

Legislative Council

Agenda

Wednesday 2 June 2021 at 11:30 am
(or immediately after the Chief Executive's Question Time
to be held at 11:00 am that day)

I. Laying of Papers on the Table of the Council

6 papers 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

Public officers to reply

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| 1. Hon Tony TSE
(<u>Traffic problems in the Southern District</u>) | Secretary for Transport and Housing |
| 2. Hon SHIU Ka-fai
(<u>Housing problem</u>) | Secretary for Development
Under Secretary for Transport and Housing |
| 3. Hon Jimmy NG
(<u>Uncertain prospects faced by the import and export trade</u>) | Secretary for Commerce and Economic Development |
| 4. Hon YIU Si-wing
(<u>New norm of the tourism industry</u>) | Secretary for Commerce and Economic Development |
| 5. Hon Holden CHOW
(<u>Re-industrialization in Hong Kong</u>) | Secretary for Innovation and Technology |
| 6. Hon Paul TSE
(<u>Coronavirus Disease 2019 vaccines</u>) | Secretary for Food and Health |

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

III. Government Bills

First Reading and Second Reading (debate to be adjourned)

1. Medical Registration (Amendment) Bill 2021 : Secretary for Food and Health

Second Reading (debate to resume), consideration by committee of the whole Council and Third Reading

2. Revenue (First Registration Tax and Licence Fees for Motor Vehicles) Bill 2021 : Secretary for Transport and Housing

2 amendment movers : Hon Frankie YICK and Hon SHIU Ka-fai
(Amendments set out in LC Paper No. CB(3) 601/20-21 issued on 27 May 2021)

(Debate and voting arrangements set out in LC Paper No. CB(3) 615/20-21 issued on 31 May 2021)

3. Revenue (Stamp Duty) Bill 2021 : Secretary for Financial Services and the Treasury
4. Securities and Futures and Companies Legislation (Amendment) Bill 2021 : Secretary for Financial Services and the Treasury
5. Inland Revenue (Amendment) (Miscellaneous Provisions) Bill 2021 : Secretary for Financial Services and the Treasury

IV. Members' Motions

(Standing over from the meeting of 26 May 2021)

1. **Motion on “Fully implementing the interim policies for squatter structures and agricultural structures”**

Mover : Hon Steven HO

Wording of the motion : **Appendix 3**

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

2. Motion on “Enhancing support for carers”

Mover : Hon LEUNG Che-cheung

Wording of the motion : **Appendix 4**

Public officers to attend : Secretary for Labour and Welfare
Under Secretary for Labour and Welfare

Clerk to the Legislative Council

Council meeting of 2 June 2021

Laying of Papers on the Table of the Council

Papers

1. Employees Retraining Board Annual Report 2019-20 (including Financial Statements and Independent Auditor's Report)
(to be presented by Secretary for Labour and Welfare)
2. Report No. 17/20-21 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
(to be presented by Hon Starry LEE, Chairman of the House Committee)
3. Report of the Bills Committee on Revenue (First Registration Tax and Licence Fees for Motor Vehicles) Bill 2021
(to be presented by Hon CHAN Kin-por, Chairman of the Bills Committee)
4. Report of the Bills Committee on Revenue (Stamp Duty) Bill 2021
(to be presented by Hon CHUNG Kwok-pan, Chairman of the Bills Committee)
5. Report of the Bills Committee on Securities and Futures and Companies Legislation (Amendment) Bill 2021
(to be presented by Hon Christopher CHEUNG, Chairman of the Bills Committee)
6. Report of the Bills Committee on Inland Revenue (Amendment) (Miscellaneous Provisions) Bill 2021
(to be presented by Hon Holden CHOW, Chairman of the Bills Committee)

22 questions to be asked at the Council meeting of 2 June 2021

	Subject matters	Public officers to reply	
Questions for oral replies			
1	Hon Tony TSE	<u>Traffic problems in the Southern District</u>	Secretary for Transport and Housing
2	Hon SHIU Ka-fai	<u>Housing problem</u>	Secretary for Development Under Secretary for Transport and Housing
3	Hon Jimmy NG	<u>Uncertain prospects faced by the import and export trade</u>	Secretary for Commerce and Economic Development
4	Hon YIU Si-wing	<u>New norm of the tourism industry</u>	Secretary for Commerce and Economic Development
5	Hon Holden CHOW	<u>Re-industrialization in Hong Kong</u>	Secretary for Innovation and Technology
6	Hon Paul TSE	<u>Coronavirus Disease 2019 vaccines</u>	Secretary for Food and Health
Questions for written replies			
7	Dr Hon CHENG Chung-tai	<u>Services of the psychiatric wards in public hospitals</u>	Secretary for Food and Health
8	Hon LAU Kwok-fan	<u>Assisting brownfield operators in re-provisioning their operations</u>	Secretary for Development
9	Hon MA Fung-kwok	<u>Opening up School Facilities for Promotion of Sports Development Scheme</u>	Secretary for Home Affairs
10	Hon CHEUNG Kwok-kwan	<u>Arrangements for primary schools to cease operation</u>	Secretary for Education
11	Hon Mrs Regina IP	<u>Legal aid cases related to judicial review</u>	Chief Secretary for Administration
12	Hon CHUNG Kwok-pan	<u>Financial situation of the Airport Authority Hong Kong</u>	Secretary for Transport and Housing
13	Ir Dr Hon LO Wai-kwok	<u>Law enforcement for anti-epidemic measures</u>	Secretary for Food and Health
14	Hon WONG Kwok-kin	<u>Secondary market of subsidized sale housing</u>	Secretary for Transport and Housing
15	Hon Starry LEE	<u>Quarantine arrangements</u>	Secretary for Food and Health
16	Hon Frankie YICK	<u>Lantau Closed Road Permits</u>	Secretary for Transport and Housing
17	Hon Vincent CHENG	<u>Provision of subsidies for the “N have-nots households”</u>	Secretary for Home Affairs
18	Hon Alice MAK	<u>Pilot Scheme for Arbitration on Land Premium</u>	Secretary for Development
19	Hon CHAN Han-pan	<u>Primary One places allocation system</u>	Secretary for Education
20	Hon CHAN Chun-ying	<u>Product placement within television programmes</u>	Secretary for Commerce and Economic Development
21	Hon CHAN Hak-kan	<u>Fire safety of mini-storage facilities and old industrial buildings</u>	Secretary for Security
22	Hon LUK Chung-hung	<u>Student Guidance Officers in government primary schools</u>	Secretary for Education

Question 1
(For oral reply)

(Translation)

Traffic problems in the Southern District

Hon Tony TSE to ask:

Quite a number of personnel from the architectural, surveying, town planning and landscape sectors as well as residents in the Southern District on the Hong Kong Island have pointed out that currently during peak hours, not only are the Aberdeen Tunnel and major roads in the Southern District quite congested, the train compartments of the MTR South Island Line are also very crowded. They are worried that with the gradual completion of a number of residential developments and industrial building conversion projects in the District, coupled with the forthcoming implementation of the “Invigorating Island South” initiative by the Government, the traffic congestion problem in the District will further deteriorate. In this connection, will the Government inform this Council:

- (1) of the specific measures to improve the external and local transport of the Southern District, and the timetable for implementing such measures;
- (2) of the latest progress of the study on the MTR South Island Line (West) project, and the implementation timetable of the project; and
- (3) whether it will conduct a study on the construction of the fourth road harbour crossing to connect the Southern District with the Kowloon Peninsula directly, so as to alleviate the traffic congestions at the Aberdeen Tunnel and the Cross-Harbour Tunnel?

Question 2
(For oral reply)

(Translation)

Housing problem

Hon SHIU Ka-fai to ask:

Some members of the community have indicated that after improving the electoral system, the Government may focus on developing the economy, improving people's livelihood and, in particular, resolving the long-standing and deep-seated problems in Hong Kong such as housing problem. However, quite a number of comments have pointed out that land planning work and housing projects have still been progressing at a slow pace. In this connection, will the Government inform this Council:

- (1) of the procedures to be gone through currently regarding a housing site from land identification to planning and consultation, and then from the site as a piece of "primitive land" to its being transformed into a "spade-ready site" and, regarding the implementation of a housing project on the spade-ready site, from the commencement of works to completion, as well as the time taken in general to complete each procedure; whether it knows how such procedures and the time taken respectively compare with those in advanced countries;
- (2) as there is a proposal that the Government may explore the construction of housing units on the periphery of country parks to increase land and housing supply, whether the Government will conduct a study on the proposal; if so, of the details; if not, the reasons for that; and
- (3) whether it has assessed the deep-seated reasons why the housing problem remains unresolved for a long time, and what new solutions are available?

Question 3
(For oral reply)

(Translation)

Uncertain prospects faced by the import and export trade

Hon Jimmy NG to ask:

Quite a number of Hong Kong businessmen have relayed that under a backdrop of the incessant conflicts on various fronts such as ideology and trade between China and western countries in recent years, the United States (“US”) have made a new requirement that goods imported from Hong Kong may no longer use “Made in Hong Kong” as the origin marking, and western enterprises have launched a campaign to boycott Xinjiang cotton, resulting in uncertain prospects faced by Hong Kong’s import and export trade. In this connection, will the Government inform this Council:

- (1) as the Government instituted in October last year the dispute settlement procedures of the World Trade Organization in respect of US’s implementation of the aforesaid new requirement on origin marking, of the relevant progress; whether it has formulated corresponding plans to assist Hong Kong businessmen in coping with the situation where the outcome of the dispute adjudication is unfavourable to Hong Kong;
- (2) as the complex and volatile international trade relations have resulted in Hong Kong businessmen not knowing what course to take, of the Government’s new measures to help Hong Kong businessmen adapt to the new situations; and
- (3) whether it will relay to the Central Authorities the concerns of Hong Kong businessmen, and seek the establishment of a standing mechanism for assisting Hong Kong businessmen in coping with disputes and uncertainties in international trade; if it will, of the details; if not, the reasons for that?

Question 4
(For oral reply)

(Translation)

New norm of the tourism industry

Hon YIU Si-wing to ask:

It has been reported that the Chief Executive Officer of the International Air Transport Association indicated in April this year that no trend of recovery could be seen in the international tourism market for the moment. There are comments that various countries are opening up their borders only to those international travellers who have been vaccinated against the Coronavirus Disease 2019 and have obtained a negative result of virus testing, and such practice will become a new norm of the tourism industry. In this connection, will the Government inform this Council:

- (1) given that the Development Blueprint for Hong Kong's Tourism Industry promulgated in 2017 formulated the short, medium and long term tourism initiatives and measures for the coming five years, whether the Government will update the Blueprint in the light of the blow dealt by the epidemic, so as to help members of the tourism industry to prepare adequately for the new norm of the industry and seize the opportunities; if so, of the details; if not, the reasons for that;
- (2) whether it has assessed the long-term impacts of the epidemic on the cross-boundary sea, land and air transport as well as the tourism, hotel and retail industries, and the difficulties that such industries will face in the coming few years under the new norm of the tourism industry; if it has assessed, of the details; if not, the reasons for that; and
- (3) whether it has formulated measures to provide appropriate support for members of the tourism industry under the new norm of the industry; if so, of the details; if not, the reasons for that?

Question 5
(For oral reply)

(Translation)

Re-industrialization in Hong Kong

Hon Holden CHOW to ask:

The Government put forth the re-industrialization initiative in the 2016 Policy Address, with the aim of revitalizing traditional industries using new technologies and developing emerging industries. In this connection, will the Government inform this Council:

- (1) whether it had, in developing the re-industrialization initiative, considered following the practice of Singapore to set a target on the share of the manufacturing industry in the gross domestic product;
- (2) as the Government has indicated that its industrial support policy aims at creating an environment conducive to industrial development instead of determining the pace or specific direction of industrial development, yet quite a number of economies have a clear development direction under the concept of re-industrialization, whether the Government will, when promoting re-industrialization, be more proactive in spearheading the development of industries and act not just as a facilitator; and
- (3) apart from launching the Re-industrialization Funding Scheme and the Re-industrialization and Technology Training Programme as well as developing the Advanced Manufacturing Centre, what measures the Government has put in place to encourage traditional industries to gradually move towards smart production, and whether it will introduce new measures to encourage re-industrialization, such as providing more tax concessions for research and development expenditures and capital investment, increasing the supply of industrial sites, and strengthening the training for relevant technical staff?

Question 6
(For oral reply)

(Translation)

Coronavirus Disease 2019 vaccines

Hon Paul TSE to ask:

From the commencement of the COVID-19 Vaccination Programme on 26 February this year to the middle of last month, only about 1.2 million members of the public in Hong Kong received the first dose of the vaccines, accounting for less than 20% of the population aged 16 or above in Hong Kong, and such a vaccination rate was far below the level needed to achieve herd immunity. Some members of the public have indicated that while the Government has appealed to the public from time to time to receive vaccination, they are worried about the side effects of the vaccines and have no confidence in government policies at all, and therefore they have still adopted a wait-and-see attitude. It has been reported that the Governments of the Mainland and many countries have encouraged their nationals to receive vaccination through a wide variety of preferential policies and measures, such as reducing property tax, giving away tickets of ball game matches and food, and holding grand draws. On the contrary, the SAR Government has not offered any incentive in this regard so far. In this connection, will the Government inform this Council:

- (1) as it has been reported that a nasal vaccine, currently being researched and developed by the University of Hong Kong (“HKU”) with relatively less side effects, is not expected to be available for use in Hong Kong until three years from now, whether the Government has gained an understanding of the reasons for the need for such a long time (including the difficulties faced);
- (2) as it is learnt that HKU has commenced phase 1 clinical trial of the nasal vaccine and the preliminary results have shown that the vaccine has not caused serious adverse effects, whether the Government will render appropriate manpower or financial assistance to HKU, in order that the research and development of the vaccine can be completed expeditiously and the vaccine can be used in Hong Kong to provide the public with an additional choice of vaccine; and
- (3) whether it will, by following the practices of the Governments of the Mainland and many countries as well as local commercial organizations, offer incentives to encourage members of the public to receive vaccination, such as tax relief measures as well as handing out cash, travel tickets and admission tickets for cultural and leisure facilities?

Question 7
(For written reply)

(Translation)

Services of the psychiatric wards in public hospitals

Dr Hon CHENG Chung-tai to ask:

Some members of the public have relayed to me that the healthcare personnel of public hospitals have not explained to the patients of the psychiatric wards in the hospitals and their family members the provisions regarding the reception, detention and discharge of patients under the Mental Health Ordinance (Cap. 136), and have only placed the relevant information in inconspicuous areas inside the wards. As a result, the lawful rights and interests of those patients cannot be safeguarded. Regarding the services of the psychiatric wards in public hospitals (“psychiatric wards”), will the Government inform this Council if it knows:

- (1) the respective general procedures involved in (i) the admission of voluntary patients to the psychiatric wards, and (ii) the detention of patients by public hospitals in such wards for observation or treatment under Cap. 136;
- (2) the number of admissions to the psychiatric wards in the past five years and, among them, the respective numbers of those to which the following circumstances applied: (i) the patients completed and submitted by themselves the form called “Application for reception as a voluntary patient” (“VP Form”), (ii) the patients’ guardians completed and submitted the VP Form on their behalf and (iii) the hospitals detained the patients for observation or treatment under the authority of Cap. 136, together with a tabulated breakdown by name of hospital;
- (3) whether the Hospital Authority (“HA”) has put in place measures to ensure that when patients are admitted to the psychiatric wards, the healthcare personnel under HA will clearly explain to them the provisions regarding the reception, detention and discharge of patients of the psychiatric wards under Cap. 136, and to ensure that they understand the contents; if HA has, of the details (including the relevant procedures);
- (4) the maximum and minimum numbers of days for which patients were detained in the psychiatric wards for observation in the past five years; among these patients, the respective numbers of those who were subsequently (i) discharged directly, (ii) categorized as voluntary patients after they had completed and submitted by themselves the VP Form, (iii) categorized as voluntary patients after their guardians had completed and submitted the VP Form on their

behalf, and (iv) proved to be certified patients under Cap. 136 and hospitalized for one year or more for treatment, together with a tabulated breakdown by name of hospital;

- (5) among the applications for discharge made in the past five years by psychiatric ward patients themselves or their family members on their behalf, the respective numbers of those approved and rejected, together with a tabulated breakdown by name of hospital;
- (6) the number of complaints received by HA in the past five years about members of the public being misled into consenting to be admitted to the psychiatric wards, as well as how HA followed up such complaints, and set out such information in a table by name of hospital;
- (7) the details of the current mechanism adopted by HA for handling complaints lodged by patients of the psychiatric wards about the following: (i) the approach of the treatments provided to them, or the assessments of their mental conditions made, by their attending doctors, and (ii) non-compliance with the procedures for the detention of patients under Cap. 136 by healthcare personnel; and
- (8) whether HA issued guidelines in the past five years on the admission of patients to the psychiatric wards for the hospitals under HA; if HA did, of the date on which such guidelines were last revised, and whether HA has put in place measures to monitor the compliance with these guidelines by the hospitals under HA; if HA did not issue such guidelines, the reasons for that, and whether HA will consider issuing relevant guidelines to enhance the management of the administrative work of admitting patients to the psychiatric wards?

Question 8
(For written reply)

(Translation)

Assisting brownfield operators in reprovisioning their operations

Hon LAU Kwok-fan to ask:

As shown in the report of the Study on Existing Profile and Operations of Brownfield Sites in the New Territories published in 2019, among the about 1 580 hectares of brownfield sites in Hong Kong, 90% were used for various types of industrial and commercial activities. The Government projected last year that over 860 hectares of brownfield sites would be redeveloped for housing and other uses in future. Some brownfield operators and their employees are worried that they will not be able to identify sites for reprovisioning their operations, making it difficult for them to sustain their living. In this connection, will the Government inform this Council:

- (1) whether it will set up a task force on the reprovisioning of brownfield operations to be responsible for work such as assisting brownfield operators affected by land resumption in identifying sites for reprovisioning their operations, applying for ex-gratia allowances and drawing up business resumption plans; if not, of the reasons for that;
- (2) as the Government indicated last year that those affected brownfield operators whose operations could not operate in multi-storey buildings might consider relocating to the sites zoned “Open Storage” in other areas in the New Territories, and after excluding those Open Storage sites which had been included in the Hung Shui Kiu/Ha Tsuen, Yuen Long South and New Territories North New Development Area projects, there were still 171 hectares of Open Storage sites, whether it has assessed if such sites are sufficient for accommodating all of such affected brownfield operators; and
- (3) given that as at December 2017, about 16 000 hectares of land in Hong Kong were zoned “Green Belt”, whether the Government will conduct a comprehensive study on the use and existing profile of such belt, so as to facilitate the identification of suitable sites for brownfield operators to reprovision their operations; if not, of the reasons for that?

Question 9
(For written reply)

(Translation)

Opening up School Facilities
for Promotion of Sports Development Scheme

Hon MA Fung-kwok to ask:

The Home Affairs Bureau and the Education Bureau have, since the 2017-2018 school year, jointly implemented the Opening up School Facilities for Promotion of Sports Development Scheme (“the Scheme”). To encourage schools to participate in the Scheme, schools which open up their school facilities for sports organizations to hold sports programmes will be provided an additional subsidy. In this connection, will the Government inform this Council:

- (1) of the details of the sports programmes held under the Scheme in (i) the last school year and (ii) the current school year (up to the 31st of last month) (set out separately in tables of the same format as the table below);

School year: _____

Name of sports organization	Name of school (District)	Number of programmes	Type of sports	School facilities hired	Number of participants
Total:	Total:	Total:	Total:	Total:	Total:

- (2) of the measures in place to encourage more schools and sports organizations to participate in the Scheme;
- (3) given that schools which have hired out their facilities to sports organizations under the Scheme may apply for grants catering for (i) Capital Works Project and (ii) Special Project under the Sir David Trench Fund for Recreation (Main Fund), of the respective numbers of schools whose applications for the two grants were approved in the past two school years, and the amount of the grant approved for each school;
- (4) of the respective numbers of sports programmes scheduled for the last and current school years under the Scheme which were cancelled due to the epidemic; whether such programmes have been allowed to be postponed to other time slots or the following school year, and whether the schools concerned have been required to return to the authorities part or all of the additional subsidies provided for them under the Scheme;

- (5) whether the authorities allow the sports programmes under the Scheme to be held during the partial resumption of face-to-face classes of schools; if not, of the circumstances or conditions under which the authorities will allow such programmes to be held;
- (6) of the current number of sports organizations eligible for participating in the Scheme; whether the authorities will expand the lists of such organizations; if so, of the details; if not, the reasons for that; and
- (7) given that sports organizations participating in the Scheme are required to take out, on their own, insurance with adequate coverage (including third party risks insurance) for the sports programmes to be held by them in schools, whether the authorities will consider afresh collectively purchasing the required insurance or providing an insurance subsidy for such sports organizations so as to increase the incentives for sports organizations to participate in the Scheme; if so, of the details; if not, the reasons for that?

Question 10
(For written reply)

(Translation)

Arrangements for primary schools to cease operation

Hon CHEUNG Kwok-kwan to ask:

It has been reported that with the population of school-aged students in the Primary One (“P1”) school net to which the Island Road Government Primary School (“IRGPS”) belongs decreasing continuously in recent years, the Education Bureau (“EDB”) has decided that IRGPS will cease operating P1 classes starting from the 2022-2023 school year and cease operation fully in the 2024-2025 school year. For those students currently studying P1 and Primary Two in IRGPS as well as those to be admitted to IRGPS in the 2021-2022 school year, arrangements will be made for such students to transfer to other schools in the same district in the 2024-2025 school year. Regarding the arrangements for primary schools to cease operation, will the Government inform this Council:

- (1) whether it has assessed (i) the supply and demand figures for P1 places in each District Council (“DC”) district (set out in a table), and (ii) if there will be a surplus in such school places, in each of the coming six school years; if it has assessed and the outcome is that there will be, until when such trend will last;
- (2) of a list of the government/aided primary schools which ceased/will cease operating classes of all/certain grades in the past six school years, the current school year and the coming six school years, and set out in the table below the relevant information by the DC district to which such schools belonged/belong;

DC district	Name of school	School type (Government/aided)	School year in which operation ceased/will cease, and the grade(s) involved	Reason for cessation of operation

- (3) of the justifications for EDB not waiting until all students of IRGPS have graduated before closing down the school; whether EDB has assessed what difficulties in study and adaptation to be faced by IRGPS students during school transfer in the future, as well as the support to be provided for them in this regard;
- (4) of the time when EDB learnt of a surplus in school places in the P1 school net to which IRGPS belongs; why EDB had not made the relevant arrangements at an earlier time so as to obviate the need for IRGPS students to change school for completing their primary school education;

- (5) whether EDB will consider, when making a decision on whether or not to cease the operation of a school in the future, making the following its prime consideration: allowing all students to graduate from their original school so as to spare them facing the difficulties arising from changing school; and
- (6) of the compassionate and job transfer arrangements to be made by EDB for teachers and staff of those primary schools that will soon cease operation?

Question 11
(For written reply)

(Translation)

Legal aid cases related to judicial review

Hon Mrs Regina IP to ask:

Some members of the legal sector have relayed that in recent years, quite a number of legal aid cases related to judicial review (“JR”) have not been assigned in accordance with the principle of fairness to counsels who are on the Legal Aid Panel (“the Panel”). Moreover, some of the cases involved exorbitant legal costs, which often amounted to several million dollars and had to be paid out of public coffers. In this connection, will the Government inform this Council:

- (1) of the respective numbers of (i) counsels and (ii) solicitors who are currently on the Panel, and the respective numbers of counsel’s chambers and solicitors firms from which they come;
- (2) of the following information about the JR-related legal aid cases in each of the past three years (set out in tables):
 - (i) the number of counsel’s chambers from which the counsels who were assigned such cases came; the respective numbers of cases taken up by the top five chambers whose counsels were assigned the highest numbers of such cases,
 - (ii) the longest, shortest and average years of experience of the counsels who were assigned such cases,
 - (iii) a breakdown of such cases by nature (e.g. those involving torture claims, human rights, and the Basic Law),
 - (iv) the average time taken for hearing each of such cases, and
 - (v) the average amount of legal aid expenditure incurred for each of such cases; and
- (3) whether it has reviewed if JR-related legal aid cases have been assigned mostly to certain solicitors/counsels; if it has reviewed and the outcome is in the affirmative, whether it has any improvement measures in place; if so, of the details; if it does not have any improvement measures, the reasons for that?

Question 12
(For written reply)

(Translation)

Financial situation of the Airport Authority Hong Kong

Hon CHUNG Kwok-pan to ask:

The Airport Authority Hong Kong (“AAHK”) has indicated that the Coronavirus Disease 2019 epidemic has made an unprecedented impact on the business of the Hong Kong International Airport (“HKIA”). In the light of the drop in operating surplus and the income from airport construction fee (“ACF”) due to air traffic slump, AAHK raised a series of financings in the last financial year for general corporate purposes and to meet its capital expenditure, including that of the Three-Runway System project. In this connection, will the Government inform this Council if it knows:

- (1) whether AAHK has assessed the short-term impacts of the decrease in passenger and cargo throughputs of HKIA due to the outbreak of the epidemic on the operation and financial situation of AAHK; whether AAHK has projected how the passenger and cargo throughputs in the coming three years compare with those in the three years before the epidemic;
- (2) whether AAHK has projected the income from ACF and its percentage in AAHK’s total income, in each of the coming three years;
- (3) the measures put in place by AAHK to increase its operating income in the coming three years, so as to compensate for the reduction in income due to the epidemic;
- (4) whether AAHK has assessed if AAHK can achieve a surplus of operating income over expenditure in the coming three years; if AAHK has assessed and the outcome is in the negative, of AAHK’s corresponding plans; and
- (5) whether, given the uncertain outlook of the aviation industry amid the epidemic, AAHK has formulated a financing plan for the coming three years?

Question 13
(For written reply)

(Translation)

Law enforcement for anti-epidemic measures

Ir Dr Hon LO Wai-kwok to ask:

Under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), the Secretary for Food and Health may issue a compulsory testing notice (“CTN”) requiring a specified category or description of persons to undergo compulsory Coronavirus Disease 2019 testing by a specified deadline, and a prescribed officer may make a compulsory testing order (“CTO”) to require a person who have failed to comply with a requirement under a CTN to undergo the testing by a revised deadline. A specified person who fails to comply with a requirement under a CTN commits an offence and is liable on conviction to a fine at level 3 (i.e. \$10,000), and such person may discharge liability for the offence by paying a fixed penalty of \$5,000. A person who fails to comply with a requirement under a CTO commits an offence and is liable on conviction to a fine at level 4 (i.e. \$25,000) and to imprisonment for six months. Besides, the Prevention and Control of Disease (Disclosure of Information) Regulation (Cap. 599D) empowers a health officer or an authorized officer to require a person to furnish or disclose information relevant to the handling of the public health emergency. A person who fails to comply with the requirement commits an offence and is liable on conviction to a fine at level 3 and to imprisonment for six months. In this connection, will the Government inform this Council:

- (1) of (i) the number of persons who were issued a fixed penalty notice for failure to comply with a requirement under a CTN, and the respective numbers of persons who were convicted due to failure to comply with a requirement (ii) under a CTN, (iii) under a CTO and (iv) of disclosing the aforesaid type of information, since the outbreak of the epidemic, with a breakdown by the penalty imposed on the convicted persons; and
- (2) whether it will consider amending the legislation to raise the penalties for the aforesaid offences, thereby enhancing the deterrent effect; if so, of the details; if not, the reasons for that?

Question 14
(For written reply)

(Translation)

Secondary market of subsidized sale housing

Hon WONG Kwok-kin to ask:

Under the Home Ownership Scheme Secondary Market Scheme implemented by the Hong Kong Housing Authority (“HA”) and the Flat-For-Sale Scheme Secondary Market scheme implemented by the Hong Kong Housing Society (“HS”), HA’s subsidized sale housing (“SSH”) flats (including flats under the Home Ownership Scheme (“HOS”) and the Green Form Subsidized Home Ownership Scheme, collectively referred to as “HOS flats”) as well as flats in the housing courts under HS’s Flat-For-Sale Scheme and SSH projects may be resold to eligible buyers with premium unpaid. Eligible buyers include (i) tenants currently residing in HA’s public rental housing (“PRH”)/interim housing and HS’s housing estates (collectively referred to as “PRH tenants”), (ii) holders of a valid Green Form Certificate (“GFC”) (certifying holders’ eligibility for buying HOS flats with Green Forms) (“GFC holders”), and (iii) persons who are eligible for buying HOS flats with White Forms and have been allocated with quotas after the drawing of lots (“WF buyers”). Regarding the secondary market of SSH, will the Government inform this Council:

- (1) among the sold SSH flats in the territory at present, of the respective numbers and percentages of those which have ever been resold under the aforesaid two secondary market schemes;
- (2) of the respective (a) numbers of flats with premium unpaid and (b) average prices of such flats bought under each secondary market scheme by (i) PRH tenants, (ii) GFC holders and (iii) WF buyers, in each of the past five years;
- (3) of the following details of PRH tenants and GFC holders buying flats with premium unpaid under each secondary market scheme in each of the past five years: (i) the number of cases in which HA issued a GFC, (ii) the number of cases in which HA/HS issued a Certificate of Eligibility to Purchase (“CEP”), (iii) the number of flats bought in the secondary market, and (iv) the number of rental units recovered by HA/HS from such persons (set out in Table 1);

Table 1

Year	(i)	(ii)	(iii)	(iv)
2016				
...				
2020				

- (4) of the following details of WF buyers buying flats with premium unpaid under each secondary market scheme in each of the past five years: (i) the quota for WF buyers, (ii) the number of applications for such quota received by HA (and the over-subscription rate), (iii) the number of cases in which HA/HS issued a CEP, and (iv) the number of flats bought in the secondary market (set out in Table 2); and

Table 2

Year	(i)	(ii)	(iii)	(iv)
2016				
...				
2020				

- (5) whether it has explored measures to further vitalize the SSH flats secondary market; if so, whether such measures will include (i) providing additional mortgage loan guarantee for HOS flats completed over 20 years ago, and (ii) increasing the quotas for WF buyers or dispensing with the quota restrictions; if these will not be included, of the reasons for that?

Question 15
(For written reply)

(Translation)

Quarantine arrangements

Hon Starry LEE to ask:

Earlier on, the Government implemented stringent quarantine arrangements for initially confirmed or confirmed cases involving variants of the Coronavirus Disease 2019, including transferring all residents of the buildings concerned to the quarantine centres for a 21-day compulsory quarantine. It has been reported that various problems arose during the evacuations, including that staff members at the scene failed to answer residents as to when they would be transferred to the quarantine centres, calls to the enquiry hotline remained unanswered for a long time, residents had to wait for a prolonged period of time before staff members conducted door-to-door specimen collections for virus testing and arranged their transfer to the quarantine centres, and some residents had not yet been issued quarantine orders a number of days after they had been transferred to the quarantine centres. It is learnt that one of the reasons for the slow evacuation process was the cumbersome procedure for issuing quarantine orders: staff members at the scene took pictures of the personal data of the residents and then sent such pictures to the Contact Tracing Office (“CTO”) via instant messaging apps; staff members at CTO then performed word processing work, compiled name lists and handed over such name lists to relevant government departments (including the Customs and Excise Department, the Immigration Department and the Hong Kong Police Force) for verification; finally, the quarantine orders prepared were delivered to doctors of the Department of Health at the evacuation spots for issuance. In this connection, will the Government inform this Council:

- (1) given that relevant government departments have held an inter-departmental meeting to sum up the experience gained from the aforesaid operations with a view to formulating measures to improve the arrangements, of the details of the experience summed up and the improvement measures;
- (2) of the measures in place to enable staff members at the scene to grasp timely and accurate quarantine information for disseminating to residents who are required to undergo quarantine; and
- (3) whether it has reviewed the arrangements for issuing quarantine orders at the evacuation spots; if so, of the review outcome and the improvement measures; if not, the reasons for that?

Question 16
(For written reply)

(Translation)

Lantau Closed Road Permits

Hon Frankie YICK to ask:

At present, the roads in South Lantau are designated as closed roads. Vehicles travelling on those closed roads must possess valid Lantau Closed Road Permits (“LCRPs”) issued by the Transport Department (“TD”). It has been reported that outside MTR Tung Chung Station during holidays, some people make use of vehicles with LCRPs for illegal carriage of passengers for reward, taking members of the public to places like Pui O and Cheung Sha via the closed roads in South Lantau for leisure activities. In this connection, will the Government inform this Council:

- (1) of (i) the number of LCRPs (excluding those issued under the Driving on Lantau Island Scheme) issued by TD, with a breakdown by vehicle class and whether the applicant was issued LCRP for the first time, and (ii) the number of LCRPs revoked by TD, with a breakdown by reason of revocation, in each of the past five years;
- (2) given that only the residents and business operators in South Lantau may apply for LCRPs (with each residential or commercial unit being issued a maximum of one LCRP), but it has been reported that some of the successful LCRP applications were lodged by ineligible persons using borrowed residential addresses of the residents in South Lantau, of the new measures in place to eradicate such practice; and
- (3) of the respective numbers of persons who were prosecuted and convicted for illegal carriage of passengers for reward using vehicles with LCRPs, the penalties imposed on those convicted, and the number of the relevant LCRPs revoked, in the past five years; the new measures in place to eradicate such illegal activity?

- (iii) the median household income (“A”) of each group of such households grouped by household size as provided in Table 2, and the percentage of A in the monthly household income limit (“B”) for that group of households in applying for the one-off subsidy (set out in Table 2), and

Table 2

Household size	A	B	A/B (%)
1			
2			
3			
4			
5			
6 or above			
All households:		-	-

- (iv) the median monthly rent (“C”) of each group of such households grouped by household size as provided in Table 3, and the percentage of C in the monthly rent limit (“D”) for that group of households in applying for the one-off subsidy (set out in Table 3);

Table 3

Household size	C	D	C/D (%)
1			
2			
3			
4			
5			
6 or above			
All households:		-	-

- (3) among the N have-nots households who are eligible for applying for the one-off subsidy, of the respective numbers and percentages of those households who are (i) eligible and (ii) ineligible for applying for the monthly allowance, as estimated by the Government;
- (4) given that the Government will lower the working hour requirements under the Working Family Allowance Scheme for the period from June this year to May next year, whether it has estimated, among those N have-nots households who are eligible for applying for the one-off subsidy but ineligible for applying for the monthly allowance, the number and percentage of those who may benefit from this arrangement; and
- (5) as some of the N have-nots households who are eligible for applying for the one-off subsidy are ineligible for applying for the monthly allowance, whether the Government will consider launching a third-round of the subsidy programme, so as to benefit such households; if so, of the details; if not, the reasons for that?

Question 18
(For written reply)

(Translation)

Pilot Scheme for Arbitration on Land Premium

Hon Alice MAK to ask:

In October 2014, the Government introduced the Pilot Scheme for Arbitration on Land Premium (“the Pilot Scheme”) under which an additional avenue is provided for applicants of lease modification/land exchange (“LM/LE”) and the Lands Department (“LandsD”) to expedite the conclusion of negotiations on the amounts of land premium by both sides in LM/LE cases. Given the lukewarm response of the trade to the Pilot Scheme, the Government introduced refinements to the Pilot Scheme in August 2020, setting upper and lower limits for the amount of land premium payable for cases under the Pilot Scheme. In this connection, will the Government inform this Council:

- (1) of the respective numbers of LM/LE applications received and handled by LandsD (a) in each of the five years before and (b) since the aforesaid refinements came into effect and, among them, the number of cases in which the applicants were invited to participate in the Pilot Scheme; among the latter cases:
 - (i) the respective numbers of cases in which the invitation were accepted by the applicants, arbitrations are being/were conducted, and arbitrations were concluded;
 - (ii) the respective shortest, longest and average arbitration time taken for those cases in which arbitrations were concluded; and
 - (iii) the number of cases in which those applicants who had declined such invitations subsequently reached a consensus with LandsD over the amount of land premium, as well as the respective shortest, longest and average negotiation time taken for such cases;
- (2) of the number of LM applications for rezoning agricultural lands in the New Territories as residential sites handled by LandsD in each of the past five years, and the land area involved and the number of units proposed to be built in each application; the respective shortest, longest and average time taken for handling such applications; and

- (3) as the Government indicated in its reply to a question raised by a Member of this Council on the 5th of last month that considering that the issuance of provisional basic terms offer as well as premium offer were respectively two key milestones in the handling of a LM application, the Steering Group on Streamlining Development Control would follow up with LandsD on shortening the time required for these two procedures, of the progress of the relevant work?

Question 19
(For written reply)

(Translation)

Primary One places allocation system

Hon CHAN Han-pan to ask:

Under the existing Primary One Admission System (“POA System”), Primary One (“P1”) places are allocated in two stages. At the “Discretionary Places Admission” (“DPA”) stage, parents may apply to one government or aided primary school for the admission of their children to P1, and then the schools will allocate their places in accordance with the criteria set by the Education Bureau (“EDB”). Those parents whose applications are unsuccessful and those who have not submitted any application may, at the “Central Allocation” (“CA”) stage, complete a Choice of Schools Form (“Form”) and return it to EDB, and then EDB will allocate P1 places based on school nets, parents’ choices and random numbers. Those parents who do not want their children to attend the schools allocated to them at the CA stage may “door-knock” their preferred schools. It is learnt that quite a number of the more popular schools have set a “1-1-1” screening condition for door-knocking applications, giving priority consideration to those applicants who have applied for admission to those schools at the DPA stage and have entered those schools as their first choices in both Parts A and B of the Form (to be proved by the parents’ submission to such schools a Parent’s copy of the Form (“Parent’s copy”) which has been stamped). Some parents have relayed that in January this year, the CA Centres in certain districts (e.g. Sham Shui Po) made special arrangements in the light of the severe epidemic situation, under which they only placed drop boxes for collecting the Forms, and did not stamp the Parent’s copies as they did before. In this connection, will the Government inform this Council:

- (1) as some parents are worried that when they door-knock their preferred schools, the schools will not accept the Parent’s copies without a stamp, whether EDB will, before announcing the places allocation results of the CA stage in June this year, (i) issue a circular memorandum to the schools covered by the POA System, requiring such schools to accept the Parent’s copies without a stamp in considering P1 door-knocking applications, or (ii) arrange for the Parent’s copies without a stamp to be stamped retrospectively; if so, of the details and the timetable; if not, the reasons for that;

- (2) as some parents have relayed that, due to the epidemic, EDB issued new Forms by mail to parents who had made mistakes when completing the Forms but did not get back the old Forms, and they are worried that some parents may use two Forms to increase their chance of success in door-knocking, of the measures EDB has put in place, on the premise of not increasing school administrative work, to ensure that all parents will be given a fair chance when they door-knock; and
- (3) as quite a number of parents have criticized that the existing P1 places allocation system is unfair, and door-knocking preferred schools has exhausted quite a number of parents and students, whether EDB will review and improve the existing P1 places allocation system; if so, of the details and the timetable; if not, the reasons for that?

Question 20
(For written reply)

(Translation)

Product placement within television programmes

Hon CHAN Chun-ying to ask:

Since July 2018, the Communications Authority (“CA”) has relaxed the regulation of the inclusion of indirect advertising within television (“TV”) programmes by domestic free TV programme service licensees (“licensees”), including the permission for product placement on the conditions that the exposure or use of products or services concerned within a programme is presented in a natural and unobtrusive manner having regard to the programme context and genres and that there is no direct encouragement of purchase or use of the products or services concerned. In this connection, will the Government inform this Council if it knows:

- (1) whether CA has drawn up clear guidelines on the meaning of natural and unobtrusive manner of presentation; if CA has, of the details;
- (2) the number of complaints about product placement received by CA since the relaxation of regulation and, among such complaints, the number of those found to be substantiated; and
- (3) whether CA has grasped the data regarding the licensees’ financial position having been improved due to the inclusion of product placement within their TV programmes; whether CA has studied if the licensees have made use of the additional revenue generated from product placement to produce programmes of a higher quality to benefit their audiences; if CA has studied, of the outcome?

Question 21
(For written reply)

(Translation)

Fire safety of mini-storage facilities and old industrial buildings

Hon CHAN Hak-kan to ask:

After a major fire in a mini-storage facility (“MSF”) in Kowloon Bay which broke out in 2016 and claimed the lives of two firemen, the Government enacted legislation to enhance the fire safety of MSFs and the old industrial buildings (“IBs”) housing such MSFs, and has stepped up law enforcement efforts. It has been reported that there are still many MSFs not meeting the fire safety requirements. In this connection, will the Government inform this Council:

- (1) whether it knows the current number of MSFs in the territory and the number of operators involved; of a breakdown of the number of such MSFs by (i) the District Council district in which the IBs housing such MSFs are located and (ii) the year of completion of the IBs concerned;
- (2) of (i) the number of inspections of MSFs conducted and (ii) the number of Fire Hazard Abatement Notices (“FHANs”) issued to MSFs, by the Fire Services Department in each of the past five years, as well as a breakdown of the latter by the contravention involved (set out in a table); the number of MSFs which have been issued with a FHAN situated on a site the land lease of which does not include “godown” as one of the permitted uses;
- (3) of (i) the respective numbers of prosecutions and convictions in respect of MSF operators’ violation of the relevant fire safety legislation, and the penalties imposed on the convicted persons, as well as (ii) the number of cases in which the Lands Department (“LandsD”) found the MSFs concerned had violated the permitted uses under the land leases and the details of LandsD’s follow-up actions, including the number of cases which involved the registration of warning letters at the Land Registry (commonly known as “imposing an encumbrance”), in each of the past five years;
- (4) of the latest progress of fire safety enhancements of old IBs since the Fire Safety (Industrial Buildings) Ordinance (Cap. 636) came into operation on 19 June last year, and the number of IBs which have implemented fire safety enhancements in accordance with the Ordinance; and

- (5) whether the Government will introduce a licensing regime to step up the regulation of the operation of MSFs; if so, of the details; if not, the reasons for that?

Question 22
(For written reply)

(Translation)

Student Guidance Officers in government primary schools

Hon LUK Chung-hung to ask:

It is learnt that the posts of Student Guidance Officers (“SGO”) in government primary schools, which belong to a non-graduate grade, are responsible for providing school-based student guidance service. Some SGOs have relayed to me that since the early 1990s, they have been trying to negotiate with the government departments concerned (including the then Education Department and the current Education Bureau (“EDB”)) over the issue of upgrading the SGO posts to the degree level. However, when the Government announced in 2019 the all-graduate teaching force policy for public sector schools across the territory, it did not upgrade the SGO posts to the degree level at the same time. They have pointed out that EDB has undertaken to further study the issue of upgrading the SGO posts to the degree level (including permitting the staff affected to take part in the reform exercise) and to create Inspector grade posts to absorb those SGOs who are willing to change posts, but no progress has been heard of so far. In this connection, will the Government inform this Council:

- (1) why the Government did not upgrade the SGO posts to the degree level at the same time in 2019;
- (2) of the progress of its work to create Inspector grade posts to absorb those SGOs who are willing to change posts; whether the measure of zero growth in the civil service establishment in this financial year as announced earlier by the Government has affected such work; if so, of EDB’s proposal to resolve the problem; and
- (3) whether it will consider making use of the vacancies of graduate teacher posts in government schools to absorb those SGOs who are willing to change posts; if so, of the implementation details and timetable; if not, how EDB will resolve the problem of different pay for the same work between SGOs and personnel of other guidance grades in schools (such as Student Guidance Teachers)?

(Translation)

**Hon Steven HO's motion on
“Fully implementing the interim policies for
squatter structures and agricultural structures”**

Wording of the Motion

That the policies for squatter structures and agricultural structures have been in place since the era of the British Hong Kong Government; following the changes in society, the relevant laws have long become outdated and left behind quite a number of historical problems, including lax law enforcement under the British Hong Kong Government and the SAR Government, with some officials even giving tacit consent to certain unreasonable practices; yet when legal problems arise, the relevant responsibilities have to be borne solely by the people; furthermore, the current inadequate communication between some frontline government officers and squatter residents have resulted in tremendous conflicts between the Government and the people, thereby making squatter control more difficult in future; in addition, between 2015 and 2020, the number of squatter structures on private agricultural land and government land alone has reduced by about 7 000, putting unnecessary pressure on people's demand for residential buildings; besides, farmers are required to apply to the Government for erecting agricultural structures on agricultural land, but the cumbersome application procedures and excessively long vetting and approval time have rendered the entire application process seriously lagging behind; some farmers have relayed that as the relevant application procedures required vetting by quite a number of government departments, the application process might be procrastinated for as long as two to three years, or even without any progress for a long time, coupled with the fact that the exorbitant charges incurred in the applications exceed farmers' affordability, farmers often get disproportionate returns on their efforts; to resolve the historical problems of squatter structures and agricultural structures and alleviate the conflicts between the Government and the people, this Council urges the Government to expeditiously and fully implement the interim policies for squatter structures and agricultural structures; the specific measures are as follows:

- (1) retaining as far as possible the existing squatter structures and, on the premise of structural safety, reducing the demolition of squatter structures and reducing the cancellation of squatter survey numbers, so that residents will not be rendered homeless and their daily lives will not be affected;

- (2) reviewing the relevant policy on repairing squatter structures, and relaxing the requirements on materials for repairing squatter structures;
- (3) appropriately relaxing the issuing arrangements for single-storey agricultural structures with height not exceeding 4.57 metres but an area exceeding 1 000 square feet in the New Territories; while at the same time considering setting up funds to subsidize farmers to engage qualified technicians to certify the structural safety of the structures, or providing this service by the relevant government departments or even exploring other feasible arrangements; and
- (4) flexibly processing applications for erecting agricultural structures, including setting a no-objection notice period and granting provisional permission to farmers, so that they can commence the works as soon as possible.

(Translation)

**Hon LEUNG Che-cheung's motion on
"Enhancing support for carers"**

Wording of the Motion

That persons with physical or intellectual disabilities and some elderly people are lacking in self-care abilities and their living and dietary needs have to be taken care of by their family members; but due to the lack of professional care knowledge and the need to sacrifice their job opportunities to take long-term care of their family members, most carers are subject to heavy financial burden and mental pressure; in this connection, this Council urges the Government to comprehensively step up its support for carers, and the relevant proposals include:

- (1) enhancing the various existing carer allowance schemes under the Community Care Fund, including lowering the application thresholds of the allowance schemes, increasing the allowance amounts, and introducing a flat-rate and reimbursement-based transport subsidy, so as to reduce carers' financial pressure;
- (2) setting up a comprehensive carer support system in the long run with the formulation of care service agreements based on carers' needs by the three parties of the Government, professional service organizations and carers, so as to enable carers to receive support from the professional organizations and monthly subsidies as well as enjoy rest days, etc., as a social recognition of their devotion and contribution;
- (3) setting up carer support service centres in various districts to provide carers with appropriate training and services such as emotional relief;
- (4) increasing the number of emergency places and streamlining the relevant application procedure to enable needy persons to receive respite arrangements within a short time, so that carers may temporarily put aside their caring responsibilities to attend to other urgent matters and provide them with an opportunity to adjust themselves and relieve their pressure;
- (5) expediting the construction of various types of residential care homes for persons with disabilities and setting a waiting time target for residential care homes for persons with disabilities and special needs, so

as to shorten the waiting time concerned and in turn better reduce the caring pressure on carers;

- (6) expanding the quota and scope of the Pilot Scheme on Training for Foreign Domestic Helpers in Elderly Care to enhance the provision of professional skill training for foreign domestic helpers in taking care of persons with physical or intellectual disabilities and elderly people, so that they can be equipped with the relevant skills, with a view to reducing the caring pressure on carers;
- (7) setting up a carer database for the regular collection of carer-related information and data, so as to facilitate the formulation of an appropriate carer policy and long-term service planning for persons with physical or intellectual disabilities in Hong Kong;
- (8) actively promoting flexible work arrangements among private enterprises, especially promoting family-friendly employment measures, to assist carers in making flexible arrangements for their working hours and those to take care of their families; and
- (9) expediting the completion of the carer support study undertaken by the multi-disciplinary consultancy team of The Hong Kong Polytechnic University commissioned by the Labour and Welfare Bureau, so as to expeditiously implement various recommendations and enable carers to receive timely support.