

立法會
Legislative Council

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**Paper for the House Committee meeting
of 11 October 2019**

**Questions scheduled for the Legislative Council meeting
of 23 October 2019**

(Standing over from the meeting of 3 July 2019)

Questions by:

- | | | |
|------|------------------------|-----------------|
| (1) | Hon LEUNG Che-cheung | (Oral reply) |
| (2) | Hon YIU Si-wing | (Oral reply) |
| (3) | Hon Andrew WAN | (Oral reply) |
| (4) | Dr Hon CHENG Chung-tai | (Oral reply) |
| (5) | Hon Charles Peter MOK | (Oral reply) |
| (6) | Hon Kenneth LEUNG | (Oral reply) |
| (7) | Dr Hon KWOK Ka-ki | (Written reply) |
| (8) | Hon Martin LIAO | (Written reply) |
| (9) | Hon LAU Kwok-fan | (Written reply) |
| (10) | Dr Hon Helena WONG | (Written reply) |
| (11) | Hon SHIU Ka-fai | (Written reply) |
| (12) | Hon KWOK Wai-keung | (Written reply) |
| (13) | Hon Frankie YICK | (Written reply) |
| (14) | Hon LEUNG Che-cheung | (Written reply) |
| (15) | Hon Vincent CHENG | (Written reply) |
| (16) | Hon SHIU Ka-chun | (Written reply) |
| (17) | Hon Charles Peter MOK | (Written reply) |
| (18) | Hon Kenneth LEUNG | (Written reply) |
| (19) | Hon Andrew WAN | (Written reply) |
| (20) | Hon WU Chi-wai | (Written reply) |
| (21) | Hon CHAN Hak-kan | (Written reply) |
| (22) | Hon YIU Si-wing | (Written reply) |

Question 1
(For oral reply)

(Translation)

Tuen Mun South Extension

Hon LEUNG Che-cheung to ask:

The Railway Development Strategy 2014 recommends the taking forward of seven new railway projects, including the Tuen Mun South Extension. The MTR Corporation Limited (“MTRCL”) submitted a proposal on the Tuen Mun South Extension to the Government in as early as December 2016, but the Government has yet to complete its review of the proposal. On the other hand, it was reported in May this year that the Government was considering an idea of constructing an additional railway station near Tuen Mun Swimming Pool along the Tuen Mun South Extension, so that MTRCL could finance the railway construction costs through the revenues from the topside developments at that station. In this connection, will the Government inform this Council:

- (1) given that it has been two and a half years since the Government received the Tuen Mun South Extension proposal, when the Government will respectively announce the alignment of the railway and seek funding approval from this Council, if necessary;
- (2) of the details of the idea of constructing a new railway station near the Tuen Mun Swimming Pool; the details of the topside developments or the changes to be made to the community facilities involved; when it will consult the Tuen Mun District Council and this Council on that idea; and
- (3) given that in order to take forward the “Lantau Tomorrow Vision”, the Government will conduct an area-wide transport study and an engineering feasibility study on the road and rail links connecting the Hong Kong Island, the artificial islands in the Central Waters, Lantau Island and the coastal areas of Tuen Mun, and such studies will not be completed until 2023, whether the implementation timetable of the Tuen Mun South Extension will be affected as a result; if so, of the details?

Question 2
(For oral reply)

(Translation)

Vacancy information of public car parking spaces

Hon YIU Si-wing to ask:

As at the end of February this year, there were a total of 276 government and commercial public car parks disseminating vacancy information of their car parking spaces to the public through “HKeMobility”, a mobile application of the Transport Department. However, the vacancy information of car parking spaces of government car parks disseminated through the application is not real-time, and the application does not cover all commercial public car parks. In this connection, will the Government inform this Council:

- (1) of the respective current numbers of government and commercial public car parks disseminating vacancy information of their car parking spaces through the application; the respective numbers of car parking spaces of these two types of car parks and their percentages in the relevant totals;
- (2) of the reasons why the application cannot cover all public car parks in Hong Kong; and
- (3) whether it will make improvements, first by disseminating real-time vacancy information of car parking spaces of government car parks through the application, and then by introducing measures to encourage operators of commercial public car parks to disseminate such information; if so, of the details and timetable; if not, the reasons for that?

Question 3
(For oral reply)

(Translation)

Applications for naturalization as a Chinese national

Hon Andrew WAN to ask:

Quite a number of members of the ethnic minorities (“EM”) wish to apply for the Hong Kong Special Administrative Region Passport to facilitate their travelling and studying abroad. As only Chinese citizens may apply for the passport, they have to apply for naturalization as a Chinese national. Despite having resided in Hong Kong for years (quite a number of them and their older generations were born and raised in Hong Kong), they have encountered quite a number of difficulties when applying for naturalization, including that they need to wait for a long time and pay high fees, as well as that they are not informed of the reasons when their applications are rejected and no appeal channel is available. As a result, such EM members, who regard Hong Kong as their home, have lost their sense of belonging to Hong Kong, and some of them even chose to emigrate to other countries. Regarding the applications for naturalization by EM members, will the Government inform this Council:

- (1) of the respective numbers of naturalization applications received, approved and rejected by the Immigration Department (“ImmD”), as well as the number of applications withdrawn, in each of the past 10 years, together with a tabulated breakdown by ethnicity;
- (2) given that ImmD will, in processing naturalization applications, consider 10 factors such as whether the applicant has the right of abode in Hong Kong and whether the applicant has sufficient knowledge of the Chinese language, of the minimum number of such factors for which applicants attained positive scores in order for their applications to be considered; whether it will regard the applicant’s duration of residence in Hong Kong as one of the factors; if so, of the details; if not, the reasons for that; and
- (3) given that under the existing legislation, ImmD is not required to assign any reason for its decisions to reject naturalization applications, and applicants may not lodge any appeal against such decisions, whether the Government will amend the relevant provisions so as to avoid EM members whose naturalization applications have been rejected feeling confused and being discriminated against; if so, of the details; if not, the reasons for that?

Question 4
(For oral reply)

(Translation)

International image and business environment of Hong Kong

Dr Hon CHENG Chung-tai to ask:

Earlier on, the legislative amendments concerning the surrender of fugitive offenders proposed by the Government have aroused concerns of the international community. The United States-China Economic and Security Review Commission of the United States (“US”), the European Union (“EU”) Office to Hong Kong and Macao and the diplomatic representatives of EU member states, as well as the International Chamber of Commerce-Hong Kong have raised objections one after another. They are worried about the safety of businessmen, journalists, rights and interests advocates and political activists in Hong Kong in the wake of the passage of the legislative amendments, and a deterioration of Hong Kong’s freedom, level of the rule of law and the business environment. In addition, the US Government warned the Hong Kong Government in May this year not to allow an Iranian oil tanker to berth at Hong Kong or provide replenishment to that oil tanker. Also, quite a number of businessmen are worried about the international status of Hong Kong being shaken as a result of Hong Kong being caught in the crossfire of the trade war between China and the US. In this connection, will the Government inform this Council:

- (1) whether it has assessed the impact of the aforesaid incidents on Hong Kong’s international image, and of the counter measures to be adopted by the Government; and
- (2) whether it has assessed if there will be an exodus of overseas enterprises and professionals from Hong Kong for worries of deterioration of the human rights situation and the business environment in Hong Kong; if it has assessed and the outcome is in the affirmative, of the counter measures; if the outcome is in the negative, the reasons for that?

Question 5
(For oral reply)

(Translation)

Fair trial and human rights protection for
Hong Kong people surrendered

Hon Charles Peter MOK to ask:

It is stipulated in Article 10 of the Hong Kong Bill of Rights that everyone shall have the right to a fair and public trial. According to Article 3(f) of the United Nations Model Treaty on Extradition, extradition shall not be granted if the person whose extradition is requested has not received or would not receive, in the requesting State, the minimum guarantees in criminal proceedings as contained in Article 14 of the International Covenant on Civil and Political Rights (“the Covenant”). All the surrender of fugitive offenders agreements (“SFO agreements”) signed between Hong Kong and 20 jurisdictions were implemented after going through this Council’s legislative procedure for subsidiary legislation. In this connection, will the Government inform this Council:

- (1) whether it knows, among the jurisdictions which have signed SFO agreements with Hong Kong, the respective jurisdictions that have and have not implemented the Covenant as well as the respective numbers of them; how the Government, at an institutional level, ensures the provision of a fair trial and human rights protection for Hong Kong people subsequent to their being surrendered; whether it will add the relevant protection provisions to the legislation; if not, of the reasons for that;
- (2) whether it has assessed if a situation will emerge in which a fair trial and human rights protection for Hong Kong people is undermined as a result of their being surrendered; if it has assessed and the outcome is in the affirmative, whether such a situation will affect the commercial, trade and other relationships between Hong Kong and foreign countries; and
- (3) whether the Government assessed, before and after signing an SFO agreement with a certain jurisdiction, if there were serious discrepancies between the legal provisions and the actual enforcement of such provisions in that jurisdiction; if it made such an assessment and found the existence of such a situation, how the Government handled the relevant SFO agreements so as to ensure the provision of a fair trial and human rights protection for those Hong Kong people who had been surrendered?

Question 6
(For oral reply)

(Translation)

Future fuel mix for electricity generation

Hon Kenneth LEUNG to ask:

In 2014, the Government conducted a public consultation on the future fuel mix for electricity generation and put forward two options, namely: “grid purchase” under which electricity would be purchased from the China Southern Power Grid (“CSG”), and “local generation” under which more natural gas would be used for local electricity generation. A majority of the respondents supported the local generation option. On the other hand, the Government consulted the public from June to September this year on the long-term decarbonization strategy, proposing, among others, that 80% of the energy supply to Hong Kong should have zero carbon emissions by 2050. In this connection, will the Government inform this Council:

- (1) whether it knows the quantity of electricity currently imported from CSG and its percentage in the overall power supply to Hong Kong, the fuel mix adopted for electricity production, and the supply reliability;
- (2) as the Government indicated in July last year that the CLP Power Hong Kong Limited would enhance the clean energy transmission system with CSG, whether the Government knows the details, including the quantity of electricity import, the fuel mix adopted for electricity production, the production cost, and the progress of the relevant work; and
- (3) as the outcome of the public consultation in 2014 showed that a majority of the respondents supported the local generation option, why the Government still heads towards the direction of grid purchase; whether it will first focus on promoting the local development of renewable energy or other clean energy to maintain Hong Kong’s power autonomy; if so, of the details; if not, the reasons for that?

Question 7
(For written reply)

(Translation)

Odour problem at the Tsuen Wan waterfront

Dr Hon KWOK Ka-ki to ask:

Some residents of Tsuen Wan West have relayed that the seawater odour problem of Rambler Channel off the Tsuen Wan waterfront has been causing distress to them for many years. The Environmental Protection Department (“EPD”) has indicated that polluted water and matters have been discharged into the stormwater drainage system of Tsuen Wan District, and the organic matters therein have deposited and accumulated inside the culverts and then decayed, thus generating the odour. The Review of West Kowloon and Tsuen Wan Sewerage Master Plans, which was completed by EPD in 2010, identified in Tsuen Wan District three and 49 cases of misconnection of foul water pipes to stormwater drains (“foul water pipe misconnection cases”) by street-level shops and buildings respectively. In this connection, will the Government inform this Council:

- (1) of the respective numbers of foul water pipe misconnection cases which have been (i) uncovered, (ii) followed up and (iii) rectified by the authorities since 2010;
- (2) given that the Drainage Services Department is constructing and plans to construct a total of 12 dry weather flow interceptors to reduce pollution to the water in the coastal area of Tsuen Wan Bay and Rambler Channel, but such interceptors will be able to remove only about 70% of the total pollution loading from the stormwater drainage system, whether the authorities will consider providing financial assistance to the owners’ corporations in need, so as to expedite the rectification of foul water pipe misconnections in buildings; if so, of the details; if not, how the authorities will encourage property owners and their owners’ corporations to solve the problem; and
- (3) whether EPD will collaborate with other government departments to enhance monitoring and testing work, so as to identify more street-level shops and buildings which have misconnected foul water pipes; if so, of the details and the timetable; if not, how the authorities thoroughly solve the odour problem at the Tsuen Wan waterfront?

Question 8
(For written reply)

(Translation)

Producer Responsibility Scheme on
Waste Electrical and Electronic Equipment

Hon Martin LIAO to ask:

The Government has implemented the Producer Responsibility Scheme on Waste Electrical and Electronic Equipment (“WPRS”) since August 2018. Under WPRS, only suppliers which have registered with the Environmental Protection Department (“EPD”) are permitted to distribute regulated electrical equipment (“REE”) (i.e. air-conditioners, refrigerators, washing machines, televisions, computers, printers, scanners and monitors), and they are also required to pay recycling levies to EPD. Moreover, a seller of REE must have a removal service plan endorsed by EPD, under which free removal service can be arranged, in accordance with the plan, to dispose of, on behalf of consumers, electrical equipment of the same class abandoned by them (“removal service”). Any person who is engaged in the storage, treatment, reprocessing or recycling of abandoned REE must obtain a waste disposal licence. It has been reported that although WPRS has been implemented for one year, haphazard disposal of waste electrical and electronic equipment (“WEEE”) is still seen from time to time in the city. Regarding the implementation of WPRS, will the Government inform this Council:

- (1) of the respective current numbers of (i) registered suppliers, (ii) registered sellers, (iii) waste disposal licences granted, and (iv) removal service plans endorsed, under WPRS;
- (2) whether it knows the quantity of WEEE disposed of so far under WPRS (with a tabulated breakdown by name of recyclers);
- (3) as the treatment and recycling facility developed to underpin WPRS (i.e. WEEE·PARK), which is equipped with a refurbishment workshop, diverts serviceable electrical appliances received for repair into refurbished items for donation to families in need, whether the Government knows the to-date number of families which have been donated electrical appliances (with a tabulated breakdown by type of electrical appliances); whether it has evaluated the effectiveness of the donation arrangement;
- (4) as EPD has recently invited tenders for appointing recyclers to provide treatment and recycling services in respect of washing machines collected outside the removal service, of the specific reasons for EPD to make such an arrangement and the estimated annual treatment capacity; whether it has plans to make the same

arrangement for other types of WEEE; if not, of the reasons for that; whether the refurbished washing machines will be donated to families in need; if not, of the reasons for that;

- (5) of (i) the current average numbers of inspections carried out each month by EPD on suppliers and sellers respectively, and (ii) the respective numbers of written warnings issued and prosecutions instituted by EPD against them so far; the penalties imposed on those convicted;
- (6) of the average number of illegal refuse deposit black spots and recycling sites of electronic waste inspected by the relevant government department(s) in each month last year; the total quantity of illegally deposited WEEE discovered during such inspections, the number of prosecutions instituted against the persons concerned, and the penalties imposed on those convicted; and
- (7) whether WPRS can achieve full cost recovery so far; whether it has plans to review and adjust the level of levies according to the established mechanism?

Question 9
(For written reply)

(Translation)

Regulation of the tourism industry

Hon LAU Kwok-fan to ask:

It has been reported that the Action Travel Services Limited suddenly closed down in March last year, affecting around 450 customers who suffered a loss of several million dollars in total. Before it closed down, the company had been selling for a long time promissory tour packages, i.e. air tickets and hotel accommodations without confirmed departure dates. As the receipts held by such customers were not franked with levy stamps, they were not protected by the Travel Industry Compensation Fund. Regarding the regulation of the tourism industry, will the Government inform this Council:

- (1) given that over a year ago, the Customs and Excise Department arrested, under the Trade Descriptions Ordinance (Cap. 362), three persons-in-charge of the aforesaid travel agency who were suspected to have wrongly accepted payment, and yet it is learnt that the Department of Justice (“DoJ”) has decided not to institute prosecutions against them, of the specific justifications based on which DoJ made such decision, and whether it has studied if there are loopholes in the existing regulatory regime; if it has studied and the outcome is in the affirmative, of the measures in place to plug the loopholes; if the study outcome is in the negative, the justifications for that;
- (2) of the respective numbers of cases involving the tourism industry in which DoJ (i) provided legal advice to law enforcement agencies and (ii) instituted prosecutions against the persons concerned, in each of the past five years; and
- (3) given that in November last year, this Council passed the Travel Industry Bill, which provides that the Travel Industry Authority to be established will take over the duties to regulate the industry, of the progress of the relevant work?

Question 10
(For written reply)

(Translation)

New drugs for treating lung cancers

Dr Hon Helena WONG to ask:

A patient group has pointed out that medical researches have proved that: Alectinib, a targeted therapy drug for the treatment of ALK-positive non-small-cell lung cancer (“NSCLC”), has an efficacy comparable with that of Crizotinib (currently first-line targeted therapy drug), and carries fewer side effects and is effective in preventing brain metastases; and Atezolizumab (one of the programmed death ligand 1 (“PD-L1”) inhibitors), an immunotherapy drug, is effective in extending patients’ survival when used as a second-line drug for treatment of advanced NSCLC. However, the Hospital Authority (“HA”) has currently listed these two drugs as second-line self-financed items (“SFIs”) which are respectively with and without safety net coverage. In this connection, will the Government inform this Council if it knows:

- (1) whether HA will consider listing Alectinib as a first-line SFI with safety net coverage; if HA will, of the timetable; if not, the reasons for that; and
- (2) whether HA will consider listing PD-L1 inhibitors as SFIs with safety net coverage; if HA will, of the timetable; if not, the reasons for that?

Question 11
(For written reply)

(Translation)

Importation of workers

Hon SHIU Ka-fai to ask:

Operators of many industries have relayed, one after another, that the problem of local labour shortage is serious, and different industries have for a long time been facing recruitment difficulties. Although they may apply for importation of workers currently through the Supplementary Labour Scheme (“the Scheme”), the situation of labour shortage has not been improved. Regarding the importation of workers (excluding foreign domestic helpers), will the Government inform this Council:

- (1) of the respective numbers of workers the importation of which was applied for and approved under the Scheme in each of the past five years, with a breakdown by job type and type of application (i.e. new application and application for renewal);
- (2) of the number of such workers in each of the past five years, broken down by the number of years for which they have been working in Hong Kong;
- (3) whether it has assessed the impact of a prolonged manpower shortage on the development and service quality of different industries; if so, of the outcome; if not, the reasons for that;
- (4) whether it has evaluated the effectiveness of the Scheme; if so, of the outcome; if not, the reasons for that;
- (5) as the Secretary for Labour and Welfare and the Chief Secretary for Administration have indicated recently, one after another, that the Government will seriously and actively consider importing workers if individual industries face manpower shortage, whether the Government will introduce a relevant scheme this year; if so, of the details (including the announcement date and implementation timetable); if not, the reasons for that; and
- (6) how Hong Kong compares with Singapore, Macao and Japan in terms of the policy on the importation of workers and the number of workers imported ?

Question 12
(For written reply)

(Translation)

Rents of newly built public rental housing flats

Hon KWOK Wai-keung to ask:

In implementing projects to redevelop public rental housing (“PRH”) estates, the Hong Kong Housing Authority (“HA”) and the Hong Kong Housing Society (“HKHS”) will arrange for rehousing affected tenants to newly built PRH flats in the same district. Quite a number of such tenants have relayed to me that the rents of the new flats are much higher than the rents they used to pay (e.g. the rents of the newly built flats at HKHS’s Ming Wah Building in Shau Kei Wan being two times higher than those of the old flats), which has posed a heavy financial burden on them (especially the elderly tenants). In this connection, will the Government inform this Council whether it knows:

- (1) of the “District Best Rent Level” of each of the six broad districts under HA, and their rates of changes, in each of the past five years;
- (2) of the factors considered by HA in fixing the rents of newly built PRH flats, and whether such factors include the affordability of tenants; the respective percentages of rates, management fees and maintenance costs in the rents of the new PRH flats in general;
- (3) of the factors considered by HKHS in fixing the rents of newly built PRH flats, and whether such factors include the construction costs, recurrent management expenses, and affordability of tenants; if so, of the respective weightings of such factors;
- (4) of the respective numbers of tenants who benefited from the rent assistance schemes under HA and HKHS in the past five years, and among such tenants, the respective numbers and percentages of those who had been affected by redevelopment projects and rehoused to newly built PRH flats for less than two years;
- (5) whether HA and HKHS will (i) review the mechanisms for fixing the rents of newly built PRH flats and enhance the transparency of such mechanisms, (ii) provide those tenants affected by redevelopment projects with a longer period of rent waiver, and (iii) set aside more non-newly built PRH flats whose rents are lower for rehousing tenants who cannot afford the high rents; and
- (6) given that HA has indicated early this year that it planned to launch a concessionary initiative to offer lifetime full rent exemption to under-occupation households whose family members are all elderly persons (i.e. aged 70) upon their voluntary relocation to smaller

flats, of the progress of the relevant work; whether HA will accord priority to the applications from eligible tenants affected by redevelopment projects?

Question 13
(For written reply)

(Translation)

Road safety of Tai Chung Kiu Road in Sha Tin

Hon Frankie YICK to ask:

It has been reported that in recent years, a number of serious traffic accidents have occurred at a number of junctions along Tai Chung Kiu Road in Sha Tin. Although the Transport Department has been implementing a number of improvement measures progressively following a comprehensive review on the road safety of the road last year, traffic accidents still happen on the road from time to time. In this connection, will the Government inform this Council:

- (1) of the respective numbers of traffic accidents which happened on Tai Chung Kiu Road, and the resultant casualties, in each of the past five years and this year to date, together with a breakdown by (i) the cause of accident and (ii) the type of vehicle involved; and
- (2) whether it will consider lowering the vehicular speed limit for Tai Chung Kiu Road, and providing additional cautionary crossings on the road, so as to better safeguard the safety of pedestrians crossing the road; if so, of the details; if not, the reasons for that?

Question 14
(For written reply)

(Translation)

Public markets in New Territories West and the Islands District

Hon LEUNG Che-cheung to ask:

Regarding the public markets located in New Territories West and the Islands District, will the Government inform this Council:

- (1) as the Chief Executive stated in last year's Policy Address that the Government would build a public market in Tin Shui Wai and Tung Chung respectively, of the progress of the relevant work, the views collected from local consultations, and whether such views will be adopted;
- (2) in respect of the public markets under the Food and Environmental Hygiene Department ("FEHD") and the Hong Kong Housing Authority ("HA") that are located in New Territories West and the Islands District, of the (i) number of stalls, (ii) number of vacant stalls and (iii) vacancy rate of the stalls, in each of the past two years (set out in tables of the same format as Table 1);

Table 1

Year: _____

Managing authority	District	Name of market	(i)	(ii)	(iii)

- (3) in respect of the stalls that were not let out in each of the past five years in public markets under FEHD and HA that are located in New Territories West and the Islands District, of (i) the total floor area, (ii) the duration for which the stalls had not been let out, (iii) their existing uses and (iv) their future uses (set out in tables of the same format as Table 2); and

Table 2

Year: _____

Managing authority	District	Name of market	(i)	(ii)	(iii)	(iv)

- (4) of the policies and measures in place to tackle the situation in which some stalls, in those markets with high occupancy rates, are not in operation or in an inactive state for a prolonged period of time;

whether it has assessed the effectiveness of such policies and measures?

Question 15
(For written reply)

(Translation)

Manpower situation of lifeguards

Hon Vincent CHENG to ask:

Incidents of temporary closure of the public swimming pools under the Leisure and Cultural Services Department (“LCSD”) due to manpower shortage of lifeguards have frequently occurred in recent years. As the swimming season has begun in Hong Kong, some members of the public have expressed grave concern about the services of public swimming pools. In this connection, will the Government inform this Council:

- (1) of the situation of partial or full closure of the public swimming pool complexes in Kowloon West due to manpower shortage of lifeguards since May this year, with a tabulated breakdown of the relevant details by swimming pool complex and the District Council district to which it belongs (including the parts which were closed);
- (2) given that the number of days of closure of the Hammer Hill Road Swimming Pool in Kowloon East dropped from 98 days in the year before to nine days last year, while the numbers of days of closure of the Ho Man Tin Swimming Pool, Sham Shui Po Park Swimming Pool, Lei Cheng Uk Swimming Pool and Lai Chi Kok Park Swimming Pool in Kowloon West rose (from four days to 149 days, from 111 days to 206 days, from 129 days to 182 days, and from 73 days to 145 days respectively) in the same period, of the reasons for that;
- (3) as LCSD has indicated that it will raise the remuneration for seasonal lifeguards to attract eligible persons to join the service, of the details and progress of the implementation of the measure; and
- (4) of the new measures which have been and will be adopted by the LCSD in this summer to alleviate the problem of manpower shortage of lifeguards?

Question 16
(For written reply)

(Translation)

Recidivism rate of discharged prisoners

Hon SHIU Ka-chun to ask:

Recidivism rate means the percentage of re-admission of local persons in custody to correctional institutions following conviction of a new offence within two years after discharge. Regarding the recidivism rates of discharged prisoners, will the Government inform this Council:

- (1) of the overall recidivism rate of discharged prisoners in each of the past 10 years, the trend of the year-on-year changes and, among such discharged prisoners, the respective recidivism rates of those who were adults (i.e. aged 21 or above) and young persons (i.e. aged below 21) during their respective previous sentences;
- (2) of the recidivism rate, in each of the past 10 years, of those discharged prisoners who had served a sentence of imprisonment for conviction of drug trafficking offences and, among them, the recidivism rate of those who had served a sentence of eight years' imprisonment or above; and
- (3) of the Government's new measures in the coming three years to reduce the recidivism rate of discharged prisoners?

Question 17
(For written reply)

(Translation)

Law enforcement by police officers

Hon Charles Peter MOK to ask:

Article 28 of the Basic Law provides that the freedom of the person of Hong Kong residents shall be inviolable, which includes the prohibition of arbitrary or unlawful search of the body of any resident or deprivation or restriction of the freedom of the person. However, it has been reported that on the night of 11 June this year, police officers conducted stop-and-searches on a large number of members of the public in the vicinity of Admiralty (including inside the MTR station and on the streets near the Legislative Council Complex), without telling such members of the public the offences which they were suspected of having committed or of being about to commit or of intending to commit, as well as the relevant justifications. Some members of the legal sector have pointed out that under the common law system, police officers, when conducting stop-and-searches on members of the public, must not merely claim to have reasonable suspicion, but instead must explain the substantive grounds for the necessity of the stop-and-search. A judgment handed down by the court has pointed out that the reasonableness of any suspicion that a police officer has against a person must be determined by reference to the objective facts at the material time and must be supported by relevant evidence. Moreover, the code of practice for police officers in the United Kingdom provides that reasonable suspicion can never be supported on the basis of a person's physical characteristics (e.g. age), but instead must be on the basis of the intelligence about and description of the suspected person which the police officer has obtained. On the other hand, in the course of covering news in the vicinity of Admiralty from 10 to 12 June, some reporters were stopped and searched as well as rudely driven away by police officers, resulting in their news covering work being hindered. Regarding the law enforcement by police officers, will the Government inform this Council:

- (1) of the number of members of the public who were stopped and searched by police officers in Admiralty on the night of 11 June, and the justifications for such acts;
- (2) of the offences that such members of the public were suspected of having committed or of being about to commit or of intending to commit, on the basis of which the police officers had conducted the stop-and-searches on them, as well as the objective criteria and

relevant evidence giving rise to the police officers' suspicion and substantiating the reasonableness of their suspicion;

- (3) of the number of reporters who were stopped and searched by police officers from 10 to 12 June, and the offences, which provided the basis for such acts, that they were suspected of having committed or of being about to commit or of intending to commit; the measures put in place to ensure that police officers, when performing duties, will not pose threats to the personal safety of reporters discharging duties of covering news; and
- (4) whether it has assessed if the police officers in the aforesaid operations, by conducting stop-and-searches without providing any evidence to substantiate the reasonableness of their suspicion, contravened Article 28 of the Basic Law and acted beyond the power vested in police officers to stop, detain and search a person under section 54(2) of the Police Force Ordinance (Cap. 232)?

Question 18
(For written reply)

Maintaining the integrity of the listing process

Hon Kenneth LEUNG to ask:

It has been reported that a former senior executive of the Stock Exchange of Hong Kong Limited (“SEHK”) was suspected of having accepted bribes as rewards for improperly facilitating the approval of at least 30 applications for listing in Hong Kong. In this connection, will the Government inform this Council:

- (1) whether at present any remedial action (e.g. delisting) may be taken to deal with the listing of companies whose listing has been found to have been approved improperly, and how the interests of investors will be protected when such action is taken;
- (2) whether, in the light of the aforesaid case, the authorities have reviewed the effectiveness of the current laws and Listing Rules in guarding against the conflict of interests which may arise from SEHK’s dual roles as a commercial entity and a public body (which has the responsibilities to maintain the integrity of the listing process and to protect the interests of investors); if so, of the details; if not, the reasons for that; and
- (3) whether the authorities have reviewed the mechanism adopted by SEHK for vetting and approving listing applications, with a view to ensuring a proper segregation of duties so as to prevent the existence of corruption opportunities for individual staff members of SEHK, which may lead to improper approval of listing applications; if so, of the details; if not, the reasons for that?

Question 19
(For written reply)

(Translation)

The manner in which the demonstration
on 12 June of this year was handled

Hon Andrew WAN to ask:

On 12 June of this year, a large-scale demonstration occurred in Admiralty and its vicinity. Some members of the public have complained that police officers regarded members of the public who peacefully participated in the demonstration and reporters as terrorists, and used unnecessary force against them, e.g. shooting bean bag rounds and rubber bullets aiming at the heads of unarmed members of the public and reporters at a close range, and surrounding and beating unresisting members of the public with batons. Moreover, some police officers hurled abuse at reporters who had already identified themselves, and even verbally provoked members of the public in a blatant manner. In this connection, will the Government inform this Council:

- (1) of the legal basis on which the Commissioner of Police determined that the aforesaid demonstration was a riot in nature, and the procedure followed by him in doing so; whether other senior personnel of the Hong Kong Police Force (“HKPF”) or other government officials were involved in making such decision; if so, of the details;
- (2) whether the Chief Executive (“CE”) or other government officials have the statutory power to rescind the decision mentioned in (1); if so, of the details, and whether CE or the relevant officials have considered exercising that power to rescind the decision;
- (3) of the highest rank of the persons who ordered or approved the use of tear gas rounds and the shooting of rubber bullets and bean bag rounds by police officers in the aforesaid incident and the basis on which they made such decisions, as well as whether they included CE or any government officials not belonging to HKPF;
- (4) whether the Police will remove from frontline posts those police officers against whom complaints were lodged that they had used unnecessary force against reporters and members of the public in the aforesaid demonstration, so as to minimize the unnecessary clashes they may have with members of the public when discharging duties; and
- (5) whether the Government will (i) invite the Independent Police Complaints Council to send its personnel to the front line to monitor

the Police's law enforcement when handling large-scale demonstrations in future, and (ii) set up a committee in the near future to investigate if the law enforcement actions taken by the police officers in the aforesaid incident were in any way inappropriate?

Question 20
(For written reply)

(Translation)

Innovation, technology and re-industrialization

Hon WU Chi-wai to ask:

In recent years, the Government has been vigorously promoting scientific researches and the development of innovation and technology (“I&T”), and has set up the Committee on Innovation, Technology and Re-industrialisation (“the Committee”) to advise the Government on matters relating to the promotion of I&T development and re-industrialization in Hong Kong. However, there are views that the percentage of value added of the manufacturing industry in the gross domestic product (“GDP”) has remained at a level below 1.5%, without showing any upward trend. Besides, although the Government has launched the Re-industrialisation Funding Scheme to subsidize manufacturers on a matching basis to set up smart production lines in Hong Kong, specific and targeted measures are lacking, thus failing to attract factory operators to relocate their factories on the Mainland to Hong Kong. In this connection, will the Government inform this Council:

- (1) of the respective total values of the exports and re-exports as well as their global rankings, in each year since 1970, in respect of the following types of goods: (i) textiles, (ii) articles of apparel, (iii) toys, (iv) electronic products, (v) watches and clocks, (vi) electrical equipment, (vii) footwear, (viii) bijouterie and precious stones-related articles, and (ix) artificial flowers;
- (2) of the respective total values of production of (i) the Hong Kong Science Park (“HKSP”), (ii) the various industrial estates under HKSP, and (iii) each industry operating inside the various industrial estates, in each of the past 10 years;
- (3) of the number of recommendations put forward to the Government by the Committee since its establishment, the number of recommendations accepted, and the details of each recommendation;
- (4) of the government department that is currently responsible for formulating policies on attracting factory operators to relocate their factories on the Mainland to Hong Kong, and the specific measures formulated by that department in this regard; and
- (5) whether it has drawn up indicators (e.g. the economic benefits brought about by every \$100 of subsidy, and the percentage of

value added of the manufacturing industry in GDP) for evaluation of the effectiveness of the measures relating to re-industrialization?

Question 21
(For written reply)

(Translation)

Renewable energy

Hon CHAN Hak-kan to ask:

Feed-in Tariff (“FiT”) and Renewable Energy Certificates (“RECs”) are two new initiatives for promoting the development of distributed renewable energy (“RE”). FiT encourages the private sector to invest in the construction of RE systems through the power companies’ purchase of the power generated from RE at a rate higher than the normal electricity tariff rate. On the other hand, the power companies sell RECs for every unit of electricity generated from RE. Electricity consumers can support the development of RE by purchasing RECs. In this connection, will the Government inform this Council:

- (1) whether it knows, since the introduction of RECs, (i) the number of RECs and (ii) the amount of electricity generated from RE sold respective by the two power companies;
- (2) whether it knows, in respect of FiT since it was launched:
 - (a) the respective numbers of applications approved by the two power companies, broken down by the generating capacity of the systems (i.e. (i) equal to or less than 10 kilowatts (“kW”), (ii) more than 10 kW but not exceeding 200 kW, and (iii) more than 200 kW but not exceeding 1 megawatt),
 - (b) the respective numbers of units of electricity purchased by the two power companies,
 - (c) the respective average times taken by the two power companies for processing applications which were approved, and
 - (d) the respective percentages of customers of the two power companies who successfully installed electricity generation systems, broken down by the category of customers (e.g. residential, commercial and school);
- (3) as some members of the public have relayed to me that their FiT applications have been approved with a lower generating capacity due to issues such as the proposed electricity generating capacity has exceeded the capacity of the relevant power grids (including electric substations and power cables), whether the Government knows the number of such cases and the follow-up actions taken by the two power companies;

- (4) given that the Government has introduced Solar Harvest to provide subsidies and assistance to schools (except government and profit-making schools) and non-governmental welfare organizations, which are receiving recurrent subventions from the Social Welfare Department, for installing small-scale solar photovoltaic systems on their premises, of the to-date number of schools and organizations which have been provided with subsidies and assistance for installing such systems;
- (5) whether it has plans to review the FiT rates; if so, of the details and timetable;
- (6) of the measures (e.g. providing subsidies to members of the relevant recycling industry) in place to dispose of waste solar panels, so as to prevent such waste from polluting the environment; and
- (7) of the current percentage of power generated by solar energy in the total electricity supply in Hong Kong, and whether it will set a target for that percentage; if so, of the details; if not, the reasons for that?

Question 22
(For written reply)

(Translation)

The Hong Kong International Airport

Hon YIU Si-wing to ask:

In recent years, the Hong Kong International Airport (“HKIA”) has been facing keen competition from the other four airports in the Pearl River Delta Region. Regarding the application of new technologies by the Airport Authority Hong Kong (“AAHK”) for enhancing the competitiveness of HKIA, will the Government inform this Council if it knows:

- (1) the strategy formulated for the coming five years by AAHK on the application of new technologies in HKIA, as well as the relevant implementation timetable and estimated expenditure;
- (2) the new technologies and smart systems currently used by AAHK and those to be used in the coming five years, as well as their benefits/anticipated benefits; and
- (3) whether AAHK has, by drawing reference from the practices of advanced airports in foreign countries, procured facilities applying new smart technologies which are compatible with the HKIA three-runway system which will be completed in 2024?