serve in HA for a specified period of time.

Concerning the proposal that has been passed, many doctors worry that the posts in the medical schools of the two universities may only be related to teaching and research but not frontline work. Many doctors and members of the public think that overseas doctors should get familiarized with the health care system and frontline conditions in Hong Kong as soon as possible and the Government-backed proposal cannot put their minds at ease or meet their expectations. As a matter of fact, at least two doctors' associations released a public statement after the Government-backed proposal was passed, stating that they could not accept and were also greatly surprised by the authorities' negligence of the importance of gaining clinical experience in local hospitals on the grounds that the overseas doctors had already gained clinical experience in their countries of origin. The doctors' associations emphasized that exempting the internship requirement of overseas specialist doctors could neither improve the working environment of our public hospitals nor help attract overseas doctors to come to Hong Kong. They were worried that the exemption would have negative impacts on the medical profession, patients' safety as well as the doctor-patient relationship.
I think it is reasonable for some MCHK members to insist that overseas doctors must serve in public hospitals for a specified period of time; otherwise, if they switch to the private sector soon after they come to Hong Kong, the overcrowdedness of public hospitals can in no way be relieved. Some doctors also pointed out that each year most doctors leaving the employ of HA are specialist doctors, and hence if overseas doctors who come to Hong Kong lack the training and internship in the specialist fields, they may not relieve the problem of wastage of specialist doctors in Hong Kong. Overseas doctors must attain professional qualifications, and their standard can only be verified through examination, and their adaption to Hong Kong's health care system can only be established through internship. Only then can we ensure that the general public in Hong Kong will receive quality health care services. Hence, we should not criticize the doctors who raised the questions for being protectionists.

HA has been accused of "fattening the top and thinning the bottom" and mismanagement. However, many doctors in public hospitals still uphold their professionalism steadfastly and care for the well-being of patients. Hence, it is in the interest of the majority of the public for doctors to maintain their professionalism. They are not taking an opposite stand against the authorities. As such, the admission of overseas doctors under a limited registration scheme will do little to relieve the pressure of the overloaded health care system in Hong Kong. From 2012 to the end of 2018, a total of 39 overseas doctors were admitted but in the end, only 17 remained in the employ. I believe the overcrowded working environment of public hospitals and the overly heavy work pressure are the basic reasons for the difficulties in retaining talents.

The proposal passed by MCHK is utterly inadequate in solving the shortage of doctors. I think the crux of the problem is that the public health care services are unable to meet the needs of an increasing population, leading to the overburdening of the public hospital services. This is what we should be concerned about.

President, I so submit.
DR PIERRE CHAN (in Cantonese): President, the circumstances leading to this motion for adjournment is that after the Medical Council of Hong Kong ("MCHK") conducted the first meeting in early April and voted down all the proposals, there were strong reactions in society, so a Member proposed this adjournment motion, which has to wait until today for a debate to be conducted. MCHK then held the second meeting on 8 May and endorsed the Government's preferred option, that is, overseas specialist doctors who have worked in the Hospital Authority ("HA"), the Department of Health and the medical schools of the two universities for three years will be exempted from the internship requirement after passing the Licensing Examination. I respect the decision of MCHK.

The issue of debate of today's adjournment motion is: The relaxation of the internship requirement of the non-locally trained specialist doctors by the Medical Council of Hong Kong. Being a Member of the Legislative Council and also a member of MCHK, I do have some strong feelings. While MCHK had completed the voting and endorsed certain options after conducting two meetings lasted more than five hours, a committee of the Legislative Council had failed to achieve any result after conducting four meetings, but it now even conversely pointed its finger at MCHK and proposed this adjournment motion.

I can only say that there is an ulterior motive behind this adjournment motion, and I am ready to subject myself to Members' criticisms. However, Members must have a clear understanding of the meaning of certain terms. First of all, many colleagues pointed out that only 10-odd overseas doctors were granted limited registration, and the number was too few. However, I hope Members will understand that by limited registration, overseas doctors can undergo supervised practice in certain places of Hong Kong without having to pass the Licensing Examination or complete internship. In fact, many overseas doctors who come to work in Hong Kong have been fully registered. They have passed the Licensing Examination and completed internship before working in Hong Kong (including public health care institutions). There are many such doctors in HA, and some of them only understand English but not Chinese. According to the definition of the Government, I am also an overseas doctor as I passed my licensing examination abroad.
Some representatives of patients' groups claimed that they voted for the Government's preferred option under pressure. As this option fails to meet the requirements of certain people, other options must be explored, such as granting full registration without having to pass the Licensing Examination, so as to attract overseas doctors to work in Hong Kong. I once reminded Members here to handle carefully the examination exemption arrangement, that is, abolishing the Licensing Examination and granting full registration. In fact, this proposal has aroused serious public concern. It is likely that relevant posts on Facebook will receive continuous criticisms from netizens.

I would like to talk about the Medical Registration (Amendment) Ordinance 2017 endorsed earlier on, which enabled MCHK to approve applications for limited registration for a period from one year to three years. At first, the Government explained that this arrangement could attract non-locally trained doctors to work in HA, thereby alleviating the shortage of manpower in public hospitals. Initially, I was surprised at the arrangement because if the objective was to alleviate the shortage of manpower in public hospitals, MCHK's proposal should require overseas doctors to continue to serve in public hospitals in lieu of internship after passing the Licensing Examination. This could be the solution to the problem. However, I hope Members will understand that if we offer overseas doctors with limited registration or even exempt them from examination, or grant them full registration in certain ways so that they can choose to work in public hospitals or go into private practice, they will leave HA after the registration.

Furthermore, I would like to clarify one point here. The requirement of overseas doctors to obtain full registration or professional qualifications by going through the Licensing Examination and internship is not unique to Hong Kong, but is also required by overseas countries. As Dr Fernando CHEUNG has also mentioned, the examination requirement is imposed in every state of the United States. Before the reunification, there was mutual recognition of professional qualifications between us.

Many people said that the Licensing Examination was very difficult and candidates could hardly get a passing grade. However, I can tell Members publicly here that if I sit for the examination today, I am very confident that I can
get a pass. The so-called Licensing Examination is only at the university level, and can be said to be a basic competency test rather than some kind of specialist or difficult assessment. Between 2012 and 2016, the number of overseas doctors had increased continuously from 5% to 17% or 18%.

Last but not least, I hope that colleagues of the Legislative Council and stakeholders in the community can put aside their differences. They should not look at doctors with tinted glasses, so as to avoid stirring up the antagonism of doctors and patients and further splitting the community. Thank you. (The buzzer sounded)

PRESIDENT (in Cantonese): Dr CHAN, please stop speaking.

DR ELIZABETH QUAT (in Cantonese): President, the most saddening and helpless experience of our work in the district is the handling of medical complaints.

A member of the public once told me that his mother suffered from vomiting and diarrhea. She kept vomiting while waiting in the hospital's accident and emergency department, but she was admitted to a ward only after waiting for 17 hours. An elderly person said to me in tears that his knees were in pain and yet he still could not receive any treatment after waiting for two years. Another person told me that his father has blurred vision and was probably suffering from cataracts, but still, he has to wait for two or three years for medical treatment. Furthermore, some parents noticed that their children have behavioral problem and wanted to send them to the psychiatrists for some tests to find out more about the problem, but they have to wait for three years for consultation. These cases keep coming up in different district offices day after day, how can we help the public? There is nothing we can do to help.

There is an acute shortage of doctors in Hong Kong and public hospitals are very crowded every day. During the surges of influenza, patients are often unable to see the doctor even after ridiculously long waits. Does shortage of doctors only affect public hospitals? No, because there is insufficient doctor in
the private sector as well. If people visit private clinics during the surges of influenza, they will find that the clinics are also very crowded. I once waited at a private clinic for four hours but still could not be treated. Therefore, shortage of doctors in Hong Kong is very acute.

A Member just now asked: What is the shortfall in doctor in Hong Kong? According to the Organisation for Economic Co-operation and Development, the per capita doctor ratio should be 3.4 per 1 000 persons, but it is now only 1.9 in Hong Kong and there is a shortfall of several thousands of doctors or even 10 000 doctors. With an increasingly ageing population and an increasing demand for Hong Kong's health care services from the surrounding areas, the problem has now become more imminent and people are up to their eyebrows in trouble. Many of them had already been drowned.

There has always been a shortage of doctors in Hong Kong and the issue has been debated in the Legislative Council for countless times, but has the Government or the Medical Council of Hong Kong ("MCHK") offered any solution to this problem over the years? The proposals, which were drafted with great efforts and merely sought to exempt the internship requirement, were all voted down. In the face of the tremendous pressure to recall its powers, MCHK finally passed the proposal of exempting the internship requirement. Should we continue to leave the decision of this acute social problem of shortage of doctors, which has an impact on the lives and health of millions of people, to MCHK which is dominated by doctors? Is professional autonomy of paramount importance? Should professional autonomy not override public interests?

In our opinion, the problem has already developed into a serious vicious circle. Apart from a lack of space, there is also a shortage of doctors in public hospitals. Many doctors have complained to me that as they could only spend three minutes on treating each patient, they could not possibly give proper treatment to help the patients. Consequently, more and more doctors leave the public sector to go into private practice. What can we do in the future? In that case, we must attract by various means more quality doctors to come to Hong Kong to serve the general public.
Many children of Hong Kong residents studied medicine abroad and they have, after graduation, stayed behind in overseas countries to practise for more than 10 years. These parents told us that as they were getting old, they earnestly hoped that their children could return to practice in Hong Kong. Yet, since their children were graduated overseas, they could not return to Hong Kong to practice. In fact, for the United Kingdom alone, the number of such doctors may reach a few hundreds or even a thousand. Why do we not attract these Cantonese-speaking doctors who were born in Hong Kong and have close ties with Hong Kong to return and serve the people of Hong Kong? Why do we have to put so many hurdles in their way? These medical graduates had passed the relevant examinations and after working for more than 10 years with clinical experience, they are now specialist doctors. Given that there is a shortage of doctors in the Hospital Authority, why should we require these doctors to obtain the professional qualification by passing the Licensing Examination again in order to return and practise in Hong Kong? Why are their services in Hong Kong considered to be inferior? Will they be the first to be dismissed if Hong Kong finally has enough doctors one day? Why can’t they enjoy equal opportunities for promotion?

The proposal put forward by the Democratic Alliance for the Betterment and Progress of Hong Kong aim to attract more overseas Hong Kong-born doctors to return to serve Hong Kong people and address our imminent problem. I trust that many people will accept this proposal and many doctors whom I have consulted also considered the proposal acceptable. If doctors are still fully committed to protectionism and continue to berate and sling mud at us, saying that our intention is to open the door of Hong Kong wide for overseas doctors, I think they have not genuinely thought about the lives of Hong Kong people. Nor do they truly want to solve the problem of Hong Kong. Let us stop putting unnecessary hurdles, and focus on discussing the admission of more overseas doctors in an open manner.

MR FRANKIE YICK (in Cantonese): President, I speak in support of Mr Tommy CHEUNG's motion for adjournment.

After the Medical Council of Hong Kong ("MCHK") voted down the proposal of exempting the internship requirement for overseas specialists on 30 April this year, it ultimately passed, under immense media pressure, a proposal
one month later on 8th of this month. Under the proposal, overseas specialists with limited registration who have worked in the Hospital Authority ("HA"), the Department of Health or the medical schools of the two universities for three years will be granted full registration without having to go through internship after passing the Licensing Examination. However, the passage of this proposal does not mean that the shortage of doctors in public hospitals in Hong Kong can be alleviated because the threshold has only been slightly lowered and the attractiveness to overseas doctors still remains low.

At present, there are 14,651 registered doctors in Hong Kong and among them, less than 50% are working in public hospitals. It is estimated that there are less than 1.9 doctors per 1,000 persons, and the per capita doctor ratio is much lower than that of our neighbouring regions. While the ratio is 2.3 in South Korea, it is 2.4 in Singapore and Japan. Worse still, the shortage of full-time doctors in the public health care sector has become more acute as the wastage rate remains consistently high. The overall wastage rate of full-time doctors in public hospitals was 5.8% in 2017-2018, which is approximately equivalent to 314 doctors, hitting a new record high in 10 years. As a result of a shortage of full-time doctors, the waiting time for first consultation in some specialties, such as ophthalmology, is as long as three years, and the long waiting time has caused widespread grievances among the people.

With an ageing population, public demand for health care services will only continue to rise. The Liberal Party supports the Government's previous measures to increase the manpower of doctors in Hong Kong, including increasing the number of training places for medical students, increasing the frequency of Licensing Examination and improving the remuneration package for doctors in public hospitals. However, there is still an acute shortage of doctors. In order to bring the per capita doctor ratio of Hong Kong on a par with our neighbouring cities, it is estimated that there is a shortfall of at least 2,500 doctors. If Hong Kong wants to reach the average level of the member states of the Organisation for Economic Co-operation and Development, that is, 3.4 doctors per 1,000 persons, there is still a shortfall of 10,000 doctors. In order to alleviate the shortage of doctors, the Liberal Party hopes that the Government will continue to discuss with MCHK on the proposal of further relaxing the admission of overseas doctors.
Overseas doctors coming to practise in Hong Kong are required to pass the Licensing Examination, which consists of three parts, namely professional knowledge, proficiency test in medical English and clinical examination. However, the assessment contents of the examination are not only difficult but also extensive, and Part I on professional knowledge alone covers the entire syllabus of the five-year medical course in Hong Kong. Is it necessary for a doctor who has already obtained specialist qualification to take the assessment again?

As a matter of fact, there is nothing new about the admission of overseas doctors by waiving the examination requirement to alleviate the shortage of doctors. In our neighbouring countries such as Singapore, through the admission of overseas doctors, the per capita doctor ratio had significantly increased from 1 000:1.4 in 2000 to 1 000:2.4 in 2017, representing an increase of 70%. In order to safeguard medical safety and the quality of the admitted overseas doctors, Singapore has, despite the examination waiver, required them to complete the assigned professional practice under supervision, and the granting of full registration is subject to their satisfactory performance.

The Liberal Party suggests that the Government should draw reference from Singapore's admission of overseas doctors, and by adopting the existing arrangement of limited registration, non-local registered doctors who graduated from medical schools of world renowned universities and non-local registered doctors who have practised in overseas hospitals of high medical standards should be allowed to work in the public health care system in Hong Kong under limited registration. After working for five years or more and subject to the satisfactory performance of the supervised practice, the specialist qualification of these doctors will be recognized by the Hong Kong Academy of Medicine. They can thus obtain full registration direct without having to go through examination and internship.

President, in order to tackle the medical problems in Hong Kong, the Liberal Party considers it necessary to adopt a multi-pronged approach. Therefore, apart from the admission of overseas doctors by waiving the examination requirement, other measures should also be adopted, including
developing primary health care and reducing the administrative work of HA's medical staff.

President, I so submit.

**DR CHENG CHUNG-TAI** (in Cantonese): I oppose the adjournment motion moved by Mr Tommy CHEUNG on the relevant subject. There are two major reasons. Firstly, I think a relaxation of doctors' qualifications for practice would most likely lower the quality of health care services, thus the health of Hong Kong people will be at stake. Secondly, a relaxation of the qualifications for practice would most likely widen the gap in health care quality between public and private sectors in Hong Kong, thereby the health of the grass roots in Hong Kong will be at stake.

Let me briefly explain the above two points. First, in respect of the relaxation of qualifications, especially the exemption of examinations, why do I say that this would most likely bring about poor health care services? In fact, as evident from the statistics provided by a number of Members earlier on, doctors from Europe, the United States or other modernized countries have a relatively high passing rate for the Licensing Examination in Hong Kong. On the contrary, the passing rate of doctors from Mainland China has remained at around 25%. Therefore, once the examination requirement is exempted, we will not be able to use a uniform evaluation standard to assess the quality and standard of health care services provided by overseas doctors coming to practise in Hong Kong. Of course, some people may argue that this will not be the case as doctors from Mainland China may have clinical experience or even excellent medical skills. Notwithstanding that, there is no basic framework of medical specialties in Mainland China, nor is there any mechanism which is in line with international professional certification. Although these doctors' qualifications may be recognized by the State Council or they may have excellent medical skills, but can members of the public be convinced? It is learnt that the Mainland is going to introduce a unique certification system, but it is not related to the various specialty certificates that Hong Kong people are familiar with, or is it in line with international certification practice.
Therefore, judging from this point alone, the conclusion is very simple indeed. The examination exemption arrangement will bring about an unimaginable consequence, and that is, the "Horse of Troy", which means that we can never tell what is inside the "horse". Meanwhile, we only see that among the overseas doctors coming to Hong Kong to sit for the Licensing Examination, the proportion of Mainland doctors continues to rise. I believe the majority of people would understand that we do not, from a more sensible point of view, reject or resist overseas doctors, but only wish to have a uniform standard so that doctors coming from different parts of the world would be required to sit for the same examination in Hong Kong. Furthermore, it is unlikely that they will not be able to pass the examination because of their ability in English or other language—Members may not know that Mainland doctors are allowed to speak Putonghua in the examination. While local doctors are required to speak English in the examination, Mainland doctors may choose to speak Putonghua, so why would the examination be unfavourable to them? This is not justified. Basically, if Members have a clear picture, they would understand why a relaxation of the examination requirement would most likely bring about poor health care services, thereby paying a price in the health of Hong Kong people as a whole.

Secondly, many Hong Kong doctors, especially those working in public hospitals, uphold the principle that the quality gap between the public and private health care sectors in Hong Kong should not become too wide. The gap between them may only lie in the menu and the politeness and appearances of the medical staff, and it is not likely to have significant variation in the quality of surgical operations. However, once examination exemption is introduced, the entire ecology will change. Hong Kong doctors will be well sought after, hence there is simply no need for them to be so persistent. Dr Elizabeth QUAT just now mentioned professional hegemony and doctors harbouring each other, but honestly speaking, I do not think that Mainland doctors who come to practise in Hong Kong will not defend the rights and interests of Mainland doctors. They may even form their own groups as in other industries. The question is, why do Hong Kong doctors stand firm to oppose the examination exemption arrangement? This is because they basically think that the difference in the quality of health care services between the public and private sectors in Hong Kong should not be too great, but the exemption of examination will create the effect of "the bad edging out the good". After Mainland doctors come to
practise in Hong Kong, doctors from Hong Kong or of higher standard will switch to practise in private hospitals, thus leaving doctors of relatively lower standard in the local health care system. And yet, there is no way we can ascertain if they can pass the Licensing Examination. They are only more experienced after all.

As a result, grass-root s people in Hong Kong can only choose the inferior public health care services, whereas the wealthy people can enjoy private health care services of better quality. This is the last thing that we would wish to see. Although the quality of public health care services may not be that good and there are lots of problems, the difference in quality between the public and private health care sectors is, at least according to our understanding, not too great, (The buzzer sounded) … and if the examination exemption arrangement is endorsed, the result will be catastrophic.

PRESIDENT (in Cantonese): Dr CHENG, please stop speaking.

DR HELENA WONG (in Cantonese): President, I thank Mr Tommy CHEUNG for moving the adjournment motion. Shortage of doctors in Hong Kong is an undeniable fact. The Report of Strategic Review on Healthcare Manpower Planning and Professional Development released by the Government in 2017 pointed out that there was a current shortage of 500 doctors, and the shortage would exceed 1 000 in 2030.

Yesterday, I told Mr FONG Ngai at the meeting of the Panel on Health Services that we might have made a wrong calculation back then. The reason is that the shortage of doctors has far exceeded that number and we hope that the Government will expeditiously complete a new assessment to inform us of the latest situation.

With an ageing local population in Hong Kong, demands for health care services will keep increasing. We notice that people from the Greater Bay Area have also come to Hong Kong to obtain health care services, including injections and operations, etc. and these demands will expedite the expansion speed of the private health care market in Hong Kong. Where will private health care groups
recruit manpower? When there is shortage of manpower and the private market is expanding, the simplest way to recruit manpower is to draw talents from public hospitals by offering them attractive pay. Thus, the current wastage of doctors in public hospitals, particularly Consultants and Associate Consultants who are the more senior specialists, is very serious.

Although the Government has increased the training places of local doctors to over 500 per year, the annual wastage of doctors is nearly 400. In other words, even though 500 doctors are trained each year, as the wastage is 300 to 400, the net gain is only 100. In fact, the problem cannot be solved in this way. No wonder 40% of the public are not very satisfied with the existing public health care services, they think that the services are just so-so; and less than 30% are satisfied. We expect the situation to worsen in the future. Thus, if we do not try to solve this problem, people have to wait longer and longer for public hospital services and they will be the ones who suffer. How can the problems be solved? Certainly, the Medical Council of Hong Kong ("MCHK") has recently passed a proposal to admit doctors trained overseas to work in Hong Kong. MCHK has done a little work to remove unnecessary constraints by granting internship exemption.

How can shortage of local doctors be resolved? The Democratic Party suggests the Government to adopt a multi-pronged approach and designate the Food and Health Bureau to spearhead the entire reform and planning. First of all, we suggest the Hospital Authority ("HA") to make a pledge on waiting time, with a view to gradually reducing the waiting time of patients. We know that the waiting time for specialist consultation of new cases can be as long as two to three years. The waiting time for non-urgent services at public hospitals exceeds eight hours. We hope that the Government will discuss with HA to make a reasonable waiting time pledge, instead of making patients wait longer and longer. Only in this way that the Government will live up to the expectation of Hong Kong people.

Second, we have to increase the number of training places for local doctors and study the feasibility of establishing a third medical school. Many Members mentioned earlier that the doctor to patient ratio is too poor and we must make improvements.
The Democratic Party hopes that apart from increasing the number of training places for local doctors, the Government will really further explore how to admit Hong Kong people who have been trained in renowned overseas medical schools so that they can return to Hong Kong and practise here. Some Members are worried whether such a measure will lower the standard of doctors. We are also very concerned about standards. Thus, we propose to draw up a list of medical schools with international ranking to control the standard; and use the place of training as a further criterion, so that Hong Kong people who have received specialist medical training in places which are very similar to Hong Kong, e.g. the United Kingdom, Australia, Canada and New Zealand, can return to Hong Kong and practise. After these specialists have returned to Hong Kong and served in the public health care system for six years, they can be exempted from taking the Licensing Examination. This proposal will not lower the standard of our doctors because we are not suggesting that any doctor can be exempted from the examination … (The buzzer sounded) but only those who have reached the standard of specialists.

PRESIDENT (in Cantonese): Dr WONG, please stop speaking.

MS CHAN HOI-YAN (in Cantonese): President, this adjournment debate stems from the veto of four options by the Medical Council of Hong Kong ("MCHK") at the beginning of April to relax the internship requirement of overseas specialists who have passed the examination, which caused an uproar and disputes in society.

I had strong feelings in the whole process of the disputes. The discussions in society reminded me of the disputes on the Medical Registration (Amendment) Bill 2016 ("the Bill"), which was related to the so-called reform of MCHK. The Bill sought to add four lay members to MCHK to enhance its transparency and credibility and to establish an additional preliminary investigation committee to increase MCHK's capacity and efficiency of handling complaints. Another very important objective of the Bill was to extend the duration of contracts of medical practitioners with limited registration from one year to three years. This would attract overseas medical practitioners to practise in Hong Kong so as to relieve the shortage of doctors in the public health care system.
However, the entire Bill, particularly the part of the Bill on extending the duration of the contracts from one year to three years, was depicted as the Government's conspiracy to admit unqualified Mainland doctors to Hong Kong. In the end, as Members are aware, some Members filibustered and nullified the Bill so that it could not be put to vote and passed before the end of the Legislative session of that term.

I can well understand that political statements are often made in debates of the Legislative Council. Nevertheless, it is most unforgettable that while I was trying hard to persuade Members to support the Bill as an officer of the Government back then, I saw some Members, who often claimed that they cared for the underprivileged, walk to the protest area of the Legislative Council and claim credit from young doctors who were staging a sit-in. These Members said that they would certainly not allow the Bill to pass, lest Mainland doctors would come to Hong Kong and lower the standard of the medical profession; cause sufferings to patients and deprive young local doctors of the chance to enjoy a better working environment. These senior Members of the Legislative Council should have understood the Bill most thoroughly. Yet they did not clearly explain the contents of the Bill to the stakeholders and the public, but put forward conspiracy theories. It was really very disappointing and I had witnessed what happened back then.

Faced with this subject concerning people's livelihood, I think we should adopt a pragmatic approach and try to narrow our differences by justifications based on facts, instead of creating conflicts by stating stances and stirring up emotions. The facts tell us that up till today, we are still suffering from the adverse effects of the irrational discussions back then.

Manpower shortage in public hospitals is an indisputable fact and a long-standing problem which has not been solved. Apart from waiting for the students of the two medical schools to graduate, do we have other ways to relieve the shortage of doctors within a short time? While we are exploring the issue, there are certainly views of two sides and there will be good and bad times. Nevertheless, in the face of controversy, if we one-sidedly attack protectionism of the medical profession, or if we unfairly criticize the proposal of facilitating overseas doctors to come to Hong Kong as an attempt to pave the way for admission of Mainland doctors, we are not helping society to rationally discuss
how to solve the dire shortage of doctors; worse still, it will make our discussions lose focus.

Fortunately, I am grateful that the proposal of relaxing the internship requirement was eventually passed in May. Certainly, I think the proposal is only a drop in an ocean in relieving manpower shortage in public hospitals, but it is nonetheless a move in the right direction. In fact, I think more importance should be attached to the crucial problem of failing to retain talents in the public health care system. If we do not address problems such as staff remuneration, working environment and morale in public hospitals, even if more overseas doctors are willing to return to Hong Kong to practise or even if they can be exempted from the examination, they will not be willing to stay in public hospitals but enter the private market instead, thus sustaining the vicious cycle of manpower shortage.

In order to practically address the problem of shortage of doctors, I think we should not merely focus on considering how to enhance our existing mechanism, particularly the attraction to doctors with limited registration so as to increase the number of doctors within a short period. Even an increase of one doctor will be fine. Most importantly, we have to discuss how the Hospital Authority ("HA") should retain the existing health care personnel through enhancing their remuneration and ameliorating the crowded environment of hospitals, etc. At the same time, HA should also enhance its management efficiency to ensure that the funding of more than $70 billion provided each year will really be spent on health care personnel and patients. Otherwise, after 10 or 20 years, we still have to face the same problems.

I so submit.

**MR CHAN HAN-PAN** (in Cantonese): President, Ms CHAN Hoi-yan mentioned earlier the discussion in the Legislative Council on the reform of the Medical Council of Hong Kong ("MCHK") back then. The incident is still vivid in our minds. If the bill on the reform of MCHK had passed back then, the measure of extending the contract duration from one year to three years for overseas doctors working in Hong Kong could have been introduced a year earlier. Back then, a Member returned by direct election took certain
actions—Ms CHAN Hoi-yan is very nice and she has not revealed his name. Yet, I will reveal his name. The Member is Dr KWOK Ka-ki. He told other doctors that Mainland doctors would take the opportunity to practise in Hong Kong and he used Mainland-Hong Kong conflicts as an excuse to oppose the proposal. Today, Dr KWOK has used the same excuse to oppose the amendments to the Fugitive Offenders Ordinance because speaking in such a way is most effective in stirring up emotions, creating conflicts and misleading the public. Thus, problems have again occurred at present.

In fact, when we were discussing the reform of MCHK back then, we already pointed out that the ratio of only 1.9 doctors to 1 000 persons in Hong Kong was pathetically low. However, the most serious problem is that the Hospital Authority ("HA") fails to retain talents. We found that the reason is that HA has abolished the mentorship approach to medical practice. Besides, the work of doctors has become increasingly mechanical and everything has to be done according to the guidelines instead of solving problems together. The paper records of patients which doctors have to handle become thicker and thicker and doctors have to tick options of patients' conditions in every consultation. This kind of mechanical operation reduces doctors' interests in their work and prompts them to leave HA.

The huge wastage of doctors and health care personnel makes public health care services worse and results in a terribly long waiting period for patients. On the other hand, the consultation time of doctors is terribly short. The doctor may not even know whether the patient is a male or a female because he only focuses on recording information in the computer. The consultation time is simply inadequate. At present, since the consultation quotas for outpatient clinics are inadequate, patients have to make advance consultation bookings for public health care services even if they are suffering from influenza or high fever. If they fail to make a booking, they can only go to the Accident and Emergency Departments ("AEDs") and so AEDs are overloaded. Patients wait in AEDs not because they like to; in fact, it is agonizing to wait in an AED for hours.

At present, there is an inadequate supply of consultation quotas and AEDs are overloaded mainly because HA fails to retain talents. Increasing the number of doctors is one of the current prescriptions to the problem, but a more important prescription is to implement health care reform. If we do not implement health
care reform now, but continue to do things according to the guidelines and adopt a mechanical operational mode, I think doctors may leave after working for a few years because the work is too boring. I hope that the Government will implement health care reform. Later on, I will propose a motion urging the Government to expeditiously introduce health care reform so as to build up the first line of defence in health care, i.e. primary health care, the term used by the Government.

At present, primary health care services are neither fish nor fowl. I hope the Government will incorporate private health care services into the public health care system, so that patients can obtain government subsidies when they seek medical consultation in the private health care system. The scope of public-private health care partnership can thus be further extended, unlike the present situation in which 90% of patients seek medical consultation in public hospitals where only 10% of doctors are providing services; whereas 90% of doctors are serving 10% of patients in the private market. That is a mismatch of resources in society. Besides, the Government should make good use of Chinese medicine practitioners, because Chinese medicine treatment is very effective in treating chronic illnesses and pain, but it has not been incorporated into the mainstream health care services. Thus, I hope that Members will make use of this opportunity to have more discussions and urge the Government to implement health care reform as soon as possible.

President, I so submit.

DR JUNIUS HO (in Cantonese): President, I am very grateful to Mr Tommy CHEUNG for moving this highly meaningful adjournment motion to call for the debate on the relaxation of the internship requirement of the non-locally trained specialist doctors by the Medical Council of Hong Kong ("MCHK").

Actually, I am not particularly clear about one point. As the employer of the biggest health care system in Hong Kong, the Hospital Authority ("HA") should have the power to decide on its own whether non-locally trained doctors would be hired to practise in Hong Kong if they meet the qualifications of registered doctors in Hong Kong. I firmly believe that there is little difference between doctors trained under the health care systems in Commonwealth countries, in other developed countries, or in Hong Kong. As an employer, HA
should have the power to decide whether overseas doctors would be hired to join its health care system to treat patients as long as it is satisfied that those overseas doctors are up to par. Who bears the responsibility? HA can very well bear the responsibility, without having to consult MCHK the employment of doctors or whether these doctors have to be qualified to practise in Hong Kong. As a government institution, HA should have the power to make the final decision. HA does not need to take orders from MCHK as it is the institution to have the final say on doctors' qualifications and standard. Hence, how come HA has to knock on the door of MCHK to ask for its approval for allowing someone to work for HA? I think it is wrong for HA to do so.

As a doctor and a Director of Bureau, the Secretary heads the entire health care system and can also determine whether someone is truly qualified. As long as a person is not a bogus doctor, she can hire him. Hence, the current problem is whether HA can hire overseas doctors to work in HA hospitals for a period of time, say three, five or seven years, and if those doctors intend to become registered doctors in Hong Kong, they can take the Licensing Examination. Also, if HA is satisfied with their performance, it can waive their internship requirement, which is understandable. However, I think this is not what the whole issue is about.

What I want to say is, owing to the lack of manpower in our present health care system, the heavy workload faced by doctors and the shortage of clinical personnel, HA hires overseas doctors to Hong Kong to fill the vacancies. As these doctors are its employees, they will not leave HA before they are qualified to practise in Hong Kong. As long as HA offers high remunerations, quarters and allowances, there will always be people who apply for the jobs. What is needed now is manpower and we do not have to worry whether they will leave HA to work elsewhere; neither does HA want them to leave. No matter where these doctors are from, the Philippines, Mainland China, the United States or the United Kingdom, as long as they are qualified doctors and they can serve the people of Hong Kong, HA can hire them. I just cannot accept the comments that these doctors are not up to par and hence patients in the public health care system are being unreasonably and unfairly treated. We should never harbour such thoughts.

We now have to address the lack of doctors in Hong Kong, particularly the lack of doctors in public hospitals. Let us take a look. At present, the newly
completed government hospitals are not fully commissioned. For example, only some of the medical wards in Pok Oi Hospital are open and only 100 out of 450 beds in Tin Shui Wai Hospital can be commissioned. The Government builds hospitals but lacks doctors to provide service. As such, it is necessary to recruit overseas doctors to practise in Hong Kong immediately, but MCHK has to look at their qualifications, imposing requirements on fellowship or faculty to examine their qualifications, and even requiring them to speak Cantonese and English in order to be qualified. Do doctors need to speak a lot with patients? All they need is to adopt the four methods of diagnosis (observation, auscultation and olfaction, interrogation, and pulse feeling and palpation). Even if a doctor does not know how to interrogate the patient lying down, he naturally knows how to treat him. Does the doctor have to ask the patient how painful he is before prescribing medicine? It is not necessary. A doctor uses his skill to treat a patient; he needs not be told by the patient whether he has abdomen ache or stomach ache before prescribing medicine. A doctor needs to diagnose.

As a matter of fact, if HA hires overseas doctors to Hong Kong, it needs not consider what MCHK thinks. It can make an executive decision right away. If legislative amendments are needed, we will amend the legislation. However, I think this is not the crux of the problem because health care reform is related to the disciplinary issues. What we are dealing with now is: Who is the employer and who are the employees? As long as the employees meet the requirements, the employer can employ them to practise in Hong Kong, even though they have yet to meet the qualification to practise in Hong Kong. But that is even better because all of them have to work for HA and serve the public. I think that is a very simple matter. Members have exaggerated the complexity of the whole issue. Now is the time to do real work, rather than speak nonsense and empty talks.

I basically support Mr Tommy CHEUNG's motion. Thank you, President. I so submit.

**DR KWOK KA-KI** (in Cantonese): President, the shortage of doctors is a very serious problem. I think everyone must understand that it is most important for us to consider certain facts, which is, the Government's expenditures on health care services and hospital beds are gravely inadequate. The Government's
expenditure on public health care is not even 3% of our GDP. It has been 21 years since the reunification but the current number of hospital beds is even lower than that before the reunification.

When we demand quality health care services, the Hospital Authority ("HA") has an easy excuse, which is lack of manpower. There are two major problems that cause manpower shortage. First, the working environment of public hospitals has never been improved after more than two decades. The only change is that instead of sleeping on canvas beds in the past, patients now sleep on temporary steel-framed beds. The situation has not changed at all. Under such circumstances, and coupled with the mismanagement of HA, there is a wastage of over 300 doctors each year. Many of them have left because they are dispirited with their work in public hospitals, deeply resenting against HA's mismanagement. For example, they have to attend unnecessary meetings, or they are required to write many reports, making them spend more time in front of the computer writing reports than attending to patients. These all affect their morale.

Second, under the Government's health care system, patients are unable to break away from HA. In many places around the world, most patients can receive specialist treatments and care in their community after being treated in hospital. For years we have requested the Government to examine whether it is possible to care for patients in their communities, yet it seems that the Government is unable to do so.

In the face of the lack of doctors, many would ask why medical graduates are still required to take examinations. As a matter of fact, many developed countries in the world (with the exception of Singapore), most of which we model on, including the United Kingdom, the United States, Australia and New Zealand, require non-locally trained doctors to take licensing examination for one simple reason, which is to ensure the quality of treatment received by patients. Between 2012 and 2016, doctors trained in the United Kingdom, the United States, Australia and New Zealand who took the Licensing Examination in Hong Kong had a rather high passing rate of over 52.8%, that is, 144 among 273 who took the examination were qualified to practise. On the other hand, the passing rate of 335 doctors trained in the Mainland was only 27%, doctors trained in Belt and Road countries 16.7% and doctors from other places below 20%. Even with such a low passing rate, many doctors still wish to practise in Hong Kong through
this channel. Being a sovereign state, Singapore has the power to determine which medical schools' graduates are acceptable, and it can also struck off several medical schools in the Mainland from its acceptance list.

Hong Kong is not a sovereign state. In the face of the imminent breakdown of "one country, two systems", I believe all Hong Kong people understand that if the Licensing Examination is waived, leaving the door wide open to admit anyone, medical graduates from the Mainland will most likely come to practise in Hong Kong. Of course, there are also exceptions like the daughter and son-in-law of Mr Tommy CHEUNG who have the priority to come to Hong Kong. Since this involves his personal interest, we would not give due consideration.

We must all understand that the poorest people in Hong Kong do not have a choice. For those who are rich, including Mr Tommy CHEUNG and many pro-establishment Members, they not only have money but also connections. For example, Mr CHAN Han-pan and the former Member TAM Yiu-chung could engage in backdoor dealings for their own benefit. Hence, no matter what doctors come to practise in Hong Kong, there are always a privileged few who can run roughshod over the public and receive special treatments. Most people who receive medical treatment in hospitals under the Hospital Authority ("HA") have no bargaining power. They do not have money to go to hospitals for the rich or they cannot afford to go to the United States like Mr CHEUNG's family for a change. Most poor people rely on the health care services provided by HA, and HA has to rely on a system, and the Government also relies on this system to protect the people. The system is the Licensing Examination. Other than passing the examination, doctors must also be familiar with the health care environment in Hong Kong. These are all essential and we cannot forsake this principle.

I so submit.

PRESIDENT (in Cantonese): I now call upon Secretary for Food and Health to reply.
SECRETARY FOR FOOD AND HEALTH (in Cantonese): President, first of all I am very grateful to Mr Tommy CHEUNG for moving this motion and other Members for their speeches. They have all shown great concern about the shortage of doctors in Hong Kong. In fact, like all Members, the Government is also very anxious about the acute shortage of doctors in Hong Kong and we are making every effort in retaining doctors and increasing the manpower in the public health care system through various means.

The Government welcomes the decision of the Medical Council of Hong Kong ("MCHK") on 8 May to relax the requirement on the period of internship assessment (commonly known as the internship requirement) of non-locally trained specialist doctors. We consider the proposal passed the most lenient, which has the greatest appeal and can also meet the principles of "fairness" and "equal treatment". Moreover, I have to especially thank the various shareholders of the medical sector, including MCHK, the Hong Kong Academy of Medicine ("HKAM"), the Hong Kong Medical Association ("HKMA"), the medical schools of the University of Hong Kong and The Chinese University of Hong Kong, the Hospital Authority ("HA"), the Department of Health and also various frontline doctors' associations for their efforts made during the discussion on various proposals.

However, as I have emphasized repeatedly in the past, the relaxation of the assessment requirements of non-locally trained specialist doctors is only the first step to increase the manpower of doctors. A multi-pronged approach is needed to resolve the problem of the current shortage of doctors in the public health care system.

First, in respect of training local medical students, the Government has substantially increased the medical training places funded by the University Grants Committee ("UGC") over the past decade, representing an increase of 90%. The Government will continue to increase the training places for local health care professionals and will provide all resources needed. In the triennium between 2019 and 2022, the Government will further increase the UGC-funded medical training places by 60 per annum. Besides, to ensure a steady supply of health care manpower in the long run, the Government has commenced a new round of manpower projection exercise, the results of which are expected to be published in 2020. Depending on the results of the projection, the Government
will consider how to adjust the number of medical training places in the next UGC triennium.

HA will recruit all qualified local medical graduates and provide for them a nine-year contract and specialist training. It is expected that in the next five years, a total of over 2,000 medical graduates will become registered doctors. HA will also continue to actively recruit part-time doctors and rehire retired doctors and will also enhance promotion prospects and training opportunities of existing doctors in the hope of retaining doctors and easing the manpower shortage.

On the other hand, HA will explore how to continue to improve the rehire scheme of retired doctors and try to encourage them to continue serving until the age of 65. It will also provide better working conditions such as overseas training opportunities, an improved working environment and better remuneration package to further enhance the effect of retaining talents in HA through various measures.

Although we have increased the training places of local medical students and HA will also actively implement various measures to retain doctors, to resolve the present manpower shortage, we must also consider various measures to encourage non-locally trained doctors to come to serve in Hong Kong's public health care organizations. We need outside help.

Since the enactment of the Medical Registration (Amendment) Ordinance in March last year, the validity period and renewal period of limited registration have been extended from not exceeding one year to not exceeding three years; coupled with HA’s decision to enhance the promotion opportunities of doctors with limited registration, it is believed that more qualified non-locally trained doctors will be willing to serve in Hong Kong. The Government will continue to work with Hong Kong Economic and Trade Offices (Overseas) to promote and publicize the limited registration arrangement in overseas countries. In May last year, the Secretary for Food and Health visited the United Kingdom and met with medical and health care students from Hong Kong. She encouraged them to practise in Hong Kong after graduation. The students' responses were positive. The Chief Secretary for Administration and Chairman of HA also visited the United Kingdom last year to promote HA's recruitment scheme. I believe that after the new proposal was passed by MCHK in May, when the Secretary for
Food and Health visits Australia again to promote the scheme in September this year, it will enhance the appeal to non-locally trained doctors about practising in Hong Kong.

On the other hand, we are discussing with HA and HKAM the possibility of providing newly graduated non-locally trained doctors and those with a few years' experience with the opportunity to undergo specialist training, on the premise that local doctors' opportunities will not be affected, thereby enhancing the incentive to attract doctors to practise in the public health care organizations in Hong Kong.

The Food and Health Bureau set up a new platform in March this year and invited major stakeholders of the medical sector, including the representatives from MCHK, HKAM, HKMA, two medical schools, the Department of Health and HA to draw on collective wisdom to explore various approaches to increase the manpower of doctors. We will hold the third meeting by the end of May to follow up those approaches.

President, despite the divergent views expressed by Members just now, they have the same objective of increasing the manpower of doctors in the public health care system. We will continue to communicate closely with various stakeholders and relevant organizations, and we also welcome proposals put forward by Members concerning how to increase the manpower of doctors in Hong Kong. The Government will study various proposals carefully and it is our ultimate goal to substantially increase the manpower of doctors in the public health care system.

Thank you, President.

PRESIDENT (in Cantonese): I put to vote the motion.

I now put the question to you and that is: That this Council do now adjourn. Will those in favour please raise their hands?

(Members raised their hands)
PRESIDENT (in Cantonese): Those against please raise their hands.

(No hands raised)

PRESIDENT (in Cantonese): I think the question is agreed by a majority respectively of each of the two groups of Members, that is, those returned by functional constituencies and those returned by geographical constituencies through direct elections, who are present. I declare the motion passed.

PRESIDENT (in Cantonese): Since the motion has been passed, this Council now stands adjourned.

NEXT MEETING

PRESIDENT (in Cantonese): I now adjourned the meeting until 11:00 am on Wednesday, 29 May 2019.

Adjourned accordingly at 7:32 pm.
The marked-up version of the amendment moved by Mr Alvin YEUNG (Translation)

That the legislation relating to the protection of Internet privacy is lagging behind in Hong Kong, and serious incidents relating to large-scale leakage of personal privacy and data have also 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; furthermore, as the Interception of Communications and Surveillance Ordinance does not cover instant messaging software widely used by members of the public, people's privacy may be under government surveillance without their consent; 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) amending the Interception of Communications and Surveillance Ordinance to extend its ambit to cover personal data such as text, speech or visual image sent through instant messaging software, so that operations for intercepting the relevant information and processing of such information by law enforcement agencies are subject to regulation under the Ordinance, with a view to further protecting people's privacy and reducing the risks of leakage of personal data;

(2)(3) conferring on PCPD the power to exercise administrative penalties (such as fines);

(3)(4) 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)(5) 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.

Note: Mr Alvin YEUNG's amendment is marked in **bold and italic type** or with deletion line.
That given the rapid advances and changes in technology applications, there are greater chances of personal information and relevant data being collected and improperly used, and members of the public have increasing concern over personal privacy; serious incidents relating to large-scale leakage of personal privacy and data and incidents involving improper processing or use of people's personal 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, including: excessive and covert collection of personal data, unexpected use of data, personal data being used for profiling by algorithms, low transparency in the data collection process, increasing risks of data retention and information security, 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, hence, the Government needs to update the Personal Data (Privacy) Ordinance to enhance the accountability, transparency and fairness in the collection, processing and use of personal data, thereby striking a balance between privacy and free flow of information; in this connection, this Council urges the Government to keep up with technological development and comprehensively review the policy on personal data privacy protection, including assessing the implications brought by new technology and the act of collecting relevant user data on privacy and morality, 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:

(i) reviewing the definition of personal data and whether there is a need to differentiate personal data that are sensitive from those that are not;

(ii) requiring data controllers to explain their privacy policy in the most direct and easy-to-understand way, and to obtain the freely given and explicit consent of data subjects;

(iii) granting data subjects the right to refuse the use of their personal data by data controllers for profiling by algorithms and for automated decision-making by artificial intelligence, and the right to require data controllers to explain the relevant principles; and

(iv) mandatorily 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, as a replacement of voluntary notification;

(2) having regard to the severity of data leakage incidents, conferring on PCPD the power to exercise impose administrative penalties (such as fines) on data controllers and processors and raise the penalty to enhance the deterrent effect;

(3) studying whether there is a need to regulate acts such as 'automated individual decision-making' and collecting data for profiling;

(4) requiring all government departments and public and private organizations to review their policies on processing personal data and security precautions, and introducing statutory requirement on privacy impact assessment and accreditation, so as to avoid the recurrence of infringement of people's personal data privacy; and
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.

Note: Mr Charles Peter MOK's amendment is marked in bold and italic type or with deletion line.
Annex 3

The marked-up version of the amendment moved by Dr Elizabeth QUAT
(Translation)

That Hong Kong's existing legislation on the protection of personal privacy is incomprehensive, particularly there is no legislation to impose targeted regulation on Internet storage of personal privacy and data, and there is also no dedicated legislation for protecting children's Internet privacy, thus failing to deter lawbreakers from collecting, through Internet, children's privacy and data and invading their privacy, and even committing indecent conduct through such acts; 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 the various measures and laws on the protection of Internet privacy of other jurisdictions, including the safeguards and requirements on restricting information storage in Internet and the notification regime for incidents, enacting legislation on the protection of Internet privacy applicable to Hong Kong;
(2) by drawing reference from the laws of other jurisdictions, enacting dedicated legislation for protecting children's Internet privacy, including formulating requirements to restrict network operators' excessive collection and storage of children's privacy and data and prevent the invasion of children's privacy, so as to effectively protect children's personal privacy;

(3) 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 of non-compliance with the enforcement notice to enhance the deterrent effect;

(4) regarding serious incidents relating to leakage of personal privacy and data, studying the introduction of more effective mechanisms for awarding compensation, conferring on empowering PCPD the power to exercise administrative penalties (such as fines), etc., so as to protect the rights and interests of members of the public and prompt for greater protection of personal data by data users;

(5) focusing on some enterprises' requirements for clients to provide non-service related personal data before using their services, conducting a review of the existing scope of permissible data collection by data users, including defining the meaning of sensitive personal data, and setting restrictions on the collection and storage of sensitive data, so as to enhance the protection of the people's personal data;

(6) 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

(7) 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.

Note: Dr Elizabeth QUAT's amendment is marked in bold and italic type or with deletion line.