

Legislative Council

Agenda

Wednesday 6 January 2021 at 11:00 am

I. Laying of Papers on the Table of the Council

11 items of subsidiary legislation and 1 other paper to be laid on the Table of the Council set out in **Appendix 1**

II. Questions

Members to ask 22 questions (6 for oral replies and 16 for written replies)

Questions for oral replies to be asked by

1. Hon WONG Ting-kwong
(Anti-epidemic measures targeting at imported frozen goods)
2. Hon CHAN Kin-por
(Crimes of online financial fraud)
3. Hon YUNG Hoi-yan
(“LeaveHomeSafe” mobile application)
4. Hon Martin LIAO
(Encouraging the youth to develop careers on the Mainland)
5. Hon LEUNG Che-cheung
(Legislative amendments in respect of oath-taking by public officers)
6. Hon Holden CHOW
(612 Humanitarian Relief Fund)

Public officers to reply

- Secretary for Food and Health
- Secretary for Financial Services and the Treasury
Under Secretary for Security
- Secretary for Innovation and Technology
- Secretary for Constitutional and Mainland Affairs
Under Secretary for Home Affairs
Under Secretary for Labour and Welfare
- Secretary for Constitutional and Mainland Affairs
- Secretary for Security
Under Secretary for Financial Services and the Treasury

Contents of 22 questions, Members to ask such questions and public officers to reply set out in **Appendix 2**

III. Member's Motion on Subsidiary Legislation

**Proposed resolution to extend the period for amending subsidiary legislation
(L.N. 241 to L.N. 251 of 2020)**

Mover : Dr Hon CHIANG Lai-wan

Wording of the motion : **Appendix 3**

Clerk to the Legislative Council

Council meeting of 6 January 2021

Laying of Papers on the Table of the Council

Subsidiary legislation	Legal Notice No.
1. <u>Prevention and Control of Disease (Use of Vaccines) Regulation</u>	258 of 2020
2. <u>Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 9) Regulation 2020</u>	259 of 2020
3. <u>Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 6) Regulation 2020</u>	260 of 2020
4. <u>Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 3) Regulation 2020</u>	261 of 2020
5. <u>Insurance (Designation and Annual Fees for Designated Insurance Holding Companies) Regulation</u>	262 of 2020
6. <u>Insurance (Prescribed Fees) (Amendment) Regulation 2020</u>	263 of 2020
7. <u>Insurance (Amendment) (No. 2) Ordinance 2020 (Commencement) Notice</u>	264 of 2020
8. <u>Insurance (Group Capital) Rules</u>	265 of 2020
9. <u>Dangerous Drugs Ordinance (Amendment of Second Schedule) (No. 2) Order 2020</u>	266 of 2020
10. <u>Public Health and Municipal Services Ordinance (Gardens of Remembrance) (Amendment of Fifth Schedule) Order 2020</u>	267 of 2020
11. <u>Freight Containers (Safety) (Amendment) Ordinance 2020 (Commencement) Notice</u>	268 of 2020

Other paper

12. Report No. 7/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(to be presented by Hon Starry LEE, Chairman of the House Committee)

22 questions to be asked at the Council meeting of 6 January 2021

	Subject matters	Public officers to reply
Questions for oral replies		
1	Hon WONG Ting-kwong <u>Anti-epidemic measures targeting at imported frozen goods</u>	Secretary for Food and Health
2	Hon CHAN Kin-por <u>Crimes of online financial fraud</u>	Secretary for Financial Services and the Treasury Under Secretary for Security
3	Hon YUNG Hoi-yan <u>“LeaveHomeSafe” mobile application</u>	Secretary for Innovation and Technology
4	Hon Martin LIAO <u>Encouraging the youth to develop careers on the Mainland</u>	Secretary for Constitutional and Mainland Affairs Under Secretary for Home Affairs Under Secretary for Labour and Welfare
5	Hon LEUNG Che-cheung <u>Legislative amendments in respect of oath-taking by public officers</u>	Secretary for Constitutional and Mainland Affairs
6	Hon Holden CHOW <u>612 Humanitarian Relief Fund</u>	Secretary for Security Under Secretary for Financial Services and the Treasury
Questions for written replies		
7	Dr Hon CHENG Chung-tai <u>Impacts of the epidemic on students</u>	Secretary for Education
8	Dr Hon CHIANG Lai-wan <u>Performance management of government officers</u>	Secretary for the Civil Service
9	Hon SHIU Ka-fai <u>Safety devices for tail lifts of goods vehicles</u>	Secretary for Labour and Welfare
10	Ir Dr Hon LO Wai-kwok <u>Taking forward public works projects</u>	Secretary for Development
11	Hon CHUNG Kwok-pan <u>Quality Migrant Admission Scheme</u>	Secretary for Security
12	Hon Steven HO <u>Nuisances caused by wild pigs</u>	Secretary for the Environment
13	Hon WONG Kwok-kin <u>Employment and economic statistics</u>	Secretary for Financial Services and the Treasury
14	Hon Alice MAK <u>New public market in Tung Chung</u>	Secretary for Food and Health
15	Hon Wilson OR <u>Land Sharing Pilot Scheme</u>	Secretary for Development
16	Hon KWOK Wai-keung <u>Public servants to take oath or make declaration</u>	Chief Secretary for Administration
17	Hon CHAN Han-pan <u>Road infrastructure and traffic congestion</u>	Secretary for Transport and Housing
18	Hon MA Fung-kwok <u>Support for Hong Kong’s film industry</u>	Secretary for Commerce and Economic Development
19	Hon Mrs Regina IP <u>Extraterritorial effect of the Criminal Procedure Ordinance</u>	Secretary for Security
20	Hon LUK Chung-hung <u>Mandatory Provident Fund schemes</u>	Secretary for Financial Services and the Treasury
21	Hon Vincent CHENG <u>Illegal land-filling and fly-tipping in Lantau</u>	Secretary for Development
22	Hon Paul TSE <u>Alleviating the financial burdens of members of the public</u>	Secretary for Financial Services and the Treasury

Question 1
(For oral reply)

(Translation)

Anti-epidemic measures targeting at imported frozen goods

Hon WONG Ting-kwong to ask:

It has been reported that the coronavirus which is currently rampant across the globe can survive for several days at low temperatures. In recent months, cases have been recorded from time to time on the Mainland in which the packages of imported frozen foods were tested positive for the virus, and some workers were infected with the virus suspectedly due to coming into contact with such kind of goods or the conveyances concerned, who then spread the epidemic to the community. In this connection, will the Government inform this Council:

- (1) of the additional measures put in place to prevent the coronavirus from being spread to Hong Kong via imported containers and frozen goods (especially those coming from those regions or countries where the epidemic was severe);
- (2) of the additional measures put in place to help prevent workers who need to come into contact with imported frozen goods from being infected; and
- (3) whether it has regularly conducted coronavirus tests on the retail shops for and conveyances of imported frozen goods, as well as the workers handling such goods; if so, of the details; if not, the reasons for that?

Question 2
(For oral reply)

(Translation)

Crimes of online financial fraud

Hon CHAN Kin-por to ask:

From time to time in recent years, there have been fraudsters creating websites, social media groups and mobile applications disguised as those of banks, securities firms, insurance companies and insurance intermediaries, who then trick customers of such financial institutions into logging in them, so as to steal the personal data and financial assets of these customers. Regarding crimes of online financial fraud, will the Government inform this Council:

- (1) of the respective numbers of reports and requests for assistance regarding online financial fraud received by the Police in each of the past three years, and the total value of the assets involved in these cases; the number of the relevant law enforcement operations by the Police, and the number of persons arrested;
- (2) whether the Hong Kong Monetary Authority (“HKMA”) will set up a task force in collaboration with the Securities and Futures Commission and the Insurance Authority to look into the causes for crimes of online financial fraud becoming increasingly rampant and explore means to combat such crimes (such as imposing heavier penalties); and
- (3) of the measures put in place by the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force as well as HKMA to step up efforts in combating crimes of online financial fraud?

Question 3
(For oral reply)

(Translation)

“LeaveHomeSafe” mobile application

Hon YUNG Hoi-yan to ask:

To cope with the epidemic, the Government launched the “LeaveHomeSafe” mobile application (“app”) on 16 November last year for members of the public to record their whereabouts by themselves through scanning a QR code. Later on, the Government required that the persons-in-charge of specified premises such as those for catering businesses must apply for a QR code of the app, and then display it at the entrance or a conspicuous position of the premises. In this connection, will the Government inform this Council:

- (1) of the number of premises at which a QR code is now displayed, with a breakdown by whether such premises belong to the public or private sector and, among the private-sector premises, the number of those which are not specified premises; in respect of each type of specified premises, the number and percentage of those at which a QR code has been displayed; the number of those premises whose persons-in-charge have been prosecuted for not displaying a QR code as required, and the penalties imposed on the convicted persons;
- (2) of the up-to-date number of downloads of the app and its percentage in the population of Hong Kong; whether the response of the members of the public and persons-in-charge of private-sector premises to the app to date has met the expectation of the authorities; and
- (3) whether it has reviewed, under the circumstances that members of the public are not mandated to use the app, the contribution towards combating the epidemic made by the measure of requiring specified premises to display a QR code; whether it will consider afresh requiring members of the public to use the app to scan the QR code at specified premises before they may enter them?

Question 4
(For oral reply)

(Translation)

Encouraging the youth to
develop careers on the Mainland

Hon Martin LIAO to ask:

As Hong Kong's economy has been hard hit by the epidemic, the youth unemployment rate remains high. In this connection, the Government has launched the "Greater Bay Area Youth Employment Scheme" and the "Funding Scheme for Youth Entrepreneurship in the Guangdong-Hong Kong-Macao Greater Bay Area" to encourage the youth to develop their careers in the Mainland cities of the Guangdong-Hong Kong-Macao Greater Bay Area ("Greater Bay Area"). However, the concern of society is that whether the youth of Hong Kong have been misled by the hatred-inciting and anti-establishment riots that lasted for as long as one year, resulting in their dampened desire to go to the Mainland for development. The findings of a survey targeting at the youth aged between 15 and 39 have shown that, while the percentage of respondents who have heard of the development plan for the Greater Bay Area has increased significantly from 55% two years ago to over 85%, those identifying with it only account for 22%, representing a slight drop as compared with that two years ago, and the percentage of respondents who are unwilling to go to the Mainland cities of the Greater Bay Area for development has risen substantially from 31% two years ago to more than 50%. In this connection, will the Government inform this Council:

- (1) whether it knows the details, including the numbers of persons and percentages, of Hong Kong youth who are currently studying or have taken up employment in the Mainland cities of the Greater Bay Area, together with a breakdown by the age group to which they belong; if such figures are unavailable, whether it will compile the statistics on a regular basis;
- (2) of the eligibility criteria for and other details of the Greater Bay Area Youth Employment Scheme, and the respective estimated numbers of youth who can benefit from the two aforesaid schemes; the measures in place to assist other youth who cannot benefit from such schemes in developing their careers in the Mainland cities of the Greater Bay Area; and

- (3) whether it will examine the reasons why an increase in the number of youth who have heard of the development plan for the Greater Bay Area does not lead to a rise in the number of those who identify with it; what targeted measures the newly established Guangdong-Hong Kong-Macao Greater Bay Area Development Office will take, when it conducts strategic publicity and promotion activities, to facilitate the youth to gain an in-depth understanding of and identify with the development of the Greater Bay Area?

Question 5
(For oral reply)

(Translation)

Legislative amendments in respect of oath-taking by public officers

Hon LEUNG Che-cheung to ask:

The Chief Executive has indicated earlier on that to implement the Interpretation of Article 104 of the Basic Law made by the Standing Committee of the National People's Congress, and the requirements of the National Security Law for Hong Kong in respect of oath-taking by public officers, the Government is studying the introduction of amendments to the local legislation such as the Oaths and Declarations Ordinance and the Legislative Council Ordinance, in order to enhance the arrangements for public officers to take the oath, etc. In this connection, will the Government inform this Council:

- (1) whether the contents of the legislative amendments will cover the District Councils Ordinance ("DCO"); if so, of the details; if not, the reasons for that; what other legislation that the contents of the legislative amendments will also cover;
- (2) whether the contents of the legislative amendments will cover the interpretations of "public officer" in the existing legislation, and include the addition of provisions to DCO to make "having taken an oath to uphold the Basic Law and sworn allegiance to the Hong Kong Special Administrative Region" one of the eligibility requirements for being nominated as a candidate for District Council ("DC") elections, and to require DC members to take the aforesaid oath on assuming the office; and
- (3) of the progress of the study on the legislative amendments, and when it will introduce the relevant bill to this Council?

Question 6
(For oral reply)

(Translation)

612 Humanitarian Relief Fund

Hon Holden CHOW to ask:

In June 2019, someone established a 612 Humanitarian Relief Fund (“the 612 Fund”) to raise funds through online crowdfunding so as to provide relief in terms of money, etc. for those injured and arrested in the movement of opposition to the proposed legislative amendments. As at the end of May last year, the total income of the 612 Fund stood at over \$140 million. A trustee of the 612 Fund indicated a few months ago that \$15 million of the Fund would be set aside to provide funding for certain defendants who had already been granted legal aid to additionally engage a second counsel as their legal representative. In this connection, will the Government inform this Council:

- (1) whether it has monitored if the 612 Fund is operating legally, including if the Fund has received funding from outside the territory for conducting unlawful activities such as those endangering national security;
- (2) given that the online fundraising activities conducted by the 612 Fund are not subject to any regulation, whether the Government will introduce legislation to regulate such kind of fundraising activities; and
- (3) given that the aim of legal aid is to ensure that no one who has reasonable grounds for pursuing or defending a legal action in the courts of Hong Kong is denied access to justice because of a lack of means, whether the authorities will discharge the legal aid granted to those defendants who have been subsidized by the 612 Fund to engage legal representatives, so as to ensure the proper use of public funds?

Question 7
(For written reply)

(Translation)

Impacts of the epidemic on students

Dr Hon CHENG Chung-tai to ask:

In light of the severe situation of the Coronavirus disease 2019 epidemic and upper respiratory tract infections among students, the Education Bureau (“EDB”) has directed schools to suspend face-to-face classes on a number of occasions since January last year. Many parents have expressed that since there is a significant reduction in the number of school days in this school year as compared with those in previous years, they are worried that the learning progress as well as the physical and mental health of their children may be affected. In this connection, will the Government inform this Council:

- (1) given that while EDB has repeatedly stressed that schools should achieve “suspending classes without stopping learning”, online teaching undoubtedly has fewer interactive elements, and the findings of a survey reveal that almost half of the responding students relayed that they have difficulty in staying concentrated during online learning and they were unable to grasp the contents of the lessons and homework, and some students even indicated that they had not acquired any knowledge during class suspension, whether EDB will consider making an exception by extending this school year and shortening school holidays, as well as making relevant arrangements;
- (2) as the findings of the aforesaid survey have revealed that during class suspension, students rarely met their classmates, stayed home for a prolonged period, and lacked discipline in their daily living, which resulted in various emotional problems, whether EDB will allocate additional resources to schools for employing additional school social workers to help students address such problems; and
- (3) as there are comments that small class teaching (“SCT”) not only may enhance teaching effectiveness but also may reduce the risks of students contracting diseases as the class sizes are reduced, but currently only around 80% of the public sector primary schools are implementing SCT, whether EDB will allocate additional resources to enable all public sector primary schools to implement SCT?

Question 8
(For written reply)

(Translation)

Performance management of government officers

Dr Hon CHIANG Lai-wan to ask:

It is learnt that in recent years, quite a number of governments around the world have, in response to the advocacy of the Organization for Economic Co-operation and Development, implemented government performance management, in order to enhance the effectiveness of governance. Moreover, in a speech delivered on 14 October last year at the celebration ceremony of the 40th anniversary of the establishment of the Shenzhen Special Economic Zone, the State President stated that “[w]e need to establish and improve the incentive mechanism, steering it towards the right direction of promoting the capable and demoting the incapable, rewarding the outstanding and eliminating the underperforming... to stand strong against formalism and bureaucracy, and nurture a clean political ecosystem”. In this connection, will the Government inform this Council:

- (1) of the number of officers of the Administrative Officer grade in the various policy bureaux who are responsible for policy formulation, with a breakdown by the rank to which they belong;
- (2) whether it has drawn up key performance indicators for evaluating the performance of the officers mentioned in (1); if so, of the details; if not, the reasons for that;
- (3) given that Permanent Secretaries, being the most senior civil servants in policy bureaux, play an important role in policy formulation and have the responsibility for leading the officers in the bureaux to properly implement policies to achieve the desired effects, of the mechanism currently in place for handling those Permanent Secretaries whose performance is unsatisfactory; and
- (4) whether it will consider, by following the practice of the Singapore Government, i.e. to link the remuneration for all civil servants to their performance, linking the remuneration for politically appointed officials and those civil servants who take part in policy formulation to the performance in policy implementation of the bureau/government department to which they belong, so that they are collectively held accountable for the performance in policy formulation and implementation, thereby manifesting the policy objective of “Hong Kong people administering Hong Kong”?

Question 9
(For written reply)

(Translation)

Safety devices for tail lifts of goods vehicles

Hon SHIU Ka-fai to ask:

It is learnt that quite a number of goods vehicles with tail lifts have not been installed with the safety devices required in the Guidance Notes on Prevention of Trapping Hazards of Tail Lifts (“the Notes”) and, as a result, industrial accidents involving the operation of tail lifts have occurred from time to time. In addition, some drivers have relayed that as most tail lifts of goods vehicles have very thin tailboards and are not installed with a flashing lamp at the edge, an opened tail lift with tailboard not yet lowered to the road surface is like a sharp knife placed horizontally at the height of the neck level of a driver. This may result in serious traffic accidents in case drivers are not alert enough. In this connection, will the Government inform this Council:

- (1) of the current number of goods vehicles with a tail lift in Hong Kong; whether it knows, among such vehicles, (i) the number and percentage of those which have been installed with the safety devices required in the Notes, and (ii) the number of those which have not been installed with such devices and the reasons for that;
- (2) of the number of traffic accidents involving tail lifts of goods vehicles and the resultant casualties in each of the past five years;
- (3) of the number of industrial accidents involving the operation of tail lifts of goods vehicles and the resultant casualties in each of the past five years;
- (4) regarding the (i) traffic accidents and (ii) industrial accidents which involved tail lifts of goods vehicles respectively, of the number of prosecutions instituted by the authorities against the relevant persons, the number of convictions among such prosecutions, and the maximum and minimum penalties imposed on the convicted persons (with a breakdown by nature of the cases), in each of the past five years; and
- (5) whether the Government will, by way of enacting legislation, make the statutory requirement that tail lifts of goods vehicles must be installed with safety devices, so as to spur owners of goods vehicles to install such devices expeditiously; if so, of the details; if not, the reasons for that?

Question 10
(For written reply)

(Translation)

Taking forward public works projects

Ir Dr Hon LO Wai-kwok to ask:

The Chief Executive (“CE”) stated in the 2020 Policy Address that “the Government will continue to invest in infrastructure with an estimated annual expenditure of over \$100 billion on average in the next few years”. In this connection, will the Government inform this Council:

- (1) as CE has indicated that in consideration of the current high unemployment rate in the construction sector and the fact that investments in the construction sector will spur economic activities in other sectors, the Government will initiate the tendering procedures in parallel with the submission of funding applications of public works projects to the Finance Committee of this Council, of the details of the relevant arrangements, and the estimated time by which the commencement dates of the works projects may thereby be advanced;
- (2) whether it will improve the existing criteria for evaluating tenders for public works projects, so as to avoid placing undue emphasis on the “lowest bid wins” principle, thus resulting in malpractices; if so, of the details; if not, the reasons for that; and
- (3) as CE has indicated that the works departments have repackaged large-scale works contracts into manageable scales so as to enable more small and medium enterprises to participate for riding out the crisis together, of the details of the relevant arrangements?

Question 11
(For written reply)

(Translation)

Quality Migrant Admission Scheme

Hon CHUNG Kwok-pan to ask:

The Government launched the Quality Migrant Admission Scheme (“QMAS”) in June 2006 to attract highly skilled or talented persons globally to settle in Hong Kong so as to enhance the international competitiveness of Hong Kong. Given that the number of applications received under QMAS has increased significantly after the first “Talent List” was released in August 2018, the Government last year increased the annual quota of QMAS from 1 000 to 2 000, with a view to enlarging Hong Kong’s talent pool. In this connection, will the Government inform this Council:

- (1) of the total number of talents granted approval to come to Hong Kong under QMAS since 2006, with a tabulated breakdown by (i) the year in which they came to Hong Kong, (ii) the industry/occupation in which they were engaged before coming to Hong Kong, and (iii) the countries/places from which they came;
- (2) whether it has assessed (i) the effectiveness of QMAS in catering for the needs of various industries for talents, thereby promoting local economic and social development, and (ii) the actual benefits that QMAS has brought to Hong Kong society; if so, of the details; whether it knows the number of talents who continue to stay in Hong Kong for career development after obtaining the right of abode in Hong Kong; and
- (3) whether it will, targeting at the development needs of Hong Kong’s economy and industries (such as the innovation and technology as well as financial industries), step up publicity efforts and attract talents of the relevant industries to apply for coming to Hong Kong for career development; if so, of the specific plans (including which places the talents of which will be approached)?

Question 12
(For written reply)

(Translation)

Nuisances caused by wild pigs

Hon Steven HO to ask:

The Government has since 2017 suspended arranging hunting teams to carry out wild pig hunting operations, pending a decision on the strategies and measures for the management of wild pigs to be made upon completion of a review. In October of the same year, the Government launched the Capture and Contraception/Relocation Programme (“CCRP”) on a pilot basis to address the persistent nuisances caused by wild pigs in the urban areas. However, some members of the public have complained to me that incidents of wild pigs attacking and injuring members of the public, spreading African swine fever as well as damaging crops and other properties after intruding into residential areas, farms and urban areas have still occurred incessantly in recent years. Those members of the public consider that such a situation has demonstrated the ineffectiveness of CCRP and hence the necessity for the Government to adopt new approaches to effectively tackle the problems of proliferation of wild pigs. In this connection, will the Government inform this Council:

- (1) of the number of operations conducted under CCRP last year; the respective numbers of wild pigs (i) captured, (ii) administered with contraceptive vaccine or surgically sterilized, and (iii) relocated to remote countryside in such operations;
- (2) of the number of complaints about nuisances caused by wild pigs received in each of the past five years, and the total value of property losses reported by members of the public; whether it has set up a dedicated telephone hotline to receive this kind of complaints and take timely follow-up actions;
- (3) as the Government indicated in 2019 that the evaluation of (i) the effectiveness of the contraceptive vaccine in use and (ii) the feasibility of conducting sterilization surgery for wild pigs in the field, under CCRP would be completed by the end of that year, of the evaluation results, and when such results will be published; whether the review on the strategies and measures for the management of wild pigs has been completed; if so, of the outcome; whether it will arrange the hunting teams to conduct wild pigs hunting operations again, or adopt other approaches, to tackle the problems of proliferation of wild pigs;

- (4) whether it will consider adopting other options to tackle the problem of overbreeding of wild pigs, and conducting a systematic assessment of such fertility trend; if so, of the details; if not, the reasons for that;
- (5) given that the Agriculture, Fisheries and Conservation Department commissioned in 2018 a local university to examine and improve the design of the refuse collection facilities being used in the residential areas and on streets to prevent wild animals such as wild pigs from wantonly destroying such facilities in order to forage food from them, and that trials have been conducted on three improved designs at more than 40 locations, of the trial results and the follow-up work; when it will completely switch to using the newly designed facilities; and
- (6) of the number of prosecutions instituted in the past five years by the Government by invoking the Wild Animals Protection Ordinance (Cap. 170) against persons who fed wild pigs illegally, and the major penalties imposed on the convicted persons; whether it has reviewed the procedures and methodologies of the relevant law enforcement actions (including the installation of closed circuit television systems and law enforcement by law enforcement officers in plain clothes and through surprise operations); if so, of the details; if not, the reasons for that?

Question 13
(For written reply)

(Translation)

Employment and economic statistics

Hon WONG Kwok-kin to ask:

Will the Government provide the following employment and economic statistics for 2019 (adopting the first quarter of 2004 as the base period, i.e. first quarter of 2004=100):

- (1) the respective (i) numbers of employed persons, (ii) Nominal Wage Indices, (iii) Real Wage Indices, (iv) Nominal Indices of Payroll per Person Engaged, and (v) Real Indices of Payroll per Person Engaged, in respect of the various (a) industries and (b) occupations, broken down by gender; if such information is unavailable, whether it will compile the relevant statistics; and
- (2) the (i) Nominal Gross Domestic Product (“GDP”), (ii) Real GDP, and (iii) year-on-year growth rates of such figures?

Question 14
(For written reply)

(Translation)

New public market in Tung Chung

Hon Alice MAK to ask:

The Chief Executive announced in the 2017 Policy Address that the Government would carry out a project to build a new public market (“new market”) in Tung Chung. She announced in the 2018 Policy Address that the site selected for the new market was located on the lower floors of a commercial building in Area 6 adjacent to Tung Chung MTR Station. While some residents in the district consider that the siting is not good enough, some other residents are concerned that the project has not commenced after a protracted period of time, resulting in indefinite delay in the completion of the new market. In this connection, will the Government inform this Council:

- (1) whether it has consulted the residents in the district so as to grasp to what extent they support the aforesaid siting; if so, of the details and the outcome; if not, the reasons for that;
- (2) as quite a number of the residents in the district consider that the siting is not good enough and have requested for re-siting, how the Government responds to those views, and whether it will re-site the new market;
- (3) of the latest progress of the new market project, and the expected dates for works completion and commissioning; and
- (4) as some Tung Chung residents have pointed out that before the commissioning of the new market, the traders need to keep paying high rentals and the residents need to bear heavy living expenses, whether the Government will, by making reference to its practice adopted for Tin Shui Wai, provide a temporary market in Tung Chung before the commissioning of the new market; if so, of the details; if not, the reasons for that?

Question 15
(For written reply)

(Translation)

Land Sharing Pilot Scheme

Hon Wilson OR to ask:

The Land Sharing Pilot Scheme (“LSPS”), which is implemented by the Development Bureau, has been open for application since 6 May 2020. LSPS aims to unleash the development potential of the following private lands: lands with a size of no more than 150 hectares and consolidated ownership which are situated outside specified environmentally sensitive areas and not covered by the Government’s development studies. The work flow for processing LSPS applications is divided into three stages: (1) vetting of applications by the Land Sharing Office, (2) giving of advice by a Panel of Advisors, which is appointed by the Chief Executive, on the applications and submission of those cases the Panel supports to the Chief Executive-in-Council (“CE-in-C”) for consideration, and (3) in respect of those applications which have been endorsed in principle by the latter, proceeding of the relevant statutory processes and land administration procedure. In this connection, will the Government inform this Council:

- (1) of the number of LSPS applications received to date, and set out in Table 1 a breakdown of such number by (i) the District Council (“DC”) district where the lands involved in the applications are located and (ii) the stage at which the applications are;

Table 1

DC district	Number of applications	Stage 1		Stage 2		Stage 3	
		Under vetting	Approved	Under vetting	Endorsed in principle	Statutory processes in progress	Land administration procedure in progress

- (2) of the following information on the projects which have been endorsed in principle by CE-in-C;

Table 2

Project name	DC district	Increased domestic floor area proposed	Proportion of the increased gross floor area that should be applied to the public and private housing portions		Number of housing units that can be delivered
			Public	Private	

- (3) whether there is any application in respect of which the three stages of the work flow for processing have been completed; if so, of the average, shortest and longest time taken to process such applications; and

- (4) whether it has projected the number of applications approved and the total area of the lands involved upon the completion of the three-year LSPS; if so, of the details; if not, the reasons for that?

Question 16
(For written reply)

(Translation)

Public servants to take oath or make declaration

Hon KWOK Wai-keung to ask:

Article 6 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region ("National Security Law") stipulates that: "[a] resident of the Region who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China in accordance with the law", and Article 35 stipulates that a public servant who has taken the aforementioned oath or made the aforementioned declaration shall, upon conviction of an offence endangering national security by a court, be removed from his or her office, and be disqualified from standing for elections or holding any of the aforementioned posts. However, the interpretations of "public servant" and "public officer" in the existing legislation are not consistent. For example, the Interpretation and General Clauses Ordinance (Cap. 1) provides that "public servant" has the same meaning as "public officer", and both mean any person holding an office of emolument under the Government, whereas in the Prevention of Bribery Ordinance (Cap. 201), "public servant" means not only any person holding an office of emolument under the Government, but also any employee of a specified public body, etc. In this connection, will the Government inform this Council:

- (1) whether it will standardize the interpretations of "public officer" and "public servant" in various pieces of legislation;
- (2) as the Government has indicated earlier on that it is conducting a study on what categories of officers are holding offices which fall within the "public office" referred to in Article 6 of the National Security Law, whether the study has been completed; if so, of the outcome, and the deadlines for the officers concerned to take the oath or make the declaration; and
- (3) whether it has studied if the existing legislation can align with the implementation of the requirements on public servants under Article 35 of the National Security Law; if it has studied and the outcome is in the affirmative, of the details; if the outcome is in the negative, whether the Government will amend the relevant legislation?

Question 17
(For written reply)

(Translation)

Road infrastructure and traffic congestion

Hon CHAN Han-pan to ask:

Regarding road infrastructure and traffic congestion, will the Government inform this Council:

- (1) of the numeric and percentage growth in the aggregate length of the roads, road tunnels and flyovers in Hong Kong in each of the past 10 years, as well as the relevant number and percentage estimated for each of the coming five years (set out in a table);
- (2) of the average vehicular speeds of the various trunk roads during the morning and evening rush hours in each of the past 10 years; and
- (3) given that in recent years, the number of private cars has substantially increased and that traffic congestion has frequently occurred on a number of trunk roads during rush hours, of the Government's new measures to address the situation where road infrastructure is unable to catch up with traffic demand?

Question 18
(For written reply)

(Translation)

Support for Hong Kong's film industry

Hon MA Fung-kwok to ask:

With the Coronavirus Disease 2019 epidemic persisting, Hong Kong's film industry has been hard hit. The Government announced in July last year that it would allocate around \$260 million under the Film Development Fund ("FDF") to implement five measures for supporting the film industry, so as to increase local film productions, nurture talents for the industry, and help the film industry tide over the difficult times. In this connection, will the Government inform this Council:

- (1) whether it knows the number of local films the filming of which started in 2020; among such films, the number of those which have benefited from the relevant support measures under FDF;
- (2) of the number of applications for location filming received by the Film Services Office of Create Hong Kong since 2020; the number of such applications in respect of which the relevant government departments gave no-objection in principle notices, and the support such departments provided to the film crews concerned, as well as the number of such applications in respect of which such departments refused to give no-objection in principle notice and the reasons for that;
- (3) of the implementation situation of the aforesaid five measures for supporting the film industry:
 - (i) the number of films which are in the pipeline under the "Directors' Succession Scheme", and in respect of each film, the expected filming commencement date, employment opportunities to be created and expenditure involved;
 - (ii) the number of applications received since the implementation of the relaxation measures for the "Film Production Financing Scheme", the expected date on which the result will be announced and expenditure involved;
 - (iii) the number of submissions received under Phase 1 of the "Scriptwriting Incubation Programme"; the expected dates on which the whole Programme will be completed and winning scripts announced, and expenditure involved;

- (iv) the number of training courses organized under the measures for sponsoring the trade to offer free short-term advanced training courses and, in respect of each course, the main contents as well as the expected number of beneficiaries and expenditure involved; and
 - (v) the production progress of the various winning film proposals under the enhanced sixth “First Feature Film Initiative” and the expenditures involved;
- (4) whether it has further gained an understanding from members of the film industry about their needs amid the epidemic, so as to introduce more support measures; and
- (5) whether it will, by drawing reference from its practice of supporting the arts and culture sector, disburse subsidies to grassroots workers of the film industry through the industry’s practitioner organizations; if so, of the details; if not, the reasons for that?

Question 19
(For written reply)

(Translation)

Extraterritorial effect of the Criminal Procedure Ordinance

Hon Mrs Regina IP to ask:

Mr HUI Chi-fung, who has resigned from the office of a Legislative Council Member, was earlier charged with nine criminal offences and granted bail by the court pending trial. In early November of last year, HUI applied to the court for return of his passport on grounds of overseas duty visit and the application was approved. On 3 December, HUI announced in Denmark that he had gone into exile. On 8 December, a Danish politician openly admitted that he had sent a fake invitation letter to HUI for an overseas duty visit in order to assist him in going into exile, and the visit itinerary was fabricated by him with the assistance of several Danish politicians. In this connection, will the Government inform this Council whether the Department of Justice has studied if section 89 of the Criminal Procedure Ordinance (Cap. 221) (which provides that: any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence) may be invoked to institute prosecutions against these Danish politicians; if it has studied and the outcome is in the negative, of the reasons for that; if the reasons include that the provision has no extraterritorial effect, whether the Government will consider amending the provision for this purpose; if so, of the details; if not, the reasons for that?

Question 20
(For written reply)

(Translation)

Mandatory Provident Fund schemes

Hon LUK Chung-hung to ask:

Regarding Mandatory Provident Fund (“MPF”) schemes, will the Government inform this Council:

- (1) of the following information as at 31 December 2020,
 - (i) a breakdown of the number of MPF scheme members by age group, the average amount of accrued benefits in each account, and the average yearly rate of return of MPF accounts;
 - (ii) the number of holders of Tax-deductible Voluntary Contribution Accounts under MPF schemes and among them, the number and percentage of those who were civil servants; the total amount of funds involved in this type of accounts, and the amount of funds involved in those accounts held by civil servants and its percentage in the total amount;
 - (iii) the number of MPF scheme members who had been employed by the same employers since participating in the MPF schemes concerned, and its percentage in the total number of scheme members, together with a breakdown of the average amount of accrued benefits and the average rate of return of their accounts by age group and monthly salary group; the respective percentages of the sum of contributions and the total investment returns in the accrued benefits of such accounts; the number of civil servants among such members; and
 - (iv) the number of MPF accounts in which the accrued benefits derived from employers’ contributions had been used to offset severance payments and long service payments (commonly known as the “offsetting mechanism”), and the amount involved; the percentage of such accounts in the total number of MPF accounts; the progress of the legislative work to abolish such offsetting mechanism and the implementation timetable; and

- (2) of the new measures put in place to (i) further lower the management fees of MPF schemes, (ii) offer more investment plans with guaranteed return, and (iii) ensure that employees will not be subject to retaliation for lodging complaints about their employers defaulting on MPF contributions; whether “full portability” of MPF benefits will be implemented expeditiously, so that employees may transfer all the accrued benefits derived from their employers’ mandatory contributions to MPF schemes of their own choice?

Question 21
(For written reply)

(Translation)

Illegal land-filling and fly-tipping in Lantau

Hon Vincent CHENG to ask:

The Government has zoned as Coastal Protection Area (“CPA”) a long strip of land of about 162 hectares which is located between the South Lantau coastline and South Lantau Road and stretches from Pui O to Shui Hau, so as to preserve the original natural landscape there. However, it has been reported that fly-tipping activities have frequently occurred in recent years in locations within the CPA, such as Pui O, Tong Fuk and Shui Hau, resulting in a continuous increase in both the number and area of the black spots concerned. Such situation is attributable to the fact that the relevant activities are not regulated: (i) there is no provision restricting land-filling activities in the block government leases for the private lands concerned, (ii) the lands concerned are located outside the Development Permission Area, rendering the Planning Department unable to invoke provisions in the Town Planning Ordinance (Cap. 131) to take law enforcement and regulatory actions, and (iii) depositing waste on private lands with the consent of the landowners or lawful occupiers does not violate the requirements of the Waste Disposal Ordinance (Cap. 354). In this connection, will the Government inform this Council:

- (1) of the number of reports of illegal land-filling or fly-tipping at South Lantau received by the Government in each of the past three years, and set out, for each case, the date and time of receiving the report, the location involved, the activity reported, the follow-up action taken by the Government and the current situation of the relevant location;
- (2) of the number of land-filling or land excavation works, carried out within the CPA without the Town Planning Board’s permission, uncovered by the Government in each of the past three years, and the follow-up actions taken by the Government; the respective numbers of persons prosecuted and convicted, as well as the penalties imposed on those convicted; and
- (3) as the Chief Executive stated in the 2018 Policy Agenda that the Government would review the relevant legislation and formulate more effective measures to control the carrying out of land-filling, dumping of wastes and development activities that would damage the environment in areas of high ecological values at Lantau, of the progress of the relevant work, including the proposed legislative

amendments (if any) and legislative timetable, as well as the content of and implementation timetable for the new measures?

Question 22
(For written reply)

(Translation)

Alleviating the financial burdens of members of the public

Hon Paul TSE to ask:

The economic downturn brought about by the epidemic has resulted in a significant reduction in the income of quite a number of families and a high unemployment rate. A member of the public who has been unemployed for nearly a year called my office, complaining in tears about his not being able to meet expenses such as those arising from the upcoming Lunar New Year and payments for salaries tax (including provisional tax). On the other hand, the Finance Committee of this Council scrutinized on the 21st of last month the Government's funding application for the fourth round of injection into the Anti-epidemic Fund. At that meeting, I again suggested allowing members of the public to make early withdrawal of part of the accrued benefits from their Mandatory Provident Fund ("MPF") accounts in order to alleviate their financial difficulties. The Chief Secretary for Administration ("CS") undertook to discuss with the Financial Secretary ("FS") whether there was any room to relax the relevant policies. In this connection, will the Government inform this Council:

- (1) of the progress of the discussion between CS and FS, and the expected time when the outcome will be available;
- (2) as unemployed members of the public have, time and again, indicated that at present they are already heavily debt-ridden and can turn to nowhere to take out loans, and that they hope to get back the accrued benefits from their MPF accounts as soon as possible to address their imminent needs, whether the Government has viewed my dedicated page on social media platforms so as to gain an understanding of the public's disappointment and disgruntlement with the Government, as well as to review how the existing policies lack popularity; if not, whether it will view the dedicated page immediately and set up an MPF enquiry hotline to listen to the public's demands;
- (3) whether, apart from considering my aforesaid suggestion, the Government will request the Mandatory Provident Fund Schemes Authority ("MPFA") to make arrangements to allow members of the public to use the accrued benefits in their MPF accounts as a guarantee for taking out from banks an "MPF guaranteed extra low-interest tax loan" of an amount equals or doubles the amount of their accrued benefits, and to pay part of the loan interest on their

behalf, so as to help members of the public tide over the Lunar New Year and pay for their salaries tax which is about to fall due, as well as let members of the public know about the value of the existence of MPFA which has been making investment losses for 10 consecutive years and dubbed a kingdom for retired senior officials; and

- (4) whether, in order to alleviate the financial burdens on those members of the public who are unemployed, seeking jobs and forced to take unpaid leave, the Government will consider exempting all taxpayers from paying salaries tax (including provisional tax) for one year?

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(4) of the Interpretation and
General Clauses Ordinance (Cap. 1))

Resolved that in relation to the —

- (a) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 15) Regulation 2020, published in the Gazette as Legal Notice No. 241 of 2020;
- (b) Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 3) Regulation 2020, published in the Gazette as Legal Notice No. 242 of 2020;
- (c) Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) Regulation 2020, published in the Gazette as Legal Notice No. 243 of 2020;
- (d) Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) (No. 8) Regulation 2020, published in the Gazette as Legal Notice No. 244 of 2020;
- (e) Prevention and Control of Disease (Disclosure of Information) (Amendment) (No. 4) Regulation 2020, published in the Gazette as Legal Notice No. 245 of 2020;
- (f) Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) (No. 5) Regulation 2020, published in the Gazette as Legal Notice No. 246 of 2020;

- (g) Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) (No. 8) Regulation 2020, published in the Gazette as Legal Notice No. 247 of 2020;
- (h) Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) (No. 16) Regulation 2020, published in the Gazette as Legal Notice No. 248 of 2020;
- (i) Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) (No. 2) Regulation 2020, published in the Gazette as Legal Notice No. 249 of 2020;
- (j) Prevention and Control of Disease (Wearing of Mask) (Amendment) (No. 4) Regulation 2020, published in the Gazette as Legal Notice No. 250 of 2020; and
- (k) Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) (No. 2) Regulation 2020, published in the Gazette as Legal Notice No. 251 of 2020,

and laid on the table of the Legislative Council on 9 December 2020, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 27 January 2021.