

Legislative Council

Agenda

Wednesday 24 February 2021 at 11:00 am

I. Laying of Papers on the Table of the Council

14 items of subsidiary legislation and 6 other papers to be laid on the Table of the Council set out in **Appendix 1**

II. Written Questions

Members to ask 22 questions for written replies

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

III. Government Bills

First Reading and Second Reading (debate to be adjourned)

1. Appropriation Bill 2021 : Financial Secretary
2. Arbitration (Amendment) Bill 2021 : Secretary for Justice
3. Employees' Compensation (Amendment) Bill 2021 : Secretary for Labour and Welfare
4. Road Traffic (Amendment) Bill 2021 : Secretary for Food and Health

IV. Member's Motion on Subsidiary Legislation

Proposed resolution to extend the period for amending subsidiary legislation (L.N. 7 and L.N. 8 of 2021)

Mover : Hon WONG Ting-kwong

Wording of the motion : **Appendix 3**

Clerk to the Legislative Council

Council meeting of 24 February 2021

Laying of Papers on the Table of the Council

Subsidiary legislation	Legal Notice No.
1. <u>Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2021</u>	16 of 2021
2. <u>Mutual Legal Assistance in Criminal Matters (Mongolia) Order (Commencement) Notice</u>	17 of 2021
3. <u>Prevention and Control of Disease (Compulsory Testing for Certain Persons) (Amendment) Regulation 2021</u>	18 of 2021
4. <u>Dangerous Goods (Control) Regulation</u>	20 of 2021
5. <u>Dangerous Goods (Application and Exemption) Regulation 2012 (Amendment) Regulation 2021</u>	21 of 2021
6. <u>Protection of Endangered Species of Animals and Plants Ordinance (Amendment of Schedules 1 and 3) Order 2021</u>	22 of 2021
7. <u>Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2021</u>	23 of 2021
8. <u>Compulsory Quarantine of Certain Persons Arriving at Hong Kong (Amendment) Regulation 2021</u>	24 of 2021
9. <u>Prevention and Control of Disease (Disclosure of Information) (Amendment) Regulation 2021</u>	25 of 2021
10. <u>Compulsory Quarantine of Persons Arriving at Hong Kong from Foreign Places (Amendment) Regulation 2021</u>	26 of 2021
11. <u>Prevention and Control of Disease (Requirements and Directions) (Business and Premises) (Amendment) Regulation 2021</u>	27 of 2021

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| 12. | <u>Prevention and Control of Disease (Prohibition on Group Gathering) (Amendment) Regulation 2021</u> | 28 of 2021 |
| 13. | <u>Prevention and Control of Disease (Regulation of Cross-boundary Conveyances and Travellers) (Amendment) Regulation 2021</u> | 29 of 2021 |
| 14. | <u>Prevention and Control of Disease (Wearing of Mask) (Amendment) Regulation 2021</u> | 30 of 2021 |

Other papers

15. Hong Kong Council for Accreditation of Academic and Vocational Qualifications Annual Report 2019-20 (including Financial Report and Independent Auditor's Report)
(to be presented by Secretary for Education)
16. Vocational Training Council Annual Report and Financial Report 2019/2020 (including Independent Auditor's Report)
(to be presented by Secretary for Education)
17. Report of the Public Accounts Committee on the Reports of the Director of Audit on the Accounts of the Government of the Hong Kong Special Administrative Region for the year ended 31 March 2020 and the Results of Value for Money Audits (Report No. 75)
(February 2021 — P.A.C. Report No. 75)
(to be presented by Hon Abraham SHEK, Chairman of the Public Accounts Committee)
18. The Legislative Council Commission Report on the Activities 2019-2020 (including Statement of Accounts and Report of the Director of Audit)
(to be presented by the President of the Legislative Council)
19. Estimates for the year ending 31 March 2022
Volume I – General Revenue Account
(not including the Consolidated Summary of Estimates, the General Revenue Account – Summary, and the Revenue Analysis by Head)
Volume II – Fund Accounts
(to be presented by Financial Secretary)
20. Report No. 12/20-21 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 24 February 2021

Questions for written replies		Subject matters	Public officers to reply
1	Hon Abraham SHEK	<u>Charitable foundations and charities</u>	Secretary for Justice
2	Hon POON Siu-ping	<u>Importation of labour</u>	Secretary for Security
3	Hon Tommy CHEUNG	<u>Regulating the food trade</u>	Secretary for Food and Health
4	Hon Christopher CHEUNG	<u>Management of the Tracker Fund of Hong Kong</u>	Secretary for Financial Services and the Treasury
5	Dr Hon Junius HO	<u>Public works projects</u>	Secretary for Development
6	Hon LAU Kwok-fan	<u>Art Tech</u>	Secretary for Home Affairs
7	Hon CHAN Kin-por	<u>Foreign companies' regional headquarters and offices in Hong Kong</u>	Secretary for Commerce and Economic Development
8	Hon Michael TIEN	<u>Three-runway system</u>	Secretary for Transport and Housing
9	Dr Hon CHENG Chung-tai	<u>Anti-epidemic measures in public hospitals</u>	Secretary for Food and Health
10	Hon WONG Ting-kwong	<u>Secondary school students participating in activities that may be unlawful</u>	Secretary for Education
11	Hon YUNG Hoi-yan	<u>Processing of applications for building small houses</u>	Secretary for Development
12	Hon Jeffrey LAM	<u>Supporting the operators of scheduled premises and their employees</u>	Secretary for Financial Services and the Treasury
13	Hon Starry LEE	<u>Alleviating the burden of tax</u>	Secretary for Financial Services and the Treasury
14	Hon CHUNG Kwok-pan	<u>Procurement of face masks by the Government</u>	Secretary for Financial Services and the Treasury
15	Hon Martin LIAO	<u>Supporting street sleepers amid the epidemic</u>	Secretary for Labour and Welfare
16	Hon YIU Si-wing	<u>Caring for the nature</u>	Secretary for the Environment
17	Dr Hon CHIANG Lai-wan	<u>Irregularities concerning law firms</u>	Secretary for Justice
18	Hon Wilson OR	<u>Estate offices of public rental housing</u>	Secretary for Transport and Housing
19	Dr Hon Pierre CHAN	<u>Compulsory testing and exemptions of compulsory quarantine</u>	Secretary for Food and Health
20	Hon MA Fung-kwok	<u>Measures on promoting the development of Art Tech</u>	Secretary for Home Affairs
21	Hon LEUNG Che-cheung	<u>Rare diseases</u>	Secretary for Food and Health
22	Hon Kenneth LAU	<u>The systems of judicial review and legal aid</u>	Chief Secretary for Administration

Question 1
(For written reply)

(Translation)

Charitable foundations and charities

Hon Abraham SHEK to ask:

The Court of Final Appeal handed down a judgment on 18 May 2015, which held that the Chinachem Charitable Foundation (“the Foundation”) was to hold the estate of the late Mrs Nina WANG (“the estate”) as a trustee; moreover, the Secretary for Justice and the Foundation’s Board of Governors were required to formulate an administration scheme for the estate, including the establishment of a supervisory managing organization, to ensure that the estate would be used for charitable purposes in accordance with the testamentary intention of Mrs WANG. Nevertheless, the judgment has not yet been fully implemented since it was handed down over five years ago. On the other hand, “charity” or “charitable purpose” are not defined in the existing legislation, nor is there dedicated legislation which governs charities and their use of donations. In this connection, will the Government inform this Council:

- (1) whether it will, in the light of the current serious unemployment situation in Hong Kong, recommend that the Foundation’s Board of Governors set up an unemployment assistance scheme to provide assistance to members of the public who have been affected by the epidemic; if so, of the details; if not, the reasons for that;
- (2) whether it will consider enacting dedicated legislation for the Foundation with a view to monitoring and regulating its operation more effectively; if so, of the details; if not, the reasons for that; and
- (3) given that there are currently about 9 200 charities in Hong Kong, and tax-exempt donations amounted to as high as \$12.7 billion in 2019, whether the Government will enact dedicated legislation so as to regulate charities more comprehensively and effectively; if so, of the details; if not, the reasons for that?

Question 2
(For written reply)

(Translation)

Importation of labour

Hon POON Siu-ping to ask:

Persons who possess special skills, knowledge or experience of value to but not readily available in Hong Kong may apply to come to work in Hong Kong under the General Employment Policy (“GEP”) (which is not applicable to Chinese residents of the Mainland of China) or the Admission Scheme for Mainland Talents and Professionals (“ASMTP”) (which is applicable to Chinese residents of the Mainland of China). There have been comments that despite the sharp deterioration of the employment market in recent months, the Government has not tightened up the criteria for vetting and approval of the applications for importation of labour. For instance, while hundreds of local pilots have been dismissed, the Government has still continued to issue employment visas to non-local pilots, which is in contravention of the policy of safeguarding priority employment of Hong Kong people. In this connection, will the Government inform this Council:

- (1) of the respective numbers of applications made under GEP and ASMTP for (i) visa/entry permit and (ii) extension of stay that were received, approved and rejected by the Immigration Department (“ImmD”) in each of the years from 2018 to 2020, with a breakdown by industry, job type and range of monthly salary; if there were rejected applications, of the reasons for that; and
- (2) given the serious unemployment problem in Hong Kong at present, whether ImmD has communicated with the Labour Department in processing the aforesaid applications, so as to ensure that the relevant arrangements are in line with the policy of safeguarding priority employment of Hong Kong people; if so, of the details; if not, the reasons for that?

Question 3
(For written reply)

(Translation)

Regulating the food trade

Hon Tommy CHEUNG to ask:

One of the functions of the Food and Environmental Hygiene Department (“FEHD”) is to regulate the food trade, including issuing licences to food premises and inspecting such premises. In this connection, will the Government inform this Council:

- (1) of the number of inspections of licensed food premises conducted by FEHD last year, with a breakdown by type of premises;
- (2) of the respective numbers of the various types of food business licences which are valid at present;
- (3) of the respective numbers of applications for transfer of food business licences received and approved by FEHD last year; and
- (4) of the respective numbers of cases, found by FEHD when conducting the inspections mentioned in (1), in which the premises concerned (a) were not open for business (among such cases, the respective numbers of premises which were not open (i) for the reason that they were under renovation and (ii) for other reasons (not including those premises which had been asked to close for business by the Government due to the epidemic)), and (b) had changed owners but approval had not been given for the relevant applications for licence transfer; if such figures are unavailable, whether it has plans to compile relevant statistics; if so, of the details; if not, the reasons for that?

Question 4
(For written reply)

(Translation)

Management of the Tracker Fund of Hong Kong

Hon Christopher CHEUNG to ask:

State Street Global Advisors Asia Limited (“SSGA”), the manager of the Tracker Fund of Hong Kong (“TraHK”), issued a notice on the 11th of last month to the unitholders of TraHK stating that, as affected by the executive order signed by the President of the United States, TraHK would not make any new investments in those constituent companies of the Hang Seng Index which were sanctioned entities (“the companies concerned”) with immediate effect (“the decision”). Two days later, SSGA issued another notice stating that TraHK would resume investments in the companies concerned on the next day. Some investors consider that by contradicting itself within a short period of time and acting recklessly, SSGA has made people lose confidence in its capability to manage TraHK. In this connection, will the Government inform this Council:

- (1) as the Government stated in response to the incident that the decision “did not bring any material impact on the investors of TraHK”, of the justifications for such a statement;
- (2) whether it has reviewed if SSGA’s making the decision constitutes an act of misconduct and has violated the relevant codes/professional conduct; if it has reviewed and the outcome is in the affirmative, whether it will request the Supervisory Committee of TraHK to replace the manager, so as to ensure that TraHK is managed effectively; if the review outcome is in the negative, of the justifications for that; and
- (3) as the Government indicated early this month that the Hong Kong Monetary Authority was closely following up the incident with the Supervisory Committee of TraHK and SSGA, of the progress of the follow-up work?

Question 5
(For written reply)

(Translation)

Public works projects

Dr Hon Junius HO to ask:

In recent years, a number of large-scale infrastructure projects (e.g. the Hong Kong-Zhuhai-Macao Bridge and the Shatin to Central Link projects) have experienced serious cost overruns and delays. Some members of the public have queried the capability of the Government to control the expenditure of public works projects and monitor their progress, and are worried that similar problems may arise in new works projects. In this connection, will the Government inform this Council:

- (1) of the number of public works contracts awarded by the Government and the total expenditure involved in each year since the 2018-2019 financial year;
- (2) of the following details of the public works projects implemented by the Development Bureau or the Transport and Housing Bureau which were upgraded to Category A as approved by the Finance Committee of this Council in the 2018-2019 legislative session or thereafter (set out by project name in a table):
 - (i) the numbers and names of the consultancy firms engaged,
 - (ii) the expenditures on consultancy fees involved, and
 - (iii) the specific criteria adopted for selecting consultancy firms and contractors; and
- (3) regarding those public works projects that experienced serious cost overruns and delays in the past five years, whether the Government has conducted a detailed analysis on and review of the causes for the cost overruns and delays (including whether perfunctory supervision by government officials was involved), and what specific measures are in place to prevent similar problems from occurring in future works projects?

Question 6
(For written reply)

(Translation)

Art Tech

Hon LAU Kwok-fan to ask:

The Chief Executive has indicated in the 2020 Policy Address that the Government will actively promote and support the development of Art Tech. To this end, the Secretary for Home Affairs will take the lead in setting up a cross-bureau task force (“task force”) and invite the participation of representatives from the relevant sectors and non-governmental organizations in the formulation of strategies and measures to develop and promote Art Tech. Furthermore, the Government has set aside a total of \$100 million under four relevant funds (i.e. the Arts and Sport Development Fund, the Innovation and Technology Fund, the Film Development Fund and the CreateSmart Initiative) for the relevant sectors to apply for funding for implementing projects on developing and promoting the integration of technology and arts. In this connection, will the Government inform this Council:

- (1) of the criteria adopted by the Government for inviting representatives from the relevant sectors to be members of the task force, as well as the (i) definition of “Art Tech”, (ii) long-term goals and (iii) key performance indicators to be adopted by the task force;
- (2) of the respective portions of the \$100 million funding coming from the four aforesaid funds, the criteria to be adopted (e.g. the goals to be achieved) for vetting and approving the relevant funding applications, as well as the maximum amount of subsidy to be provided for each approved application; whether the subsidies provided by these funds for art projects of non-Art Tech categories will be correspondingly reduced;
- (3) whether the Government will collaborate with those institutions which currently offer relevant courses (e.g. The Hong Kong Academy for Performing Arts, City University of Hong Kong, Hong Kong Baptist University, Hong Kong Design Institute, and Hong Kong Institute of Vocational Education) in promoting Art Tech, and encourage qualified persons to teach the relevant courses, so as to train Art Tech talents and facilitate the alignment of the courses offered by institutions and the demand of the industry; and

- (4) given that the East Kowloon Cultural Centre, which is currently under construction and will be commissioned in 2023, will provide Testbed Studio for applying Art Tech, how the Government ensures that the Testbed Studio and the entire Cultural Centre will (i) be equipped with the facilities needed for developing and trying out Art Tech and (ii) provide the relevant sectors with convenient channels for hiring facilities; whether it has formulated eligibility criteria for hiring the Testbed Studio?

Question 7
(For written reply)

(Translation)

Foreign companies'
regional headquarters and offices in Hong Kong

Hon CHAN Kin-por to ask:

In a survey conducted in 2020, the Census and Statistics Department successfully surveyed 9 025 regional headquarters (“RHQs”), regional offices (“ROs”) and local offices (“LOs”) in Hong Kong the parent companies of which were located outside Hong Kong (collectively known as “foreign companies”), and around 400 foreign companies did not respond. Among the foreign companies successfully surveyed, the number of RHQs and ROs totalled 3 980, which is 48 less than the figure in the 2019 survey. Besides, among the foreign companies surveyed, 4% of them planned to phase out or relocate outside Hong Kong part or all of their business in Hong Kong, while another 21% of them were uncertain about their business plans in Hong Kong. Some members of the business sector worry that the situation will deteriorate. In this connection, will the Government inform this Council:

- (1) of the number of RHQs/ROs which were not enumerated in the 2020 survey but had been enumerated in the previous year; whether it knows (i) the locations of the parent companies of such RHQs/ROs, (ii) the trades in which such RHQs/ROs were engaged, and (iii) if such RHQs/ROs have terminated their business in Hong Kong (if so, of the reasons for that);
- (2) whether it will proactively implement measures to retain those foreign companies which are planning or may plan to terminate their business in Hong Kong; if so, of the details; and
- (3) whether it will roll out new measures to attract multinational companies to set up RHQs in Hong Kong; if so, of the details?

Question 8
(For written reply)

(Translation)

Three-runway system

Hon Michael TIEN to ask:

The Chief Executive stated in the 2020 Policy Address that the Airport Authority Hong Kong would, as originally planned, commission the third runway and the entire three-runway system (“3RS”) in 2022 and 2024 respectively. In this connection, will the Government inform this Council:

- (1) of the respective forecasts, made by the Government when it approved in principle the construction of 3RS in 2012, on Hong Kong’s long-term air traffic demand (i.e. the annual number of air traffic movements at the Hong Kong International Airport) (i) in 2030 and (ii) after 2030;
- (2) of the maximum number of air traffic movements that 3RS can handle annually upon its commissioning, as forecasted by the Government in 2012; and
- (3) of the time, as anticipated by the Government in 2012 on the basis of the forecasts mentioned in (1) and (2), when the handling capacity of 3RS will reach its full capacity?

Question 9
(For written reply)

(Translation)

Anti-epidemic measures in public hospitals

Dr Hon CHENG Chung-tai to ask:

It has been reported that earlier on, a woman under quarantine who was feeling unwell was arranged to take a test for the Coronavirus Disease 2019 (“the test”) at a Triage and Test (“T&T”) Centre set up by erecting tents in the outdoor area of a public hospital, and she was asked to wait there for the test result. Only after that woman had shivered in the outdoor area for almost eight hours under very cold weather was she admitted to the hospital for treatment. In addition, the Hospital Authority (“HA”) has strongly recommended that patients receiving day services present a negative test report when attending their first scheduled appointments, and patients attending regular follow-up consultations take the test once a week. Some patients have relayed that the fact that some public hospitals do not provide the testing service has caused great inconvenience to them when they attend follow-up consultations. Furthermore, some healthcare personnel have relayed that implementing the anti-epidemic measures has aggravated their heavy workload. In this connection, will the Government inform this Council whether it knows if HA will:

- (1) improve the arrangements for the T&T Centres by setting up, during inclement weather, such T&T Centres in hospitals’ indoor areas or in nearby community halls; and
- (2) provide testing service for all patients receiving day services, and improve the work arrangements for healthcare personnel during the epidemic so as to alleviate their work pressure?

Question 10
(For written reply)

(Translation)

Secondary school students participating
in activities that may be unlawful

Hon WONG Ting-kwong to ask:

It has been reported that recently, some secondary school students, aided and abetted by some members of District Councils (“DC members”), set up street counters in a number of districts in the name of student bodies. Ostensibly, such students and DC members voiced their objection to the Government’s proposed reform of the subject of Liberal Studies for senior secondary education, but in substance they openly spread views that aimed at discrediting the Government and advocating the independence of Hong Kong, which may be in contravention of the law. In this connection, will the Government inform this Council:

- (1) of the Government’s procedure for vetting and approving applications for setting up street counters; whether the considerations in the vetting and approval of such applications include the background and the source of funding of the applicant organizations, as well as the purposes of setting up street counters;
- (2) whether the co-hosting of the aforesaid street counters falls within the scope of responsibilities of DC members; if not, whether the DC members concerned have been reimbursed public funds for the expenses incurred in setting up the street counters; if they have been reimbursed public funds, whether the Government will ask them to return the money concerned;
- (3) whether it knows the current number of secondary school student bodies whose objects are to follow social issues, and the detailed information of such bodies (including the date of establishment, number of members and background);
- (4) whether it has enhanced the communication with secondary schools to prevent students from joining student bodies which may engage in unlawful activities; and
- (5) given that the authorities may, under certain circumstances, treat offenders under the age of 18 leniently (e.g. by cautioning them under the Police Superintendent’s Discretion Scheme in place of institution of prosecution, or by the prosecution offering no evidence when the accused has agreed to be bound over) so as to give them an opportunity for rehabilitation, whether the

Government has examined if such arrangements will embolden minors to participate in activities that may be unlawful?

Question 11
(For written reply)

(Translation)

Processing of applications for building small houses

Hon YUNG Hoi-yan to ask:

According to the New Territories Small House Policy (“the Policy”), a New Territories male indigenous villager over 18 years old is entitled to one concessionary grant during his lifetime to build one small house. However, following a judgement handed down by the Court of First Instance (“CFI”) of the High Court on 8 April 2019 on a judicial review case of the Policy, the Government has suspended the receipt and processing of applications for building small houses on government land granted through Private Treaty Grant (“PTG”) and Land Exchange. It has been reported that such an arrangement has led to a huge backlog of applications for building small houses awaiting to be processed, thereby arousing grave dissatisfaction among quite a number of indigenous villagers of the New Territories. In a judgement handed down on the 13th of January this year on the appeals against the ruling of the said case, the Court of Appeal (“CA”) ruled that the arrangements of Free Building Licence, PTG and Land Exchange under the Policy are lawful traditional rights and interests of the indigenous villagers of the New Territories within the meaning of Article 40 of the Basic Law, and are lawful and constitutional. Besides, I wrote to the Secretary for Development in September last year relaying that the overly long time taken (five to 10 years needed in general and even as long as 20-odd years in some cases) by the Government to vet and approve applications for building small houses, coupled with the incessantly rising construction costs, have greatly increased the financial burden on indigenous villagers in building small houses. In this connection, will the Government inform this Council:

- (1) of the respective numbers of applications for building small houses which were (i) received, (ii) approved, (iii) rejected, and (iv) still being processed by the Lands Department (“LandsD”) in each of the past three years;
- (2) of the number of applications for building small houses which have been submitted after CFI handed down the aforesaid judgement and are awaiting to be processed, and among such cases, the respective numbers of those applications for building small houses on government land granted through PTG and Land Exchange;

- (3) of the respective numbers of small houses which were (i) under construction and (ii) completed in each of the past five years, as well as the total area of the sites in Village Type Development zones involved;
- (4) of LandsD's staffing establishment responsible for processing applications for building small houses, as well as the average, longest and shortest time taken to vet and approve those applications which had been approved, in each of the past five years;
- (5) how the Government will follow up the aforesaid judgement of CA; of the anticipated earliest time for resuming the receipt and processing of applications for building small houses on government land granted through PTG and Land Exchange; whether it will allocate additional resources and manpower to LandsD to expedite the processing of backlog applications; if so, of the details and implementation timetable; if not, the reasons for that; and
- (6) whether it has conducted any detailed assessment on (i) the number of persons eligible for applying for building small houses in the coming 10 years, (ii) the number of applications for building small houses to be made by them, and (iii) the demand for lands in different districts across the New Territories arising from such applications; if so, of the details, the criteria based on which such assessments were made, and the new measures in place to cope with the relevant land demand; if not, the reasons for that and whether it will conduct relevant assessments in the near future?

Question 12
(For written reply)

(Translation)

Supporting the operators of
scheduled premises and their employees

Hon Jeffrey LAM to ask:

To cope with the epidemic, the Government made the Prevention and Control of Disease (Requirements and Directions) (Business and Premises) Regulation (Cap. 599F) in March last year, and has since invoked the Regulation on a number of occasions to direct scheduled premises to suspend operation during a specified period. Some operators of such premises have relayed to me that their applications for subsidies made to the Anti-epidemic Fund (“the Fund”) have been approved but the subsidies have not been disbursed to them after a protracted period of time. As a result, they are on the brink of closing down due to cash flow problems, and their employees have to take prolonged no-pay leave and are unable to sustain their living. In this connection, will the Government inform this Council:

- (1) of the dates on which, and the total up-to-date number of days for which, the various types of scheduled premises suspended operation pursuant to the requirements of Cap. 599F, as well as the respective estimated numbers of affected employees in the various types of such premises;
- (2) of the latest implementation situation of the various support measures for scheduled premises introduced by the Government under the Fund, including (i) the number of applications received, (ii) the number of applications for which subsidies have been disbursed, (iii) the number of applications for which approval has been given but subsidies have not yet been disbursed, (iv) the average amount of subsidy granted for each approved application, (v) the total amount of subsidies disbursed, and (vi) the current balance of the commitment (set out in a table by name of measure); and
- (3) of the further measures in place to assist the operators of scheduled premises and their employees in tiding over the difficult times?

Question 13
(For written reply)

(Translation)

Alleviating the burden of tax

Hon Starry LEE to ask:

The Coronavirus Disease 2019 epidemic has dealt a heavy blow to Hong Kong's economy, resulting in quite a number of employees earning substantially less income and even being out of a job, as well as quite a number of enterprises making substantially less profits and even closing down. On the other hand, taxpayers with financial difficulties may apply to the Inland Revenue Department ("IRD") for payment of tax by instalments. The Government has implemented the following temporary arrangements: for those taxpayers who have been approved on grounds of financial difficulties to settle by instalments their salaries tax, profits tax and personal assessment demand notes issued between August 2020 and August 2021 for the year of assessment 2019-2020, surcharge may be waived for a maximum period of one year counting from the respective due dates of the demand notes, provided that they settle all the instalment payments on schedule. In addition, if taxpayers anticipate that there will be a decrease of more than 10% in their net chargeable income or assessable profits for the current year of assessment, they may apply to IRD for holding over part of or the whole of the provisional tax. Such holding over arrangement applies to salaries tax, profits tax and property tax. In this connection, will the Government inform this Council:

- (1) of the respective numbers of applications received by IRD up to the end of last month for (a) payment by instalments of (i) salaries tax, (ii) profits tax and (iii) property tax for the year of assessment 2019-2020, and (b) holding over of provisional tax in respect of those three taxes for the year of assessment 2020-2021; how these figures compare to the relevant figures of the same period last year;
- (2) regarding the respective applications for (a) payment of tax by instalments and (b) holding over of provisional tax mentioned in (1), of the respective total amounts of (i) salaries tax, (ii) profits tax and (iii) property tax involved; among these cases, the respective largest amounts of tax and provisional tax involved in respect of those three taxes, and the respective occupations and trades in which the applicants concerned were engaged; and

- (3) whether it has examined new measures to help relieve the burden of tax on those employees with decreased income and those companies with dropped profits, such as allowing companies with dropped profits to defer the payment of profits tax for one year, or reducing the tax rates concerned, so that they could have more operating funds?

Question 14
(For written reply)

(Translation)

Procurement of face masks by the Government

Hon CHUNG Kwok-pan to ask:

In the early days of the outbreak of the Coronavirus Disease 2019 epidemic at the beginning of last year, there was a shortage of face masks (“masks”) across the globe. The Government Logistics Department (“GLD”) sourced masks globally, and awarded direct procurement contracts without going through the tendering procedure. It has been reported that GLD procured a total of 1.12 billion masks last year; quite a number of the delivered masks had quality problems, and a significant quantity of masks have not been delivered although the deadlines have expired. In this connection, will the Government inform this Council:

- (1) in respect of those masks which have not been delivered although the deadlines have expired, of (i) their quantity, (ii) the originally scheduled and latest anticipated delivery dates, and (iii) the reasons for their not being delivered although the deadlines have expired (set out in a table by procurement contract number and name of supplier); the average unit price of such masks, the total amount of deposits involved, and the total amount of remaining payments; whether GLD has requested the suppliers concerned to return the deposits or make compensation; and
- (2) of the quantity of masks with quality problems, with a breakdown by place of origin, name of manufacturer and type of quality problems (e.g. bearing false trade descriptions, and bacteria counts exceeding limits); how GLD uncovered that such masks had quality problems; the quantity of such masks that had been distributed to various government departments before quality problems were uncovered, the disposal methods for the undistributed masks, and the follow-up actions taken by GLD against the suppliers concerned?

Question 15
(For written reply)

(Translation)

Supporting street sleepers amid the epidemic

Hon Martin LIAO to ask:

It has been reported that some street sleepers have recently been confirmed, one after another, to have been infected with the Coronavirus Disease 2019. As revealed by a survey conducted by a grassroots concern group and some media reports, the number of street sleepers has surged amid the epidemic. Among the street sleepers, quite a number of them have become street sleepers for the first time upon losing their jobs or are Hong Kong people who originally resided on the Mainland and have moved back to Hong Kong. Some children are even found street-sleeping with their family members. The situation of street sleepers is made more difficult under the stringent anti-epidemic measures. For example, some voluntary organizations have reduced the distribution of food and materials, street sleepers gathering and sleeping in the streets for mutual care may be in breach of the “No-gathering Order”, and the closure of some public shower facilities has reduced the places available for street sleepers to keep their personal hygiene. The relevant situation has aroused social concern. In this connection, will the Government inform this Council:

- (1) whether it has assessed the risks of street sleepers contracting the epidemic disease and spreading it to the community, and whether it has put in place special support measures to help them fight against the epidemic, so as to protect their health and that of the relevant communities;
- (2) whether it has compiled statistics on the monthly numbers of street sleepers since the outbreak of the epidemic in December 2019 (and among them, the respective numbers of those who have become street sleepers for the first time upon losing their jobs and those who have moved back from the Mainland), and the main reasons leading to their street sleeping;
- (3) whether it has found underage street sleepers; if so, whether it will take special measures to provide them with appropriate support; and
- (4) of the respective numbers of street sleepers of new cases, since January 2020, who have been arranged to be admitted to residential places subvented by the Social Welfare Department and those operated by non-governmental organizations on a self-financing basis, and the number of street sleepers who have extricated themselves from street sleeping upon receiving other assistance?

Question 16
(For written reply)

(Translation)

Caring for the nature

Hon YIU Si-wing to ask:

It has been reported that quite a number of members of the public turned to the countryside for recreation and amenity since they could not travel abroad and most of the cultural, recreational and sports facilities had been closed amid the epidemic. However, a small number of countryside visitors who are uncivic-minded have performed acts which ruin the natural environment, such as recklessly discarding used face masks which may spread diseases and other rubbish, illegally riding motocross bikes which has intensified soil erosion, climbing up trees for photo taking, as well as camping and lighting a fire at non-designated locations. In this connection, will the Government inform this Council:

- (1) of the number of visitor arrivals to the countryside and the quantity of rubbish collected therein, in each of the past three years;
- (2) of the respective numbers of prosecutions instituted, in each of the past three years, against countryside visitors for commissioning offences in (i) the country parks and (ii) other countryside areas, with a breakdown by the offence involved and the penalty handed down by the court (if any);
- (3) of the expenditure and manpower involved in the maintenance of the facilities in the country parks (e.g. country trails), as well as the total area/length rehabilitated, in each of the past three years; and
- (4) what new measures are in place to raise countryside visitors' awareness of caring for the nature?

Question 17
(For written reply)

(Translation)

Irregularities concerning law firms

Dr Hon CHIANG Lai-wan to ask:

Recently, the Law Society of Hong Kong (“Law Society”) intervened in the operation of a law firm (“the firm”) because the Law Society suspected after investigation that a former staff member of the firm had dishonestly misappropriated the money of the clients of the firm and was satisfied that the firm had committed serious breaches of the provisions of the Solicitors’ Accounts Rules (Cap. 159F). The firm forthwith ceased practice, and all the money of the firm has been held by the Council of the Law Society (“Council”) on trust. It has been reported that as the firm was mainly engaged in business relating to the sale and purchase (“S&P”) of second-hand property units, quite a number of property buyers had deposited money, amounting to nearly \$130 million, under the client accounts of the firm. Some affected clients could not complete property transactions by the deadlines specified in the S&P agreements as they could not get back in time their money deposited with the firm, hence suffering huge losses. Similar incidents also occurred in 2016. In this connection, will the Government inform this Council:

- (1) whether it will amend Cap. 159F to prevent the occurrence of the following situation: upon the intervention of the Law Society in the operation of a law firm which has breached regulations, the clients’ money deposited in the client accounts of the law firm concerned has to be held by the Council on trust; if so, of the details; if not, the reasons for that;
- (2) whether it will consider in future (i) requiring that the transaction money of both the buyer and the seller of a property shall no longer be handed to the law firms for depositing into the relevant client accounts, but instead be put in the custody of an independent third party, or (ii) establishing a compensation fund to compensate those clients of a law firm who have suffered losses caused by the winding up of the law firm or the Law Society’s intervention in the firm’s operation; if so, of the details; if not, the reasons for that;
- (3) whether, in the event that a staff member of a law firm has committed criminal offences or negligence resulting in losses on the part of the firm’s clients, the relevant solicitors or partners of the law firm concerned will be penalized under the current mechanism; if so, of the details; if not, the reasons for that; and

- (4) of (i) the number of law firms whose operation was intervened by the Law Society, (ii) the number of affected clients and the amount of money involved, and (iii) the respective longest, shortest and average time taken for returning the clients' money concerned, in each of the past five years, and set out the information by reason for the intervention?

Question 18
(For written reply)

(Translation)

Estate offices of public rental housing

Hon Wilson OR to ask:

Some residents of public rental housing (“PRH”) have relayed that the estate office of the estate in which they live has adopted improper practices. For example, in respect of the work on vetting and approval of the publicity materials to be posted by mutual aid committees and enforcing the Marking Scheme for Estate Management Enforcement, the judgements made and the way of handling by the estate offices concerned are inappropriate and are different from those by other estate offices. In this connection, will the Government inform this Council:

- (1) whether the Housing Department (“HD”) has issued practice guidelines to its estate offices; if so, (i) whether HD has regularly updated such guidelines, and (ii) whether PRH residents may have access to such guidelines; if so, whether HD received complaints in the past three years about the violation of such guidelines by estate offices; if so, of the number of complaints, with a breakdown by year and subject of complaint; and
- (2) whether HD has regularly deployed staff to inspect its estate offices (especially those against which relatively more complaints have been lodged); if so, of the details; if not, the measures put in place to monitor the work of the estate offices and ensure that they act strictly in accordance with HD’s directions and guidelines?

Question 19
(For written reply)

(Translation)

Compulsory testing and exemptions of compulsory quarantine

Dr Hon Pierre CHAN to ask:

Recently, the Government has invoked on a number of occasions the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to (i) issue compulsory testing notices (“Notices”) requiring that any person who has been present at the premises specified in the Notice for more than two hours during a specified period to undergo a polymerase chain reaction-based nucleic acid test for the Coronavirus Disease 2019 (“COVID-19”) by a specified deadline, and (ii) make restriction-testing declarations (“Declarations”) requiring that persons within the “restricted area” specified in the Declaration stay in their premises and undergo compulsory testing in accordance with the Government’s arrangement, and they may leave only after the test results have mostly been ascertained. All premises within the restricted areas have been included in the relevant Notices. On the other hand, it has been reported that from time to time there were cases as follow: persons who had been exempted from compulsory quarantine when entering Hong Kong (“exempted persons”) were not confirmed, until a number of days after their arrival in Hong Kong, to have contracted COVID-19. In this connection, will the Government inform this Council:

- (1) of the following information related to each Declaration (set out in Table 1 in chronological order of the date of the Declaration):
 - (i) the date on which the Declaration was made,
 - (ii) the boundaries of the restricted area(s),
 - (iii) the affected residents –
 - (a) the number of households, and
 - (b) the number of residents,
 - (iv) the testing and law enforcement situations –
 - (a) the number of persons who underwent the testing,
 - (b) the number of persons confirmed to have contracted COVID-19,
 - (c) the number of households not answering the door and the number of residents involved, and
 - (d) the number of fixed penalty notices (“FPNs”) issued to persons for non-compliance with the Declaration, and

- (v) the manpower and public expenditure involved in the entire operation –
 - (a) the number of staff members of the Government,
 - (b) the number of staff members of the contractor(s), and
 - (c) the public expenditure;

Table 1

(i)	(ii)	(iii)		(iv)				(v)		
		(a)	(b)	(a)	(b)	(c)	(d)	(a)	(b)	(c)

- (2) of the following information related to the residential buildings covered by each Notice (set out in Table 2 in chronological order of the date of the Notice);
 - (i) the date on which the Notice was issued,
 - (ii) the name(s) of the building(s) involved,
 - (iii) the affected residents of each building –
 - (a) the number of households, and
 - (b) the number of residents,
 - (iv) the testing and law enforcement situations of each building –
 - (a) the number of persons who underwent the testing,
 - (b) the number of persons confirmed to have contracted COVID-19, and
 - (c) the number of FPNs issued to persons for non-compliance with the Notice, and
 - (v) the manpower and public expenditure involved in the entire operation –
 - (a) the number of staff members of the Government,
 - (b) the number of staff members of the contractor(s), and
 - (c) the public expenditure;

Table 2

(i)	(ii)	(iii)		(iv)			(v)		
		(a)	(b)	(a)	(b)	(c)	(a)	(b)	(c)

- (3) of the respective numbers of exempted persons who entered Hong Kong from (i) the Mainland, Macao and Taiwan, as well as (ii) foreign places, in each month since January last year; and
- (4) of the number of exempted persons, since January last year, who were confirmed to have contracted COVID-19 within 14 days after their entry into Hong Kong, with a breakdown by the country/region from which they came?

Question 20
(For written reply)

(Translation)

Measures on promoting the development of Art Tech

Hon MA Fung-kwok to ask:

The Chief Executive has indicated in the 2020 Policy Address that the Government will actively promote the development of Art Tech. To this end, the Secretary for Home Affairs will take the lead in setting up a cross-bureau task force (“task force”), and invite the participation of representatives from the relevant sectors and non-governmental organizations in the formulation of relevant strategies and measures. In this connection, will the Government inform this Council:

- (1) when the task force will be set up, and what sectors and organizations the representatives of which will be invited to participate in the work of the task force;
- (2) given that the Government has set aside a total of \$100 million under four funds (i.e. the Arts and Sport Development Fund, the Innovation and Technology Fund, the Film Development Fund and the CreateSmart Initiative) for the relevant sectors to apply for funding for implementing projects on integrating technology and arts, of the division of labour among these funds;
- (3) whether the Government will draw reference from the strategies of the authorities in the United Kingdom, South Korea and Taiwan for developing Art Tech, and in the long run establish a dedicated subsidy fund for Art Tech; if so, of the details; if not, the reasons for that;
- (4) apart from providing a Testbed Studio for applying Art Tech in the East Kowloon Cultural Centre which is under construction, whether the Government will gradually upgrade the facilities in the performance venues under the Leisure and Cultural Services Department (“LCSD”), such as upgrading the stage equipment, providing free WiFi and increasing the bandwidth of the wireless network, so as to offer more venues for applying Art Tech;
- (5) whether LCSD will support arts groups in conducting more creative activities that integrate technology and arts, including assisting them in online live broadcasting or re-broadcasting of the relevant activities, as well as sponsoring and procuring more programmes of online live broadcast performances; if so, of the details; if not, the reasons for that;

- (6) whether LCSD will incorporate more Art Tech elements in the exhibits of its museums to enhance the viewing experience of visitors; if so, of the details; if not, the reasons for that; and
- (7) of the measures in place to promote the exchanges and collaboration between arts workers and members of the technology sector, so as to spur the development and innovation of Art Tech?

Question 21
(For written reply)

(Translation)

Rare diseases

Hon LEUNG Che-cheung to ask:

It is learnt that as the costs of developing drugs for rare diseases are high but the market is small, the drugs for such diseases are extremely expensive or even non-existent. Regarding rare diseases, will the Government inform this Council:

- (1) whether it will consider afresh laying down a definition for “rare diseases”; if so, of the details;
- (2) as the Government indicated in June last year that it was planning to progressively develop with the Hospital Authority databases for individual uncommon disorders, of the progress of the relevant work; the diseases for which databases have been/will be developed, and the respective drugs for treating such diseases (i) which are registered in Hong Kong and (ii) whose registration process is underway;
- (3) whether it knows the respective numbers of applications for subsidies made to (i) the Samaritan Fund and (ii) the Community Care Fund Medical Assistance Programmes for treating rare diseases which were received and approved by the authorities in each of the past three years, with a breakdown by name of disease; the average amount of subsidies approved for each successful applicant in respect of each type of diseases;
- (4) of the long-term strategies to support patients suffering from rare diseases in the following aspects: laying down a definition for such diseases, conducting clinical research, introducing or manufacturing drugs, developing databases, and stepping up public education and publicity; and
- (5) as it has been reported that on the Mainland, there are currently over 20 million patients suffering from rare diseases and 61 drugs available for treating such diseases, whether the Government has plans to collaborate with the Mainland authorities in respect of the research on and treatment of such diseases; if so, of the details; if not, the reasons for that?

Question 22
(For written reply)

(Translation)

The systems of judicial review and legal aid

Hon Kenneth LAU to ask:

It is learnt that the number of judicial review (“JR”) cases has increased sharply in recent years, and the applicants in quite a number of such cases have been granted legal aid by the Legal Aid Department. Some members of the public have queried that the present systems of JR and legal aid have been abused, leading to much wastage of judicial resources and public money. In this connection, will the Government inform this Council:

- (1) of the statistics on JR related cases in each of the past five years as set out in Table 1;

Table 1

JR related cases	2016	2017	2018	2019	2020
(i) Leave applications					
(a) Number of cases filed					
(b) Number of cases in which the applicants were granted legal aid					
(c) Number of cases in which the applicants were granted leave					
(ii) Appeals against refusal to grant leave					
(a) Number of cases filed					
(b) Number of cases in which the applicants were granted legal aid					
(iii) Substantive proceedings of JR					
(a) Number of cases filed					
(b) Number of cases in which the applicants were granted legal aid					
(iv) Appeals against JR decisions					
(a) Number of cases filed					
(b) Number of cases in which the applicants were granted legal aid					

- (2) of the statistics on the legal aid applications made by applicants of JR related cases in each of the past five years as set out in Table 2; and

Table 2

JR related cases	2016	2017	2018	2019	2020
(i) Legal aid applications made by applicants					
(a) Number of cases received					
(b) Number of cases approved					
(c) Public expenditure incurred for the approved cases					
(ii) Cases in which the applicants were granted legal aid and the Government was one of the parties involved in the proceedings					
(a) Number of cases filed					
(b) Public expenditure incurred					
(c) Number (percentage) of cases with decisions made in favour of the Government					
(d) Number (percentage) of cases with decisions made not in favour of the Government					

- (3) of the new measures put in place by the authorities to prevent the systems of JR and legal aid from being abused; whether mechanisms will be put in place to regularly review the procedures for vetting and approving applications of the two systems, so as to prevent abuse from happening?

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) Insurance (Amendment) Ordinance 2020 (Commencement) Notice, published in the Gazette as Legal Notice No. 7 of 2021; and
- (b) Insurance (Special Purpose Business) Rules, published in the Gazette as Legal Notice No. 8 of 2021,

and laid on the table of the Legislative Council on 27 January 2021, 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 17 March 2021.