OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 9 December 2015

The Council met at Eleven o'clock

MEMBERS PRESENT:

THE PRESIDENT
THE HONOURABLE JASPER TSANG YOK-SING, G.B.M., G.B.S., J.P.

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

THE HONOURABLE CHAN KAM-LAM, S.B.S., J.P.

THE HONOURABLE LEUNG YIU-CHUNG

THE HONOURABLE EMILY LAU WAI-HING, J.P.

THE HONOURABLE TAM YIU-CHUNG, G.B.S., J.P.

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

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

THE HONOURABLE FREDERICK FUNG KIN-KEE, S.B.S., J.P.

THE HONOURABLE WONG KWOK-HING, B.B.S., M.H.

PROF THE HONOURABLE JOSEPH LEE KOK-LONG, S.B.S., J.P., Ph.D., R.N.

THE HONOURABLE JEFFREY LAM KIN-FUNG, G.B.S., J.P.
THE HONOURABLE ANDREW LEUNG KWAN-YUEN, G.B.S., J.P.

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

THE HONOURABLE CYD HO SAU-LAN, J.P.

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

THE HONOURABLE CHAN HAK-KAN, J.P.

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

THE HONOURABLE CHEUNG KWOK-CHE

THE HONOURABLE WONG KWOK-KIN, S.B.S.

THE HONOURABLE IP KWOK-HIM, G.B.S., J.P.

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

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

THE HONOURABLE ALAN LEONG KAH-KIT, S.C.

THE HONOURABLE LEUNG KWOK-HUNG

THE HONOURABLE ALBERT CHAN WAI-YIP

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

THE HONOURABLE NG LEUNG-SING, S.B.S., J.P.

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

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

THE HONOURABLE WU CHI-WAI, M.H.
THE HONOURABLE YIU SI-WING, B.B.S.

THE HONOURABLE GARY FAN KWOK-WAI

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

THE HONOURABLE CHARLES PETER MOK, J.P.

THE HONOURABLE CHAN CHI-CHUEN

THE HONOURABLE CHAN HAN-PAN, J.P.

DR THE HONOURABLE KENNETH CHAN KA-LOK

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

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

THE HONOURABLE KENNETH LEUNG

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

DR THE HONOURABLE KWOK KA-KI

THE HONOURABLE KWOK WAI-KEUNG

THE HONOURABLE DENNIS KWOK

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

THE HONOURABLE SIN CHUNG-KAI, S.B.S., J.P.

DR THE HONOURABLE HELENA WONG PIK-WAN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE POON SIU-PING, B.B.S., M.H.
THE HONOURABLE TANG KA-PIU, J.P.

DR THE HONOURABLE CHIANG LAI-WAN, J.P.

IR DR THE HONOURABLE LO WAI-KWOK, S.B.S., M.H., J.P.

THE HONOURABLE CHRISTOPHER CHUNG SHU-KUN, B.B.S., M.H., J.P.

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

MEMBERS ABSENT:

THE HONOURABLE ALBERT HO CHUN-YAN

DR THE HONOURABLE LAU WONG-FAT, G.B.M., G.B.S., J.P.

THE HONOURABLE VINCENT FANG KANG, S.B.S., J.P.

DR THE HONOURABLE LAM TAI-FAI, S.B.S., J.P.

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE WONG YUK-MAN

THE HONOURABLE CLAUDIA MO

THE HONOURABLE JAMES TIEN PEI-CHUN, G.B.S., J.P.

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG

THE HONOURABLE IP KIN-YUEN

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., J.P.

THE HONOURABLE CHUNG KWOK-PAN
PUBLIC OFFICERS ATTENDING:

THE HONOURABLE RIMSKY YUEN KWOK-KEUNG, S.C., J.P.
THE SECRETARY FOR JUSTICE

PROF THE HONOURABLE ANTHONY CHEUNG BING-LEUNG, G.B.S.,
J.P.
SECRETARY FOR TRANSPORT AND HOUSING

MR JAMES HENRY LAU JR., J.P.
SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY

THE HONOURABLE NICHOLAS W. YANG, J.P.
SECRETARY FOR INNOVATION AND TECHNOLOGY

CLERK IN ATTENDANCE:

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL
PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members to the Chamber.

(After the summoning bell had been rung, a number of Members entered the Chamber)

TABLING OF PAPERS

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

Subsidiary Legislation/Instruments  

<table>
<thead>
<tr>
<th>Description</th>
<th>L.N. No.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Health and Municipal Services Ordinance (Public Pleasure Grounds) (Amendment of Fourth Schedule) (No. 2) Order 2015</td>
<td>231/2015</td>
</tr>
<tr>
<td>Evidence (Miscellaneous Amendments) Ordinance 2003 (Commencement) Notice 2015</td>
<td>232/2015</td>
</tr>
</tbody>
</table>

Other Papers

No. 43 — Emergency Relief Fund  
Annual Report by the Trustee for the year ending 31 March 2015

No. 44 — The Prince Philip Dental Hospital  
2014/15 Annual Report  
The Board of Governors

No. 45 — Health Care and Promotion Fund  
2014-15 Annual Report

Report No. 7/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

Report of the Bills Committee on Copyright (Amendment) Bill 2014
ORAL ANSWERS TO QUESTIONS


Combating Illegal Practices of Taxi Drivers

1. MR FRANKIE YICK (in Cantonese): President, according to Road Traffic (Public Service Vehicles) Regulations, a taxi driver commits an offence if he overcharges taxi fares, refuses hire and solicits business, and he is liable on conviction to a third-level fine (i.e. $10,000) and an imprisonment of six months. Although the Police take law enforcement actions against such illegal practices from time to time, such kind of cases are still often heard of. Some taxi drivers have pointed out that the image of the entire industry has been tarnished by the illegal practices of a small group of bad elements of the taxi trade, and the business of law-abiding drivers has also been affected. They call on the Government to step up its efforts to combat illegal practices of taxi drivers, so as to stop the undesirable trend from spreading. In this connection, will the Government inform this Council:

(1) of the number of taxi drivers prosecuted for committing offences involving taxi services, a breakdown of the number of convictions of drivers by offence and by the penalty handed down by the court, as well as a breakdown of the number of convicted drivers and the penalties imposed on them by the number of times for which individual drivers were convicted, in the past five years;

(2) whether the authorities lodged appeals in the past five years against the sentences imposed on law-offending taxi drivers by the court which were too lenient; if they did, of the details, if not, the reasons for that; and

(3) whether the authorities will increase the penalties on the illegal practices of taxi drivers, such as stipulating that repeated offenders will definitely be disqualified for life from driving taxis, so as to enhance the deterrent effect; if they will, of the details; if not, the reasons for that, and the authorities' measures that can effectively combat the illegal practices of taxi drivers?
SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, taxis provide passengers with a personalized, point-to-point and more comfortable service. They play a key role in the public transport system in Hong Kong.

Taxi service is regulated under the Road Traffic Ordinance (Cap. 374) (Ordinance) and its subsidiary legislation. The law stipulates the general conduct to be observed by taxi drivers when providing service and regulates various malpractices relating to taxi service. Such malpractices include those of greater public concern, such as overcharging, refusal to hire and not using the most direct practicable route. Under the Ordinance, the maximum penalties for these three types of malpractices are a fine of $10,000 and imprisonment for six months. Upon conviction of any of the three types of malpractices, the Court may, on top of imposing a fine and/or a term of imprisonment, disqualify the offender from driving a taxi, that is, so-called "licence suspension", for a certain period of time. Currently, the law does not stipulate a limit on the maximum period of such disqualification.

My consolidated reply to the various parts of Mr Frankie YICK's question is as follows.

The Government has all along been assisting the taxi trade to maintain quality service and reasonable fare levels. At the same time, to protect consumers' interests, enforcement actions are taken against any malpractices by the taxi trade. In recent years, the number of taxi service-related complaints filed by passengers is generally on the rise and the Government is concerned. The Police have stepped up enforcement actions, particularly targeting places frequented by visitors (such as peak tramway termini, Lan Kwai Fong, and so on). Decoy operations have been carried out at these locations to combat the malpractices of taxi drivers. With regard to practices of overcharging, refusal to hire and not using the most direct practicable route, the Police have prosecuted 990 cases over the past five-plus years (between 2010 and October this year). Details are set out in Annex 1. If the prosecution sees the need to follow up with the judgment (for example, if the sentence is considered too lenient), it can apply for a review of the sentence according to the established procedure. Over the past five-plus years, the Police have not lodged any appeal on the ground of lenient sentencing.
As observed in the figures at Annex 1, prosecution figures in connection with overcharging, refusal to hire and not using the most direct practicable route were all on the rise over the past five-plus years. Take refusal to hire as an example, the number of prosecutions rose from 28 cases in 2010 to 128 cases last year. The figure for 2015 (up to October) has already reached 167. Over the past five-plus years, the highest penalties imposed by the Court against such malpractices were a fine of $5,500 (for not using the most direct practicable route), licence suspension for nine months (for overcharging) and an imprisonment for three months (for overcharging). It is noteworthy that overcharging cases ended up with a licence suspension penalty increased significantly from eight cases in the whole of 2012 to 17 cases in 2015 (up to October). Separately, among the 58 prosecution cases for overcharging in the first 10 months of 2015, 30 cases were convicted. Among these, 14 cases were given an imprisonment sentence (or suspended sentence) and ended up with licence suspension at the same time.

The above data on prosecution and sentencing illustrate the actual situation with respect to the enhanced enforcement efforts taken by the Police and court judgments. Apart from the above malpractices of greater public concern, the Police also instituted prosecution against other malpractices of taxi service (such as soliciting passengers, accepting hire while not following the queue at taxi stands and seatbelt-related offences). In the first 10 months of 2015, the Police instituted 1 149 prosecution cases against these malpractices.

For a repeated offender, the prosecution would provide information on similar offences committed by the person concerned before to the Court for its consideration. Take the recent court judgments on overcharging cases between January and October 2015 as an example, 12 offenders committed taxi-related offences in the past. Based on the information obtained, the sentences handed down by the Court to these repeated offenders are apparently heavier. First-time offenders are normally fined, while repeated offenders are more often sentenced to licence suspension and imprisonment at the same time. Please see Annex 2 for details.

The law as it is has already provided for a comprehensive range of penalties at varying degrees to tackle taxi malpractices. Precedent cases show that the Court has not invoked the maximum penalty so far, suggesting that the current penalty level is sufficient. As we understand it, the Court will consider various factors of and hand down an appropriate judgment for each case.
Government therefore does not see the need to consider increasing the penalty level at this stage. Nevertheless, the Government will continue to closely monitor law-enforcement actions and court judgments against taxi malpractices. At the same time, as mentioned above, if the accused person is a repeated offender, the prosecution will provide the Court with relevant information for consideration.

In addition, we also consider it necessary to step up publicity and education efforts targeting the taxi trade. The Transport Department (TD) has all along been communicating with the trade to remind them of the importance of abiding by the law. Meanwhile, information, including that on fare levels, reference fares for travelling to major destinations and telephone helplines, has been disseminated to passengers through various channels. The department will provide the taxi trade with information on law enforcement and court judgments relating to taxi malpractices at taxi trade conferences on a regular basis.

Annex 1

Prosecution figures and penalties for overcharging, refusal to hire and not using the most direct practicable route from 2010 to 2015 (up to October)

<table>
<thead>
<tr>
<th>Malpractice</th>
<th>Maximum penalties</th>
<th>Year</th>
<th>Number of prosecution cases</th>
<th>Amount of fine ($)</th>
<th>Penalties</th>
<th>Sentenced to licence suspension/ Period of suspension</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overcharging</td>
<td>A fine of $10,000 and imprisonment for 6 months</td>
<td>2010</td>
<td>16</td>
<td>100 to 1,500</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2011</td>
<td>21</td>
<td>200 to 4,000</td>
<td>0</td>
<td>1 case/ 2 weeks</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2012</td>
<td>29</td>
<td>450 to 2,300</td>
<td>5 cases/ 1 to 2 months</td>
<td>8 cases/ 3 to 8 months</td>
</tr>
<tr>
<td>Malpractice</td>
<td>Maximum penalties</td>
<td>Year</td>
<td>Number of prosecution cases</td>
<td>Amount of fine ($)</td>
<td>Penalties</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Sentenced to imprisonment/suspended sentence/community service order/</strong></td>
<td><strong>Sentenced to licence suspension/</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Period of imprisonment</strong></td>
<td><strong>Period of suspension</strong></td>
</tr>
<tr>
<td>Malpractice</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2013 47 500 to 2,000 9 cases/2 weeks to 3 months 7 cases/1 to 8 months</td>
<td>2013 (up to October) 58 500 to 5,000 15 cases/6 days to 2 months 17 cases/1 to 6 months</td>
</tr>
<tr>
<td>Refusal to hire</td>
<td>A fine of $10,000 and imprisonment for 6 months</td>
<td>2010 28 500 to 2,500 0 0</td>
<td>2011 34 450 to 2,800 0 1 case/1 month</td>
<td>2012 81 450 to 3,000 0 3 cases/2 weeks to 4 months</td>
<td>2013 126 320 to 2,500 0 2 cases/1 to 2 months</td>
<td>2014 128 450 to 2,000 0 1 case/4 weeks</td>
</tr>
<tr>
<td>Not using the most direct practicable route</td>
<td>A fine of $10,000 and imprisonment for 6 months</td>
<td>2010 39 400 to 5,500 0 0</td>
<td>2011 27 500 to 4,000 0 0</td>
<td>2012 34 100 to 3,000 0 0</td>
<td>2013 43 500 to 2,000 0 1 case/3 months</td>
<td></td>
</tr>
</tbody>
</table>
### Annex 2

Summary of the conviction figures for overcharging from January to October 2015

<table>
<thead>
<tr>
<th>Type of penalty</th>
<th>Number of prosecution cases</th>
<th>Number of convicted cases</th>
<th>Penalties imposed¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>(i) Fine</td>
<td>-</td>
<td>14</td>
<td>Amount of fine: $500 to $5,000 (More common amount: $1,000, 4 cases in total)</td>
</tr>
<tr>
<td>(ii) Sentenced to licence suspension</td>
<td>-</td>
<td>17</td>
<td>Period of suspension: 1 to 6 months</td>
</tr>
<tr>
<td>(iii) Sentenced to imprisonment/suspended sentence/ community service order (CSO)</td>
<td>-</td>
<td>15</td>
<td>Imprisonment: 6 days to 2 months Suspended sentence: 12 months to 2 years CSO: 160 hours</td>
</tr>
</tbody>
</table>

¹ Penalties

<table>
<thead>
<tr>
<th>Malpractice</th>
<th>Maximum penalties</th>
<th>Year</th>
<th>Number of prosecution cases</th>
<th>Amount of fine ($)</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Malpractice</td>
<td>Maximum penalties</td>
<td>2014</td>
<td>33</td>
<td>500 to 2,400</td>
<td>0</td>
</tr>
<tr>
<td>Malpractice</td>
<td>Maximum penalties</td>
<td>2015 (up to October)</td>
<td>28</td>
<td>100 to 1,500</td>
<td>0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of prosecution cases</th>
<th>Amount of fine ($)</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>500 to 2,400</td>
<td>0</td>
</tr>
<tr>
<td>28</td>
<td>100 to 1,500</td>
<td>0</td>
</tr>
</tbody>
</table>
Type of penalty | Number of prosecution cases | Number of convicted cases | Penalties imposed# |
--- | --- | --- | --- |
(iv) Total number of cases | 58* | 30 | (Note: Since some cases involve more than one type of penalty, the total number of conviction cases does not equal to the sum of (i) to (iii).)

Notes:

* 28 cases are still on trial.

# Based on the information obtained, first-time offenders are normally fined, while repeated offenders are more often sentenced to licence suspension and imprisonment at the same time.

**MR FRANKIE YICK** (in Cantonese): President, if the work of the Government had been effective all along, the figures would not have risen continuously. This is the first point. Besides, what I am showing you is a news report on "unscrupulous cabbies" appearing on page A1 of a newspaper dated 29 November this year. Since the penalties handed down by the Court are so light at present, taxi drivers each earning several dozen thousand dollars a month will only treat the penalties as part of their operating costs. We of course cannot interfere with any court judgment. However, I do not buy what the Secretary says in the main reply: "Precedent cases show that the Court has not invoked the maximum penalty so far, suggesting that the current penalty level is sufficient". Since the penalties handed down by the Court are too light to be of any deterrent effect, we in the industry hope that the Government can amend the Ordinance in order to raise the minimum penalty, so that even if the Court imposes the minimum penalty, there can still be some deterrent effect. We hope that this effect can be achieved. Will the Secretary consider this proposal?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Cantonese): President, as I said in the main reply, if the prosecution thinks that the sentence is too light after consulting the Department of Justice (DoJ), it will of course provide further information and request a review of the penalty concerned. Nevertheless, the figures show that although a maximum penalty is provided for, the penalties handed down by the Court often do not reach this maximum level.
In other words, this maximum penalty has not prevented the Court from imposing heavier penalties. Our society respects judicial independence. Under the law, we as the prosecution will of course provide the court with the most solid arguments in our view. The Court will then determine the level of penalty according to the law and the actual situation of each case. Therefore, we must not lightly second-guess the judgment of the court.

MR TONY TSE (in Cantonese): President, in fact, the number of taxi driver offences has been on the rise recently, and the Secretary also shows concern in this regard. However, I notice a rather wide gap between the actual prosecution figures and the complaint figures as set out in the Quarterly Report (1 April 2015 to 30 June) of the Transport Complaints Unit under the Transport Advisory Committee (TAC). I am not sure if the Secretary has ever considered why there were so many complainants but so few prosecutions. Does this have anything to do with the requirement that the complainant must agree to testify in court before the case can be referred to the Police? In this regard, has the Administration explored how to streamline the procedures so that the number of complaints referred to the Police can be increased?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, first of all, the figures set out in the Annex to the main reply are mainly related to those serious malpractices which are of greater public concern, such as overcharging, refusing hire and failure to use the most direct and practicable route. The overall prosecution figure involving malpractices in taxi services is of course larger than the total of these figures. I can tell Members that for the first 10 months this year, the total number is 1,402 cases. Of course, there may still be a difference between this figure and the number of complaints. However, this also shows that when dealing with complaints about malpractices or suspected malpractices of taxi drivers, the Police must prudently consider various kinds of arguments before deciding whether to institute prosecution. The taxi driver and the passenger(s) are very often the only persons present at the scenes where suspected malpractices take place, so there is usually a lack of information or circumstantial evidence from a third party. Hence, when it comes to the stage of deciding whether to institute prosecution during the law-enforcement process, the Police may sometimes encounter difficulties.
MR YIU SI-WING (in Cantonese): President, as also admitted by the Secretary just now, taxi driver malpractices such as overcharging and failure to use the most direct and practicable route are getting increasingly serious. From media reports, I also notice that taxi drivers’ malpractice of overcharging tourists has reached outrageous proportions, to the extent of undermining the world image and tourism reputation of Hong Kong.

I observe that in most cases, the sentences handed down are very light, requiring the payment of a fine only. Taxi drivers even regard the fine for overcharging as just part of the taxi rental payments.

I am not sure if the authorities have reviewed these cases of light sentencing, and lodged any appeal on the basis of the review. Nevertheless, the authorities say that they have not lodged any appeal so far. I would like to ask the authorities why they do not consider lodging any appeals when the situation is so serious. Is that because they have not conducted any review?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the Police and the DoJ will consider the penalty handed down in each case in the light of the actual situation. If the sentence is considered too light from the perspective of the prosecution, a request for review may be filed under the existing system.

As I just mentioned in the main reply, the Police have not lodged any appeal against light sentencing over the past five years or so. Mr YIU urges the Administration to closely follow the issue of court sentencing. We will share his view with the DoJ. However, as I said in the main reply, the figures show that the Court will usually hand down a fine on first-time offenders, but repeated offenders will be given harsher sentences.

In regard to the trend over the past one to two years, the figures actually show an increase in both the severity of penalties and the number of prosecutions. This trend reflects that while the Police have stepped up enforcement, the Court has also tackled such acts in ways appropriate to the circumstances of each case. Anyway, the Police have already stepped up decoy operations against those malpractices drawing greater public concern.
MR YIU SI-WING (in Cantonese): President, the Secretary has not answered my supplementary question. My question is whether the authorities have conducted any review. Even though the Police have not lodged any appeal, the authorities must still review whether the sentences are too light and lodge appeals if necessary. It seems that he has not given an answer.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, in regard to the issue of sentencing in individual cases, as I said in reply to another Member, the Court must base its consideration on the actual circumstances of each case, and it is difficult for us to make generalizations. However, we do admit that overall, the number of complaints is on the rise. The Government is concerned about this and will …

PRESIDENT (in Cantonese): Secretary, Mr YIU wants to ask whether the authorities have conducted any review. Please answer this question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): As I said in the main reply earlier on, we do not see any need to raise the penalty level, as the existing penalty level can allow sufficient room for the Court to hand down sentences based on the seriousness of individual cases.

MR MICHAEL TIEN (in Cantonese): President, I do not know if you will believe me. I received a petition before I came to this meeting. Can you guess who petitioned me? The Hong Kong Taxi Trade Council (Taxi Trade Council) asked me to exert pressure on the Government today and urge it to step up enforcement and clamp down on law-breaking taxi drivers. This is the request of the Taxi Trade Council. Isn't it ironic?

Secretary, the Legislative Council has been busy with all these meetings recently and our workload has increased a lot. On several nights, my assistant had to catch a taxi outside this building after working late, and one night, my assistant hailed a total of five passing taxis, but all the taxi drivers simply gestured their refusal and sped away at once. How can people possibly lodge any complaints about such cases?
According to the Secretary, in the past one year, there were 2,800 complaints about refusing hire but only 128 prosecutions (accounting for 5%). As for overcharging, there were 1,600 complaints but only 58 prosecutions (accounting for 3%). The Secretary has also admitted that it is often hard to know who is right in such cases, as there is basically no evidence. But how can people having the same experience of my assistant's provide any evidence? The point is that after asking for the destination, the taxi driver simply sped away.

Why don't you consider… I thus do not think that the penalty level is the cause of the problem. I do not think so. The point is to raise the prosecution rate. If there are 128 prosecution cases but there are some 2,000 complaints… it is already annoying enough to deal with these complaints. The Secretary now says that it is often hard to say who is right in such cases, so it is impossible to deal with them. But is it possible to install any recording devices such as GPS and audio and visual recording units on taxis? In fact, buses are already equipped with such devices at present.

Secretary, how ironic it is. It now looks as if I am the one who is going to handle the problems with the taxi trade on your behalf. When I told the media my suggestion through a loud-hailer outside the Legislative Council Complex earlier today, they nodded in agreement. If the taxi trade supports the installation of these devices on taxis, passengers will definitely clap in approval. Will the Government proceed with the proposal?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, Mr TIEN has mentioned that the Taxi Trade Council will support the adoption of strong measures to combat "unscrupulous cabbies" or taxi driver malpractices. I think this is only normal, as the trade should really address this situation squarely. Through the TD, we often hold discussions with the trade on how we can take more actions against such malpractices. Are there any technological devices to truthfully record what happen inside the taxi compartment, so that investigation and prosecution can both be facilitated in case of malpractices? I agree that this is a question that should be considered.

However, if one merely makes a simplistic comparison of complaints and prosecution statistics and then hastens to conclude that the prosecution rate is low and things must have gone wrong, I must say that this conclusion cannot reflect
the full picture, because we must also check whether there is sufficient evidence in individual cases. Suppose the Police adopt a policy of instituting prosecution without sufficient evidence and any regard for the actual circumstances of cases, such a prosecution policy must not be a responsible one. Sometimes, there are indeed cases where the driver and the passenger(s) both say different things, which is why the Police intend to step up decoy operations, with a view to combating and revealing malpractices more effectively, and arousing the concern of the trade about this situation. I agree that we should further explore whether there are any specific technologies and devices that can enhance the investigation and prosecution work in this regard. I will also join hands with the Police to explore this issue again.

MR MICHAEL TIEN (in Cantonese): Secretary, thank you. But for saving the manpower of the Police, the installation of devices will do.

PRESIDENT (in Cantonese): Mr TIEN, the Secretary has already given an answer and you do not need to respond to it.

MS STARRY LEE (in Cantonese): President, in fact, society has long since come to the consensus that the quality of taxi services must be enhanced. As mentioned by the Honourable Member earlier on, we need to tackle refusing hire or other malpractices. However, I also think that the Secretary must consider how to enhance the quality of taxi drivers, as taxis are a common means of transportation for us. As we know, taxi drivers are self-employed persons, and their income levels have not seen any substantial increases over the past 10 years. I thus believe that it is not very possible to further ask them to receive any pre-employment training for self-upgrading. I understand that as early as 2003, the TAC already suggested amending the entry requirements. Specifically, it was suggested that a pre-employment training programme be introduced. Why have there been just empty talks so far? Why have there been no concrete actions to assist professional drivers in upgrading their overall quality.
SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the quality of taxi drivers is of course one of the issues that we must handle. All along, the TD has been holding discussions with various groups in the trade on how to enhance the quality of taxi drivers as a means of ensuring better service quality. Nevertheless, we need to understand that one feature of the taxi trade in Hong Kong is the large number of "single-vehicle" drivers. Some drivers own the taxis they drive, and they rent their taxis to others during the hours when they are not driving. Therefore, many people are engaged in this trade. As a result, even people engaged in the trade cannot easily come up with a mainstream and universally acceptable approach. And, do not forget that there are also numerous taxi organizations.

As for raising the alertness of taxi drivers to various malpractices and enhancing the overall work ethics of the trade, we need to enhance our efforts indeed. Thus, we will follow up this matter.

MR CHRISTOPHER CHUNG (in Cantonese): President, I have recently received two cases about refusing cross-harbour hire. After reading the main reply, I also find that this problem is getting more serious. I now put forward my opinion, in the hope of enhancing publicity and education. I hope the Secretary will consider it. First, can the TD require taxi drivers to display information about the penalties for overcharging and refusing hire inside taxi compartments, so as to warn taxi drivers against such malpractices, and enable passengers and even visitors to know their own rights and how to cope with the problem concerned? Will the Secretary consider that?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, at present, the TD already provides taxi passengers with useful taxi information, such as taxi fares for reference or complaint channels. As for Mr Christopher CHUNG's specific proposal, I will also discuss it with the trade. As rightly mentioned by Mr TIEN earlier on, the taxi trade also wants to step up its efforts on all malpractices, with a view to identify effective solutions.

PRESIDENT (in Cantonese): This question ends here. Second Question.
Arrangements for Mainland Residents to Drive in Hong Kong


**PRESIDENT** (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)

**PRESIDENT** (in Cantonese): Mr Gary FAN, please raise your main question.

**MR GARY FAN** (in Cantonese): President, under section 11(3) of the Road Traffic (Driving Licences) Regulations, the Commissioner for Transport may directly issue a Hong Kong full driving licence without test to an applicant holding a driver's certificate or licence issued by a competent authority in any country or place listed in the Fourth Schedule to the Regulations (direct issue of driving licences), so that the applicant may drive certain classes of vehicles in Hong Kong. Such an arrangement for direct issue of driving licences is applicable to the Mainland of China. It has been reported that the number of mainland residents applying for direct issue of driving licences has soared in recent years. The reasons behind that include the availability of agents in Hong Kong to lodge relevant applications on behalf of mainland residents, and the rumour on the Mainland that mainland residents holding Hong Kong driving licences may drive in many countries around the world. In connection with issues relating to mainland residents driving in Hong Kong, will the Government inform this Council:

1. of the measures in place to curb the large number of mainland residents scrambling to lodge applications for direct issue of driving licences;

2. as it has been reported that the number of traffic accidents involving mainland drivers issued with driving licences directly has been increasing continuously in the past three years, and such situation may be attributed to the disparity between the road traffic regulations of the two places and the differences between drivers'
driving cultures prevailing in the two places, whether the authorities will exclude the Mainland of China from the places to which the arrangement for direct issue of driving licences is applicable, so as to safeguard road safety; and

(3) given that upon the implementation of the second phase of the Ad Hoc Quota Trial Scheme for Cross-boundary Private Cars (commonly known as "cross-boundary self-drive tours"), eligible drivers in Guangdong Province will be allowed to drive in Hong Kong without having to undergo any assessment or take any driving course, which has aroused concerns among quite a number of members of the public that the influx of private cars from the Mainland into Hong Kong will jeopardize road safety and overload the transport network, whether the authorities will shelve the second phase of the Scheme?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, under Section 11(3) of the Road Traffic (Driving Licences) Regulations (Cap. 374B) (the Regulation), the mechanism of direct issue of Hong Kong full driving licence allows a person holding an overseas driving licence issued by a recognized country or place to be directly issued with a Hong Kong full driving licence without taking a local driving test, for driving private cars, light goods vehicles not exceeding 5.5 tonnes in gross weight, motor cycles and motor tricycles. The recognized countries or places are set out in the Fourth Schedule to the Regulation, under which there are a total of 32 countries or places, including Mainland China (see Annex for details).

According to the Regulation, the overseas driving licence must be still valid or must not have expired for over three years and must be obtained after successful completion of a driving test conducted in the country or place which issued the licence. Also, an applicant must be 18 years or older, and must meet one of the following requirements: (i) the overseas licence held was originally issued on any day during a period of the applicant's residence of not less than six months in the country or place of issue; or (ii) the applicant has been holding the licence issued by the recognized country or place for not less than five years immediately prior to the application; or (iii) the applicant is the holder of a passport or other equivalent travel document issued in the country or place in which the licence was issued.
The Hong Kong driving licence is issued pursuant to the Road Traffic Ordinance (Cap. 374), authorizing the holder to drive only within Hong Kong but not in other countries or places. Whether a holder of the Hong Kong driving licence is allowed to drive in other countries or places is a matter for individual countries or places. Regarding the rumour in the Mainland that holders of the Hong Kong driving licence may drive in different countries around the world, the Transport Department (TD) already made clarification on the rumour last year in response to enquiries made by the Mainland media.

The TD always prudently processes and validates each application for direct issue of Hong Kong full driving licence to ensure that the applicants have fully satisfied the statutory requirements and produced the authentic and accurate relevant supporting documents. If there is any doubt on the authenticity of an overseas or Mainland driving licence produced by an applicant, the TD will seek clarification and confirmation in respect of the doubtful cases from the consulate or relevant transport authority of the place concerned.

Over the past three years (that is, 2012, 2013 and 2014), the number of applications for direct issue of Hong Kong full driving licence rejected by the TD were 97, 148 and 125 respectively. All the unsuccessful applications were rejected on the ground that the applicants failed to fully meet the requirements under the Regulation. Generally, the reasons for rejection include discrepancy between the applicant's overseas driving licence and the information provided by the issuing authority; cancellation or expiration of the driving licence for more than three years; application made not on the basis of a full driving licence; or the applicant not meeting the requirement for period of residence in the country or place of issue under the Regulation.

My reply to the three parts of Mr Gary Fan's question is as follows:

(1) and (2)

The direct issue arrangements in Hong Kong and the Mainland are operated on a reciprocal and mutually beneficial basis. While the Hong Kong Government may directly issue a Hong Kong full driving licence without driving test to an applicant holding a Mainland driving licence, holders of Hong Kong full driving licence can also apply for a Mainland driving licence to be issued directly by
the relevant Mainland authorities without taking a driving test. The direct issue mechanism between Hong Kong and the Mainland has been operating smoothly since its implementation in 1977.

According to the data on direct issue of Hong Kong full driving licence maintained by the TD since 2007, the majority applicants have always been from the Mainland. However, there is no evidence that it causes any particular problem to road safety. From the statistics, the numbers of traffic accidents occurred in Hong Kong over the past three years (that is, 2012, 2013 and 2014) are 15,894, 16,089 and 15,790 respectively and, among them, merely 66, 87 and 86 traffic accidents involved drivers who have been issued directly with Hong Kong licences through holding the Mainland driving licences. Ninety percent of those traffic accidents are minor and there has not been any fatal accident. Therefore, the Government has no intention to cease issuing Hong Kong driving licences directly to Mainland driving licence holders who have satisfied the various requirements.

(3) The Government launched the first phase of the Ad Hoc Quota Trial Scheme for Cross Boundary Private Car (that is, Hong Kong private cars going to the Mainland, also commonly known as self-drive tour scheme) on 30 March 2012. As at end October this year, more than 5,000 eligible Hong Kong private cars with five seats have entered the Guangdong Province via the Shenzhen Bay Port under the Trial Scheme for a stay of not more than seven days. The Trial Scheme has been running smoothly for three and a half years since the launch. The Government will carefully observe and review the operation and effectiveness of the first phase of the Trial Scheme in different aspects, and maintain close contact with the relevant authorities of Guangdong Province and their designated agencies in Hong Kong (that is, China Travel Service (Hong Kong) Limited and Hong Kong General Chamber of Commerce) to improve the workflow. In respect of the second phase of the Trial Scheme (that is, Guangdong private cars coming to Hong Kong), the two governments have already indicated that there is no concrete implementation timetable.
Annex

Road Traffic (Driving Licences) Regulations (Cap. 374B)
Schedule 4 — List of Countries or Places for the Purpose of Regulation 11(3)

(In alphabetical order)

1. Australia 19. Malaysia
2. Austria 20. Netherlands
4. Belgium 22. Nigeria, Federal Republic of
5. Canada 23. Norway
7. Denmark 25. Portugal
8. Finland 26. Singapore
9. France 27. Spain
11. Iceland, Republic of 29. Switzerland
12. India 30. Republic of South Africa together
13. Ireland, Republic of with S.W. Africa
14. Israel 31. United Kingdom
15. Italy together with Alderney (with
16. Japan Channel Islands), Bermuda,
17. Korea, Republic of Guernsey, Isle of Man, Jersey
18. Luxembourg 32. United States of America

**MR GARY FAN** (in Cantonese): President, I actually hope that apart from giving the relevant figures, the Government will also put forward some concrete indicators or even state clearly whether it will halt the direct issue of driving licences or the self-drive tour scheme for reasons of their road safety impacts on Hong Kong or their pressure on the local transportation network.
Why are the general public or Hong Kong drivers so concerned about this issue? It is because this involves a very serious technical problem. In case the licence-holder concerned went back to the Mainland after committing offences such as speeding, drink driving and illegal parking, how can the Police follow up the case or even institute prosecution? This is a very serious concern. Can the Secretary give a reply or provide some figures that can support his statement and put people's minds at ease?

According to the Secretary, only 1% of the total number of traffic accidents that occurred in Hong Kong in each of the past three years involved drivers who were issued directly with Hong Kong driving licences. However, there was an increase of 30% in the relevant figure in 2013 when compared with the figure recorded in 2012, and the rate of increase can hardly be regarded as moderate. Can the Secretary give us a reply as to how the Police can effectively prevent all such by-no-means-minor traffic accidents, which are caused by the direct issue of driving licences?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, as I mentioned in the main reply, only a very small proportion (below 1%) of road traffic accidents that occurred in Hong Kong involved Mainland driving licence holders who were directly issued with Hong Kong full driving licences under the mechanism of direct issue of Hong Kong full driving licence without test. Computed on the basis of the figures in 2014 and 2013, the relevant percentage was merely 0.5%, with only several dozen such cases in each of these two years. Overall, 90% of these traffic accidents were minor ones with no fatalities. The Police do not have any information to indicate that the drivers involved in these several dozen traffic accidents fled back to the Mainland in order to evade liability for violating the traffic regulations in Hong Kong.

MR CHAN KAM-LAM (in Cantonese): President, Hong Kong has put in place arrangements for direct issue of driving licences with more than 30 countries or places, and as far as we know, many Hong Kong drivers have met with traffic accidents in places such as Taiwan, Australia, the United States, the United Kingdom or Europe recently. It can thus be seen that when driving in foreign places, drivers may easily run into accidents as they are not familiar with local traffic or road conditions.
May I ask whether the Secretary will request the Transport Department to make extra efforts in this respect, so that drivers issued directly with Hong Kong driving licences can have more information that can help them better understand the various aspects of transport and traffic matters in Hong Kong? I think driving licences are issued to them mainly in recognition of their driving skills, but they may not be familiar with the road conditions in Hong Kong. Hence, will the Government make extra efforts in this respect?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, a driving code has been distributed by the TD to all applicants for driving licences, including those applying for the direct issue of a Hong Kong full driving licence without test, with a view to increasing and enhancing their awareness and understanding of local traffic regulations and other related matters. Mr CHAN is of course correct in saying that anyone who drives abroad with an International Driving Permit must pay special attention to the specific traffic arrangements in the places concerned or the differences in driving cultures. I believe anyone who drives in another country or place must pay attention to these aspects. On our part, we will also pay special attention to the relevant issues.

However, as far as the number of traffic accidents is concerned, as I said in my reply to Mr FAN's question just now, only a small proportion of such cases involved drivers from the Mainland and we therefore do not find the situation particularly worrying for the time being.

MR SIN CHUNG-KAI (in Cantonese): President, I would like to ask a question about the rumour concerned. I know the Secretary has replied that last year, the Transport Department (TD) already made a clarification on the rumour in response to the enquiries of Mainland media. May I ask if the TD will issue International Driving Permits to those drivers who have been issued with Hong Kong full driving licences under the mechanism of direct issue of Hong Kong driving licences without test?

Under the existing policy, any Hong Kong resident who is issued with a full driving licence may apply for an International Driving Permit. But in the case of those holding a licence under the mechanism of direct issue of Hong Kong driving licences without test, be they Mainland drivers or drivers from the 32
countries or places listed in the Annex to the main reply, can they in general apply for an International Driving Permit after they are issued with Hong Kong full driving licences?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): The practices adopted by other countries will largely depend on their own laws or policies. However, the requirement in Hong Kong is that an applicant for International Driving Permit must be a holder of the Hong Kong Identity Card who resides in Hong Kong and holds a Hong Kong full driving licence.

Holders of a driving licence issued by any of the 30-odd countries and places listed in the Annex to the main reply may be directly issued with Hong Kong full driving licences. However, due to historical reasons, there may not be reciprocal arrangements between Hong Kong and some of these countries or places. As the mechanism has been in operation since 1977, some of these countries or places may not offer reciprocal treatment to holders of a Hong Kong full driving licence. However, under the existing policy, any new arrangements must be made on a reciprocal basis. A mechanism for reciprocal recognition has already been established by Hong Kong with over 10 of the 30-odd listed countries or places.

MR SIN CHUNG-KAI (in Cantonese): In other words, although non-local drivers may be issued directly with Hong Kong full driving licences without test, International Driving Permits will not be issued to them by the transport authorities of Hong Kong if they are not Hong Kong residents and do not have a Hong Kong Identity Card. Is that right?

PRESIDENT (in Cantonese): This is what the Secretary has said in his reply. Secretary, do you have anything to add?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Yes, Mr SIN's understanding is correct. If the drivers concerned are not holders of the Hong Kong Identity Card, an International Driving Permit will not be issued to them by the TD simply because they are holders of a Hong Kong full driving licence.
MR PAUL TSE (in Cantonese): President, some time ago, Hong Kong people feared that after the implementation of the Individual Visit Scheme, large numbers of Mainland visitors would come to Hong Kong and this would boost our crime rate. The worry about the problem under discussion is similar. It seems that people are likewise worried that there would be an increase in the number of traffic accidents in Hong Kong if Mainland drivers are issued with Hong Kong driving licences. However, in reality, this is not the case as revealed by objective evidence.

President, under the principle of reciprocity, if Hong Kong people may apply for and then be issued with driving licences in other countries through holding Hong Kong driving licences, arrangements should be made in Hong Kong to let people of those countries enjoy the same right. At present, tens of thousands of Hong Kong residents are working in the Mainland. Does the Secretary know the number of Hong Kong residents who have been issued with Mainland driving licences through holding Hong Kong driving licences? Does the Government have such statistics? If so, what impact will Hong Kong residents sustain if there is a change to the existing policy?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): We do not have the statistics on the number of Hong Kong people who have been directly issued with the Mainland driving licences without test. However, indirect information reveals that as at November this year, there were about 40 000 cross-boundary Hong Kong private car drivers, and we believe that most of them should have been directly issued with Mainland driving licences by the Mainland authorities without test. However, this is merely an indirect assessment and the exact figures are not available.

MR PAUL TSE (in Cantonese): Can the Government provide to us the number of Hong Kong drivers who can drive in the Mainland with Mainland driving licences obtained by virtue of their Hong Kong driving licences?

PRESIDENT (in Cantonese): Secretary, is the relevant figure available?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, I do not have the statistics on hand but will try to obtain the information requested. (Appendix I)
PRESIDENT (in Cantonese): Third question.

Co-location of Boundary Control upon Commissioning of Guangzhou-Shenzhen-Hong Kong Express Rail Link

3. MR FREDERICK FUNG (in Cantonese): President, on the 21st of last month, the Secretary for Justice (SJ) and the Secretary for Transport and Housing went to Beijing to discuss with officials of the Hong Kong and Macao Affairs Office of the State Council (HKMAO) the implementation of the arrangements for co-location of boundary control (co-location arrangements) upon commissioning of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL). SJ subsequently told the media that in order to deal with the issue of co-location, it was inevitable that mainland personnel must be allowed to enforce laws in the XRL West Kowloon Terminus, and the relevant approach was unavoidable. Regarding the implementation of the co-location arrangements, will the Government inform this Council:

(1) of the latest progress of the authorities' discussion with the officials of HKMAO on the implementation of the co-location arrangements, and the aspects of the co-location arrangements on which a consensus has been reached between both sides; the contents of the various options on the co-location arrangements prepared by the authorities, including the legal and operational issues involved in various options; whether such options include the one that mainland personnel are to conduct immigration clearance for travellers on XRL trains; how the authorities have come to the conclusion that mainland personnel must be allowed to enforce laws in Hong Kong;

(2) whether the authorities, for the sake of implementing the co-location arrangements, have plans to propose to the Standing Committee of the National People's Congress that the relevant national laws be listed in Annex III to the Basic Law so as to empower mainland personnel to enforce laws in Hong Kong; if they have such plans, of the details, and whether they have assessed if such an action will violate the following provision in Article 18 of the Basic Law: "Laws listed in Annex III to this Law shall be confined to those relating to defence and foreign affairs as well as other matters outside the limits of the autonomy of the [Hong Kong Special Administrative] Region as specified by this Law"; and
(3) as some members of the public are worried that the Government, in an attempt to provide immigration convenience to XRL travellers, has deliberately misinterpreted the relevant provisions of the Basic Law and attempted to exploit the loopholes in the wording of the relevant provisions of the Basic Law, which may undermine the rule of law, how the Government dispels the doubts of the public; whether it has assessed if Hong Kong people have grave concern about allowing mainland personnel to enforce laws in Hong Kong; given that Article 18 of the Basic Law provides that "[T]he laws in force in the Hong Kong Special Administrative Region shall be this Law, the laws previously in force in Hong Kong as provided for in Article 8 of this Law, and the laws enacted by the legislature of the Region. National laws shall not be applied in the Hong Kong Special Administrative Region except for those listed in Annex III to this Law", whether the authorities will withdraw the aforesaid remarks on the premise of strict adherence to that Article, and explore other feasible options for the co-location arrangements; if they will not, of the reasons for that?

SECRETARY FOR JUSTICE (in Cantonese): President …

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): President, Article 75 of the Basic Law provides for the quorum for Legislative Council meetings.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(After the summoning bell had been rung, a number of Members returned to the Chamber)
SECRETARY FOR JUSTICE (in Cantonese): President, the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) has a key role with strategic importance to play in the development of Hong Kong's external transportation. The XRL, by not only providing express rail services from Hong Kong to Shenzhen and Guangzhou, but also linking Hong Kong with the regional and national railway networks, is set to greatly enhance Hong Kong's connectivity with various parts across the Mainland as a result. Upon commencement of operation, the XRL will reduce the journey time between Hong Kong's West Kowloon Terminus and Guangzhou significantly from currently about 100 minutes to about 48 minutes. As for long-haul services, the Beijing-bound journey time will be shortened from currently about 24 hours to about 10 hours. Apart from saving travelling time between Hong Kong and the Mainland, the XRL will bring about economic and social benefits and also enhance Hong Kong's overall competitiveness.

Implementing the arrangements for the co-location of customs, immigration and quarantine facilities (co-location arrangements) at the West Kowloon Terminus can unleash the full potential of the XRL. Under co-location arrangements, passengers who choose to travel from Hong Kong to the Mainland by XRL can before boarding complete immigration clearance, and so on, of Hong Kong and the Mainland in one go and travel non-stop to all cities along the national XRL network without the need for going through clearance again. Similarly, Hong Kong-bound XRL passengers embarking in any Mainland city along the national XRL network can also travel non-stop to Hong Kong and complete the immigration clearance, and so on, of the two places at the West Kowloon Terminus upon arrival in Hong Kong. As southbound and northbound passengers can complete immigration clearance for the two places at the West Kowloon Terminus without the need of disembarking for immigration checks en route, they can enjoy the convenience and speediness of the XRL to the full.

The concept of co-location arrangements is not unprecedented. While we would need to consider the unique situation in each place, the examples of co-location arrangements between the United States and Canada, as well as those between the United Kingdom and France could provide reference. One of the keys to the implementation of the co-location arrangements at the West Kowloon Terminus rests on how Mainland inspecting officers may be allowed, in
accordance with the Basic Law as a necessary prerequisite, to enforce the relevant Mainland laws on immigration, customs and quarantine, and so on, at the West Kowloon Terminus. Therefore, not only does the design of the co-location arrangements involve complex legal issues, practical operational issues have to be considered as well.

The Department of Justice, the Transport and Housing Bureau, the Security Bureau, and the Constitutional and Mainland Affairs Bureau are studying the relevant issues jointly and actively and are also discussing the issues with relevant Mainland authorities. Late last month, I, together with the Secretary for Transport and Housing and other colleagues from the Government of the Hong Kong Special Administrative Region (HKSARG), visited Beijing for a meeting with relevant officials of the Hong Kong and Macao Affairs Office of the State Council, and so on, to discuss issues relating to the implementation of co-location arrangements. Our common goal is to strive for the implementation of the co-location arrangements at the West Kowloon Terminus, in compliance with the Basic Law, when the Hong Kong Section of the XRL starts operation. However, as both sides need to examine further the legal and operational issues involved, and so on, both have agreed to discuss again early next year.

The specific issues as mentioned in Mr Frederick FUNG's question, including whether to conduct immigration clearance for travellers in XRL train compartments, whether to allow Mainland personnel to enforce the relevant Mainland laws within a specified area at the West Kowloon Terminus, and whether there is a need for inclusion of the relevant Mainland laws into Annex III to the Basic Law, and so on, are all within the scope of our study. Nevertheless, as I have pointed out just now, we must consider both the legal and specific operational issues when exploring any proposal for implementing the co-location arrangements.

Take the suggestion of handling the procedures in train compartments as an example, although the proposal may appear to be attractive, its feasibility requires consideration. As we understand, each XRL train comprises eight compartments and the entire train can carry up to 579 passengers. The journey time from the West Kowloon Terminus to Futian is around 14 minutes. In other words, there is only very limited time available to complete the immigration, customs and quarantine procedures for each passenger. While that there are suggestions that we could examine the possibility of handling part of the procedures at different stages, the operational feasibility of such proposal has to be examined carefully.
President, I fully understand that the community has concerns over the implementation of the co-location arrangements, including whether it will bring about impact on the "one country, two systems" principle. I would like to take this opportunity to stress three points. First, it is beyond doubt that the implementation of the co-location arrangements will maximize the effectiveness of the XRL, thereby improving the livelihoods of the Hong Kong people and serving the best overall interests of Hong Kong. Second, both the HKSARG and the Central Government attach great importance to the need to ensure that the future co-location arrangements must be in full compliance with the Basic Law and the "one country, two systems" principle. In other words, not only do we have to ensure the maximum effectiveness of the XRL, we also have to strictly comply with the Basic Law and should not violate the "one country, two systems" principle. Therefore, there will not be any distortion of the Basic Law, nor will the rule of law be prejudiced. Third, ultimately, the co-location arrangements are legal and operational issues arising from a transportation infrastructure. While legal issues should be dealt with through legal means, operational issues can be resolved through technical methods. Therefore, if we can adopt an objective and pragmatic attitude and focus on the relevant legal and operational issues, I believe that we will finally be able to implement the co-location arrangements properly under the framework of the Basic Law.

MR FREDERICK FUNG (in Cantonese): President, I could not have imagined that my main question can "smoke out the snake". I put forth two proposals but state clearly that both are in breach of Article 18 of the Basic Law. Yet surprisingly, the Secretary says in the fifth paragraph of the main reply that these two proposals, which are both in breach of Article 18 of the Basic Law, "are all within the scope of our study". This is very frightening. I fear that the Secretary may sacrifice "one country, two systems" in order to enable the XRL to unleash its so-called full potential.

Has the Secretary considered seeking advice from the President of the Legislative Council? A few days ago, he said that the separate-location model could be adopted. If the Secretary thinks that the 14-minute ride to Futian is too short, a boundary control point may first be set up in Futian under the separate-location model, and immigration clearance in the train compartments can be considered at a later time. Can this serve the same purpose? The Secretary has failed to take into consideration that the arrangement should in no way violate the Basic Law.
President, in the third paragraph of the main reply, the Secretary points out that the co-location arrangements between the United States and Canada, as well as those between the United Kingdom and France could provide reference. However, this view is wrong and I wish that the Secretary can cast it away. Why do I say the Secretary is wrong? This is because whether it is between the United States and Canada or between the United Kingdom and France, the two countries concerned started their discussion from scratch, then came to a consensus and finally took actions together. Hong Kong has the Basic Law … The National People's Congress passed the Basic Law more than two decades ago, and Article 18 bars Mainland officials from enforcing laws in Hong Kong …

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

MR FREDERICK FUNG (in Cantonese): … My supplementary question seeks to ask whether the Secretary and the Chief Executive are willing to retract what they have said: "In order to deal with the issue of co-location, it is inevitable that Mainland personnel must be allowed to enforce laws in the XRL West Kowloon Terminus, and the relevant approach is unavoidable".

SECRETARY FOR JUSTICE (in Cantonese): President, when exploring how co-location can be implemented, we will consider all practical and feasible options, or options which may lead to the smooth implementation of co-location. In his main question, Mr FUNG query the feasibility of listing the relevant Mainland laws in Annex III pursuant to Article 18 of the Basic Law. I believe Members are all aware that there have been considerable discussions in society, and some people in the legal sector also agree that this is an option which can be considered and discussed. And, we have actually included this option in our study. We fail to see why doing so will necessarily contravene the Basic Law or "one country, two systems".

As regards Mr FUNG's view that it is wrong to make reference to the experience of the United Kingdom and France, or that of the United States and Canada, I beg to differ. I have indeed pointed out in the main reply that we must consider the unique situation in each place. But I think we must also note that the United States and Canada have put in place co-location for many years, and so have the United Kingdom and France. I fully appreciate that their cases and
ours are different, not least because, as I have repeatedly pointed out, we in Hong Kong must implement co-location without contravening "one country, two systems" and the Basic Law. Thus, we will not follow overseas examples blindly. We will begin on the basis of the Basic Law and "one country, two systems", but this will not restrict our design of the co-location arrangements later, nor will it hinder our efforts in this regard.

MR FREDERICK FUNG (in Cantonese): President, the Secretary has not answered my supplementary question. Just now, I asked if he and the Chief Executive would retract what they had said: "In order to deal with the issue of co-location, it is inevitable that Mainland personnel must be allowed to enforce laws in the XRL West Kowloon Terminus, and the relevant approach is unavoidable".

PRESIDENT (in Cantonese): Mr FUNG, the Secretary has given an affirmative reply. As 12 Members are waiting to raise their supplementary questions, will Members please make their questions as concise as possible to allow more Members to raise supplementary questions.

MR WONG KWOK-KIN (in Cantonese): President, in the main reply, the Secretary devotes very long treatment to the potentials of the XRL and its benefits to Hong Kong. We agree very much with him, and this explains exactly why we supported the construction of the XRL in the first place. Nonetheless, it has been five years since construction began in 2010, but we are still unable to see when the most important part of co-location can be implemented. We even do not know anything about its present progress. Thus, we fear that the effectiveness of the XRL may be compromised in the future. We are honestly very puzzled because co-location is not unprecedented …

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

MR WONG KWOK-KIN (in Cantonese): … It is very common overseas. But why is it so difficult to implement the arrangement under "one country, two systems"? Can the Government assure us at this stage that when construction of the XRL is complete, co-location can definitely be implemented?
SECRETARY FOR JUSTICE (in Cantonese): President, I have said in my reply that co-location is not unprecedented and there are precedents overseas. Yet, in Hong Kong, we must comply with the Basic Law and must not undermine the principle of "one country, two systems". Therefore, when making reference to other places, we must also consider the uniqueness of Hong Kong. Consequently, this has made our work of designing the co-location arrangements more complicated, legally or in terms of practical operation.

As regards the present progress, we fully appreciate Members' concern. Earlier, Secretary CHEUNG said that under the present circumstances, the authorities projected that the Hong Kong section of the XRL could inaugurate in the third quarter of 2018. We have also taken this as our work target. At this stage, since both sides still need to further examine a lot of issues and subjects, more meetings will have to be arranged in the future for discussion. Yet, we are confident that before the commissioning of the XRL in 2018, a practicable and feasible co-location arrangements in compliance with the Basic Law can be put in place.

MR JEFFREY LAM (in Cantonese): President, we …

(Mr CHAN Chi-chuen stood up)

MR CHAN CHI-CHUEN (in Cantonese): President, I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(While the summoning bell was ringing)

PRESIDENT (in Cantonese): Would Members in the Chamber please return to their seats to facilitate a headcount.

(After the summoning bell had been rung, a number of Members returned to the Chamber)
PRESIDENT (in Cantonese): Mr Jeffrey LAM, please raise your supplementary question.

MR JEFFREY LAM (in Cantonese): President, we know that on the Mainland, it is extremely difficult to get a train ticket for medium or long-haul journeys, and trains plying between Beijing, Shanghai, Tianjin are full almost every day. Moreover, we also know that the XRL will greatly facilitate regional development.

Co-location is not unprecedented in many places. As the Secretary said earlier, it has been practised between the United States and Canada and between the United Kingdom and France for years. Their law-enforcement personnels will only enforce laws within designated areas and there have been no major incidents. I believe the SAR Government will handle the matter properly.

PRESIDENT (in Cantonese): Please raise your supplementary question.

MR JEFFREY LAM (in Cantonese): May I ask the Secretary whether law-enforcement activities of the relevant personnel are to be restricted to the designated area when co-location is implemented in Hong Kong in the future? Many people say that this will not be the case, and that law-enforcement personnel will be able to arrest people anywhere outside the station. Can the Secretary tell us clearly the scope of law-enforcement?

SECRETARY FOR JUSTICE (in Cantonese): President, one basic principle in our studies on the co-location arrangements is the conduct of inspection, quarantine and immigration clearance by the two sides at the same location. Members may recall that as pointed out in a discussion paper of the Public Works Subcommittee of the Finance Committee on 2 December 2009, the West Kowloon Terminus will be equipped with boundary control facilities for Hong Kong, and sufficient area will also be reserved for the necessary boundary control facilities for the Mainland under the co-location arrangements. Therefore, at the moment, the geographical limits and location of law-enforcement are certainly a subject we must explore. To prevent any unnecessary concern in society, comply with the Basic Law, and uphold the cardinal principle of "one country,
two systems", we must work out the extent and geographical limits of law enforcement, and we must also tackle the issue of keeping law-enforcement within the designated area.

MR ANDREW LEUNG (in Cantonese): President, co-location is not unprecedented in Hong Kong as the system is also adopted at Shenzhen Bay Port.

Since co-location has been practised at Shenzhen Bay Port for a long time, may I ask the Secretary how the experience in Shenzhen Bay Port can benefit us when the same arrangement is implemented in West Kowloon in the future?

SECRETARY FOR JUSTICE (in Cantonese): President, it is true that we can learn from the experience in Shenzhen Bay Port. But I must add that the experience can only benefit us on a limited scale because the circumstances of the two cases are different. In the case of the West Kowloon Terminus, the co-location arrangements will be implemented on the side of Hong Kong. But at Shenzhen Bay Port, Hong Kong personnel are empowered to perform immigration clearance, quarantine and other relevant duties on the side of the Mainland. We will of course learn from the experience in Shenzhen Bay Port when designing operational arrangements, including how some actual operational problems unrelated to laws are dealt with. For instance, if there is a fire or if a passenger suddenly falls ill, should the situation be addressed by legal provisions or administrative arrangement? Another example is how certain memoranda are to be concluded. These are all worth making reference to.

MR DENNIS KWOK (in Cantonese): Secretary, in your earlier reply, you said that on the premise of complying with the Basic Law, Mainland officials would be allowed to enforce Mainland laws at the West Kowloon Terminus. Yet, after studying and discussing the issue for a long time, can you tell us how this can be achieved without breaching Article 18 of the Basic Law? In 2002, the Bar Association issued a paper stating its stance on Article 18 of the Basic Law, and it reads: "Furthermore, there is a restriction on applying national laws under Article 18 of the Basic Law. If any national law is to be applied in the HKSAR, it has to be included in Annex III of the Basic Law by the Standing Committee of
the National People's Congress after consulting the Committee of the Basic Law … Borrowing or adopting Mainland Laws by the HKSAR Government is therefore inappropriate”.

PRESIDENT (in Cantonese): Please raise your supplementary question.

MR DENNIS KWOK (in Cantonese): President, the last sentence is very important. According to the stance of the Bar Association back then, borrowing or adopting any Mainland laws is inappropriate …

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

MR DENNIS KWOK (in Cantonese): Does the Secretary intend to overturn the stance of the Bar Association back then? Or can he in any way twist Article 18 of the Basic Law to achieve the co-location he envisages?

SECRETARY FOR JUSTICE (in Cantonese): President, regarding the view put forth by the Bar Association in 2002 which Mr Dennis KWOK just mentioned, I would like to point out that since the background of this statement was Shenzhen Bay Port, not the co-location arrangements to be implemented at the West Kowloon Terminus of the XRL, I do not think that the two issues should be discussed together.

We of course understand that society is concerned about the question raised by Mr KWOK just now, that is, the question of whether Article 18 of the Basic Law should be applied to the co-location arrangements. I have told Members earlier that we are looking into the matter. I wish Members will note that Article 18 of the Basic Law clearly states that there are considerable restrictions for national laws to be listed in Annex III, but through Article 18 of the Basic Law, national laws outside the limits of the autonomy of the HKSAR as specified by the Basic Law can be listed in Annex III.
I have also mentioned earlier that some people in the legal sector have expressed that this is one of the directions which can be explored. Although we are still studying the issue and have not made conclusions, we cannot at this stage assert that making use of Article 18 of the Basic Law or Annex III will definitely contravene the Basic Law or compromise "one country, two systems" and cause unnecessary panic.

PRESIDENT (in Cantonese): Many Members are concerned about this subject but we have spent almost 26 minutes on this question. Time to move on to the next question. Fourth question.

Policies on Innovation and Technology

4. DR KENNETH CHAN (in Cantonese): President, many Members are also concerned about this question. I request a headcount.

PRESIDENT (in Cantonese): Will the Clerk please ring the bell to summon Members back to the Chamber.

(The summoning bell stopped after ringing for 15 minutes)

ADJOURNMENT OF MEETING

PRESIDENT (in Cantonese): The summoning bell has rung for 15 minutes but a quorum is still not present in the Chamber. According to the Rules of Procedure, I now adjourn the meeting.

Adjourned accordingly at 1.14 pm.

Note of meeting:

Written answers to Questions 7 to 22 for this meeting are set out at Appendix.
WRITTEN ANSWERS TO QUESTIONS

Provision of Transgender Medical Services

7. MR CHAN CHI-CHUEN (in Chinese): President, at present, transgender people who wish to receive partial or full sex reassignment surgery must first be assessed by the specialists and experts of the various specialties concerned (including plastic surgery, psychiatry, endocrinology, clinical psychology, etc.) to ascertain if they are suitable for undergoing the surgery. The New Territories East Cluster under the Hospital Authority (HA) announced earlier that from the current fiscal year onwards, the Prince of Wales Hospital (PWH) under the cluster would provide one-stop medical services for people with Gender Identity Disorder and those with Gender Dysphoria (collectively known as "transgender medical services"). Starting from October this year, PWH would reserve three operating theatre sessions for sex reassignment surgery each month and would provide the relevant psychiatric and endocrinology services later on. It is learnt that in the past, sex reassignment surgery used to be performed mainly by a surgeon at the Ruttonjee Hospital, but the surgeon retired in October this year. PWH has therefore arranged overseas training for the doctors who will be responsible for performing this type of surgery. Some transgender people have relayed to me that as there is a lack of doctors with experience and qualifications in the relevant diagnoses in public hospitals at present, and such medical services provided by PWH are still at their early stage, they are worried that the waiting time for transgender medical services will be rather long. In this connection, will the Government inform this Council:

(1) whether it knows the number of attendances for transgender medical services in public hospitals as well as the respective numbers of people who underwent partial and full sex reassignment surgeries, in each of the past five years, together with a tabular breakdown of the figures by hospital cluster and type of sex reassignment (i.e. male to female conversion or vice versa);

(2) whether it knows the longest, shortest and average waiting times of new cases for the various transgender medical services provided in public hospitals at present (set out in a table);
(3) whether it knows the estimated number of patients to whom PWH can provide transgender medical services in each of the coming five years; whether PWH will provide medical services to the transgender people referred by public hospitals in clusters other than the New Territories East;

(4) whether it knows the current number of healthcare personnel (with a breakdown by specialty such as plastic surgery, psychiatry, endocrinology and clinical psychology) in public hospitals with experience or qualifications in transgender diagnoses; among such healthcare personnel, the number of doctors working at PWH, and the number of those who will reach retirement age in the coming five years;

(5) whether it knows the current number of healthcare personnel (with a breakdown by specialty such as plastic surgery, psychiatry, endocrinology and clinical psychology) in public hospitals who have received overseas training in transgender medical services, and among them, the number of doctors working at PWH; the number of healthcare personnel whom HA plans to send overseas to receive training in this respect in the coming five years;

(6) given that pre-sex reassignment surgery psychiatric assessment services are separately provided in various hospital clusters at present, whether it knows if HA has any plans to centralize resources by designating PWH as the sole provider of psychiatric assessment services for such type of cases across the territory; if HA does, of the projected implementation time; if not, whether HA will undertake to rationalize the assessment services in the coming year and put forward feasible proposals; and

(7) as some transgender people have relayed to me that since they have given up receiving sex reassignment surgery due to health, family and personal reasons, they are not permitted to change the sex entries on their identity cards, and such situation has caused inconvenience to their lives, of the measures to be formulated to help these people by the Interdepartmental Working Group on Gender Recognition set up by the Government; the work progress of the Working Group so far and its next course of action?
SECRETARY FOR FOOD AND HEALTH (in Chinese): President, at present, the Hospital Authority (HA) provides preliminary assessment and medical services for people with Gender Identity Disorders (GID) through its psychiatric specialist out-patient (SOP) clinics in various clusters. In general, psychological counselling services and drug treatment will be arranged for GID patients according to their individual conditions, and some of these patients may need to receive sex reassignment surgery (SRS) (commonly known as "transsexual operation"). The Prince of Wales Hospital (PWH) started to receive SRS (including male-to-female and female-to-male conversion) cases upon referral in 2015-2016, while the Ruttonjee Hospital (RH) continues to provide male-to-female SRS service. The HA is planning to centralize the provision of GID-related services at the PWH, and expects to commence the services in 2016-2017.

My reply to Mr CHAN Chi-chuen's question is as follows:

(1) The breakdowns of the number of GID patients being followed up by psychiatric specialist services and the respective number of persons who underwent partial or full SRS in each of the past five years are at Annex 1 and Annex 2 respectively.

(2) The HA has put in place an established triage system for new cases at the psychiatric SOP clinics to ensure that patients with urgent healthcare needs are given medical attention within a reasonable time. New cases received at the psychiatric SOP clinics will be triaged into priority 1 (urgent), priority 2 (semi-urgent) and routine (stable) cases according to their severity and urgency to ensure that more urgent and severe cases are followed up promptly.

The HA seeks to keep the median waiting time for first appointment at the psychiatric SOP clinics for priority 1 and priority 2 cases within two and eight weeks respectively. This performance pledge has been fulfilled. The waiting time for new cases in non-urgent and stable condition is relatively longer as more patients are under this category. The psychiatric SOP clinics under the HA do not maintain a breakdown of the average waiting time of new cases of specific diseases. In 2014-2015, the median waiting time for first appointment at the psychiatric SOP clinics for cases in stable condition was 22 weeks. If a patient's mental condition changes before the appointment, he or she may request the psychiatric SOP
clinic concerned for re-assessment to determine whether his/her original appointment should be advanced. Patients whose condition drastically deteriorates or who require urgent medical attention may consider seeking medical treatment from the accident and emergency department, and the HA will provide suitable services for them according to their needs.

(3) As mentioned above, preliminary assessment and medical services are provided for GID patients by the psychiatric SOP clinics in various HA clusters, while SRSs are conducted at the PWH and the RH. The HA is planning to centralize the provision of such services at the PWH, and expects to commence the services in 2016-2017. In line with the service planning, the HA will ensure that sufficient manpower is available at the PWH to cater for the needs of GID patients. Appropriate adjustments will also be considered in the future taking into account the changes in service needs.

(4) The treatment of GID patients requires the involvement of a multi-disciplinary team which comprises professionals including psychiatrists, surgeons, endocrinologists, clinical psychologists and other allied health professionals. Since the healthcare personnel of the multi-disciplinary team provide medical services not only for GID patients, but also for patients suffering from other diseases, the HA does not maintain statistics on the number of healthcare personnel who provide treatment specifically for GID patients.

(5) The HA regularly arranges for the healthcare personnel to receive local and overseas training in respect of the medical services they provide. With commencement of the SRS service at the PWH in 2015-2016, the HA also arranged relevant local and overseas training for the healthcare personnel. For example, arrangement was made for three surgeons of the PWH to receive overseas training in SRS in 2015-2016. The HA will continue to arrange such training in the light of service development.

(6) As mentioned above, the HA is planning to centralize the provision of GID-related services at the PWH, and expects to commence the services in 2016-2017.
The Government set up an Inter-departmental Working Group on Gender Recognition (IWG), chaired by the Secretary for Justice, in mid-January 2014 to consider legislation and incidental administrative measures that may be required to protect the rights of transsexual persons in Hong Kong in all legal contexts, and to make recommendations for reform as appropriate.

The IWG's remit covers a consideration of both recognition and post-recognition issues. As regards recognition issues, the IWG is reviewing issues such as various options for a gender recognition scheme, the qualification criteria and the application procedure. As for post-recognition issues, the IWG is reviewing all the existing legislative provisions and administrative measures in Hong Kong which may be affected by legal gender recognition, so that any required legislative or procedural reform can be followed up by the Government.

The IWG has been meeting on a regular basis and is currently focusing on the completion of a first-stage consultation paper to seek the views of the Hong Kong public on recognition issues. This work includes a comparative study of relevant laws in over 100 jurisdictions.

Annex 1

The Number of Gender Identity Disorder Patients being Followed up by Psychiatric Specialist Services in the Past Five Years

<table>
<thead>
<tr>
<th>Year</th>
<th>The number of Gender Identity Disorder patients</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2011</td>
<td>58</td>
</tr>
<tr>
<td>2011-2012</td>
<td>75</td>
</tr>
<tr>
<td>2012-2013</td>
<td>108</td>
</tr>
<tr>
<td>2013-2014</td>
<td>121</td>
</tr>
<tr>
<td>2014-2015</td>
<td>133</td>
</tr>
</tbody>
</table>
The Number of Persons who Underwent Partial or Full SRS in the Past Five Years

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of patients having received SRS (Male to Female)</th>
<th>Number of patients having received SRS (Female to Male)</th>
<th>Total number of patients having received SRS</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010-2011</td>
<td>1</td>
<td>3</td>
<td>4</td>
</tr>
<tr>
<td>2011-2012</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2012-2013</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>2013-2014</td>
<td>7</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>2014-2015</td>
<td>9</td>
<td>7</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>22</td>
<td>18</td>
<td>40</td>
</tr>
</tbody>
</table>

Promoting Family-friendly Employment Practices

8. MR CHAN KIN-POR (in Chinese): President, it is learnt that the Labour Department (LD) is dedicated to encouraging employers to implement family-friendly employment practices (FFEPs), with a view to helping employees achieve a balance between work and family life. The relevant practices promoted by LD in recent years include flexitime, five-day work week, work from home, providing the alternative of working on a part-time basis, offering employees family leave benefits that are more favourable than the statutory requirements, and furnishing employees with medical protection, child care services, counselling services on stress or emotional management and other living support. In this connection, will the Government inform this Council:

(1) in the past five years, whether the authorities (i) formulated specific indicators to evaluate the implementation of FFEPs in various industries, (ii) conducted a territory-wide study on the effectiveness of the various practices, and (iii) assessed the effectiveness of and deficiencies in the relevant publicity and public education efforts; if they did, of the details; if not, whether the authorities will consider conducting such work;
(2) of the details of the various FFEPs implemented by various policy bureaux/government departments (B/Ds) in the past 10 years, including whether such practices were applicable to all B/Ds and whether they covered non-civil service contract staff; the procedures for government employees to apply for such arrangements as work from home or flexitime; whether it has studied how to enhance the various FFEPs, so as to take the lead in promoting them; if it has, of the details; if not, the reasons for that; and

(3) as it has been reported that the Singaporean government has achieved remarkable results in encouraging private sector employers to implement FFEPs for work-life balance by providing them with financial incentives, whether the authorities will consider setting up a task force to study in details and make reference to the experience of Singapore on the provision of financial incentives for local private sector employers, so as to encourage them to implement FFEPs; if they will, of the details; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the Government has all along been supportive of family-friendly employment practices (FFEPs) and has been encouraging employers to, having regard to the individual circumstances and affordability of their own enterprises as well as the unique business environment and operations of specific industries, adopt measures of FFEPs that best serve the interests of their enterprises and employees. The Government has also been enhancing publicity and public education efforts in promoting FFEPs on different fronts.

My reply to the questions raised by Mr CHAN Kin-por is as follows:

(1) As FFEPs may cover a wide range of possible measures and given the variety of industries and trades in the market and the diversity in scale and modes of operation of different enterprises, it would not be easy to formulate specific indicators for assessing the implementation and effectiveness of FFEPs adopted by the vast variety of industries or enterprises. This notwithstanding, the
Government attaches great importance to the implementation of FFEPs and has been reviewing the existing publicity and public education efforts. To take a few practical examples, the Labour Department (LD) staged in August 2015 a thematic seminar for over 200 human resources managers and corporate executives. Academics and representatives of enterprises that had practised FFEPs were invited to share their experience. The LD published between June and September 2015 a series of news supplements on the successful experience of enterprises in implementing FFEPs. The supplements have been compiled into a casebook for extensive distribution to relevant persons and organizations since November 2015. In collaboration with employers and employees in the catering industry, the LD also introduced in October 2015 a set of "Family-friendly Employment Practices and Good People Management Practical Guidelines for the Catering Industry".

Looking ahead, the LD will continue to pragmatically organize various educational and promotional activities to publicize relevant practices to the community and encourage employers to adopt more FFEPs in the workplace. The LD will also keep up its efforts in sharing effective means in implementing various good people management policies with members of the nine industry-based Tripartite Committees and 18 Human Resources Managers' Clubs with a view to encouraging management executives of various sectors to formulate FFEPs that best suit the needs of their enterprises. The Government will also continue to collect feedback from various stakeholders to help assess the effectiveness of its efforts in promoting and implementing FFEPs, and will fine-tune relevant strategies accordingly. We will also continue to keep track and take account of overseas experience with a view to reviewing and enhancing our strategy in promoting a family-friendly work culture.

(2) The Government strives to provide a family-friendly working environment to enable its employees to cope with both work and family commitments.
The Government has implemented the five-day week initiative since 2006 with the objective of improving the quality of civil servants' family life without affecting the overall level and efficiency of public services or incurring additional costs to the taxpayer. The Civil Service Bureau conducts biennial survey on the implementation of five-day week in departments. As revealed by the results of the last survey, around 112,600\(^{(1)}\) civil servants (around 72.4% of the then prevailing civil service strength) were working on a five-day week work pattern as at 30 September 2014. The Civil Service Bureau has issued guidelines to departments, requiring departments to extend the five-day week initiative to Non-Civil Service Contract (NCSC) staff wherever practicable and appropriate. According to the above-mentioned survey, as at 30 September 2014 about 7,300 full-time NCSC staff (around 67.1% of the total number of full-time NCSC staff at that time) were working on a five-day week work pattern. The Government will continue to actively encourage departments to explore possible ways to migrate more staff to five-day week, subject to the four basic principles (that is, no additional staffing resources; no reduction in the conditioned hours of work of individual staff; no reduction in emergency services; and continued provision of some essential counter services on Saturdays/Sundays) and after staff consultation. The Government will also continue to encourage departments to arrange staff to work in five-day week posts by rotation where practicable and appropriate.

Besides, the provision of five working days of paternity leave to eligible government employees (including civil servants and NCSC staff) has been implemented since 1 April 2012. Since the implementation of the measure up to 30 September 2015, a total of 10,048 paternity leave applications from eligible government employees have been approved. Currently, the above-mentioned paternity leave arrangements are applicable to all eligible government employees.

\(^{(1)}\) The figures did not include civil servants working in government schools, the Judiciary, the Independent Commission Against Corruption, the Hospital Authority, the Vocational Training Council and the Hong Kong Monetary Authority, and so on.
Civil servants work in accordance with the conditioned hours of work of their grades. According to the Civil Service Regulations (CSR), Heads of Department may personally vary the actual hours of attendance of their staff to meet departmental requirements, subject to the conditions stipulated under the CSR being met. Concerning NCSC staff, subject to the relevant terms in the employment contract of the respective staff, the employing department may vary the hours of work of the staff having regard to the operational needs of the department.

The Government will continue to strive to provide a family-friendly working environment to its employees.

(3) Since September 2015, the LD has also extended the Employment Programme for the Middle-aged to cover part-time jobs. By offering employers a training allowance of up to $3,000 per month, we wish to encourage employers to provide more part-time jobs for people aged 40 or above. These measures should help facilitate employees in meeting their family commitments.

Furthermore, since 2011, the Home Affairs Bureau and the Family Council have been organizing the "Family-Friendly Employers Award Scheme" (Award Scheme) on a biennial basis to give recognition to companies and organizations that demonstrate a family-friendly spirit and, at the same time, encourage them to implement FFEPs. FFEPs implemented by the awardees include five-day work week, flexi-working place, flexi-working hours, provision of breastfeeding facilities in the workplace, scholarship as well as special leave arrangements such as "parent days leave" and "filial leave". The 2013-2014 Award Scheme received more than 1,800 applications, which represented an increase of over 60% as compared with the first Award Scheme. Through experience sharing by companies and organizations, the Award Scheme has helped raise the awareness of employers in implementing FFEPs. The Home Affairs Bureau and the Family Council will also launch the third Award Scheme on 15 December 2015 and will continue to promote wider adoption of FFEPs in various trades and industries.
Passenger and Cargo Fuel Surcharges

9. **MR TAM YIU-CHUNG** (in Chinese): President, it has been reported that international crude oil prices have been falling continuously since June last year from about US$110 per barrel to the recent price of below US$50 per barrel. However, some airliners still levy passenger or cargo fuel surcharges at present. In this connection, will the Government inform this Council:

(1) whether it knows the bases and principles adopted by airlines for determining the levels of their fuel surcharges; of the criteria and considerations based on which the Civil Aviation Department (CAD) vets and approves fuel surcharge applications; the annual average rates of fuel surcharge adjustments in the past three years, and how such adjustment rates compared with the rates of fluctuations in international crude oil prices during the same period;

(2) given that international crude oil prices have been falling continuously for the past year or so, of the reasons why CAD has still approved individual airlines to levy fuel surcharges; and

(3) whether it has studied the levels of fuel surcharges currently levied by major airliners overseas; if it has studied, of the details, and whether such levels are roughly the same as those levied in Hong Kong; if they are not roughly the same, of the reasons for that?

**SECRETARY FOR TRANSPORT AND HOUSING** (in Chinese): President, my reply to Mr TAM Yiu-chung's question is as follows:

(1) and (2)

Fuel surcharges are part of aviation tariff which allow airlines to partially recover the increase in operating costs due to fluctuation in fuel prices. In accordance with the existing bilateral air services agreements, airlines shall consider all relevant factors including operating costs and passenger interests in determining their tariffs, and shall only levy the tariffs with the approval of the relevant
aeronautical authorities. When scrutinizing fuel surcharge applications, the Civil Aviation Department (CAD) will take into account the justification provided by the airlines and other relevant factors including the impact on their operating costs due to the changes in aviation fuel price and other market considerations, and so on. At the same time, the CAD would also consider whether the fuel surcharge levels are reasonable, making reference to, *inter alia*, international fuel surcharge levels.

The movement trends of fuel surcharges match that of international fuel price in general. Fuel surcharges have decreased with the price of international fuel prices in the past three years. The changes in passenger and cargo fuel surcharges in the past three years as well as a comparison with the changes in international fuel prices are set out in Table 1.

At present, many airlines are still collecting passenger and cargo fuel surcharges. In December this year, 68 Airlines applied and were approved by the CAD to levy passenger fuel surcharges. Airlines may levy passenger fuel surcharge at or lower than the level approved by the CAD based on their respective commercial considerations.

(3) Currently, the short haul and long haul passenger fuel surcharges levied in Hong Kong are respectively $25 and $112 maximum per passenger; the short haul and long haul cargo fuel surcharges levied are respectively $1.4 and $2.8 per kg. We reviewed the fuel surcharges levied by 28 major overseas airlines in November 2015. The short haul and long haul passenger fuel surcharges levied on average stood at about $230 and $970 per passenger; whereas that for cargo stood at about $6.1 and $6.8 per kg respectively. The passenger and cargo fuel surcharge levels in Hong Kong are on average lower than that levied on major routes in other regions and countries. The CAD will continue to monitor international practices in this regard and review our policy on fuel surcharges.
Table 1

Summary of Passenger and Cargo Fuel Surcharge and New York Crude Oil Futures Price

<table>
<thead>
<tr>
<th></th>
<th>Passenger Fuel Surcharge (per passenger)</th>
<th>Cargo Fuel Surcharge (per kg)</th>
<th>New York Crude Oil Futures Price (per barrel)</th>
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</thead>
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<tr>
<td></td>
<td>Short Haul</td>
<td>Long Haul</td>
<td>Short Haul</td>
</tr>
<tr>
<td>December 2012</td>
<td>243</td>
<td>-1,081</td>
<td>-</td>
</tr>
<tr>
<td>January 2013</td>
<td>230</td>
<td>971</td>
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<tr>
<td>February 2013</td>
<td>227</td>
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<td>May 2013</td>
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<td>911</td>
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### Cargo Fuel Surcharge

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### New York Crude Oil Futures Price

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### Year-on-year changes

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Note:
* Compare with October 2014

### Railway Services and Safety

10. **MR MICHAEL TIEN** (in Chinese): President, on the 2nd of last month, a section of the railway tracks on the viaduct near MTR Lai King Station broke and moved sideways, and trains passing through the said section had to slow down while repair works were being carried out. As a result, the overall travelling time for trains running from Central to Tsuen Wan increased by about 10 to 15 minutes. The incident has aroused public concern about the frequent occurrence of MTR incidents (in particular those involving cracks found in tracks). There are views that increased train frequency generates additional loading for the railway system, thus causing frequent railway incidents. It has also been reported that the MTR Corporation Limited (MTRCL) generally does not take the initiative to disclose incidents concerning cracks found in tracks as long as railway services have not been affected. Even if railway services have...
been affected by such an incident, MTRCL often announces only that railway services have been affected by a signalling failure. As such, the public can hardly grasp the exact number of incidents concerning cracks found in tracks. Regarding railway services and safety, will the Government inform this Council:

(1) whether it knows, in respect of each railway line (except for the Disneyland Resort Line, and the same exception applies below), the average patronage and, calculated on the basis of four persons (standing) per square metre, the loading per hour per direction during morning peak hours for critical links last year (set out in a table);

(2) whether it knows the details and progress of MTRCL's work in relation to increasing train frequency of each railway line this year, and the impact of increased train frequency on the loading of the railway system;

(3) whether it knows the respective numbers of incidents of service disruption in each year since 2011 that lasted for more than eight minutes, 30 minutes and one hour on each railway line, and the respective numbers of passengers affected, and set out a breakdown by cause of the incidents in a table;

(4) whether it knows the following details of the incidents referred to in (3) (set out in a table): (i) the dates of occurrence, (ii) the time of occurrence, (iii) the railway lines involved, (iv) the causes of the incidents/investigation outcome, (v) the follow-up actions taken and (vi) the durations of service disruption (minutes);

(5) whether it knows the following details of the incidents concerning cracks found in tracks in each year since 2012 (set out in a table): (i) the dates of occurrence, (ii) the railway lines involved, (iii) the widths of the cracks, (iv) the causes of the incidents/investigation outcome, (v) the follow-up actions taken, (vi) the names of the rail manufacturers, (vii) the number of years for which the tracks had been in use, and (viii) if the incidents were disclosed to the media (and if they were not disclosed, the reasons for not disclosing); and
(6) of the existing mechanism for monitoring the safety of railway services; in each year since 2010, the number of inspections conducted by the staff members of the Electrical and Mechanical Services Department and other government departments on various parts (including tracks, trains, overhead lines and signalling systems, etc.) of the railway system, the departments responsible for conducting the inspections, the details of the inspections and the standards adopted?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, railways form the backbone of the public transport services of Hong Kong. A safe, reliable and efficient railway operation is therefore of paramount importance. Understanding the very high expectation of the public on MTR service, the Government has been requesting that the MTR Corporation Limited (MTRCL) carry out stringent railway maintenance for the sake of minimizing risks of incidents and maintaining a high standard of service quality. The Government has also put in place a stringent regulatory regime to enhance railway safety.

Railways are normally installed in open space and tunnels. Due to natural corrosion and temperature variation, together with repeated stresses resulting from heavy train traffic, development of cracks may occur on metal tracks. Various kinds of regular inspection can undoubtedly reduce the risk of occurrence of rail cracks, but the risk cannot be totally eliminated. This is a common challenge faced by the railway industry worldwide. In general, cracks are formed over a longer period of time. Through regular inspection and maintenance, irregularities or initial cracks can be detected at an early stage so that preventive maintenance or replacement of tracks can be arranged in a timely manner. According to the MTRCL, most of the cracks can be discovered in their early stages of development during daily inspection. The Corporation has also put in place stringent procedures on inspection and maintenance of tracks. Regular inspections include ultrasonic rail testing, visual inspection and dye penetration testing. Visual inspection will be carried out by the MTRCL staff once every three or four days while checking by ultrasonic rail testing vehicles be conducted at intervals of two to six weeks to raise the accuracy and efficiency of the inspections. Besides, the MTRCL will carry out two to three dye penetration testing and hand-held ultrasonic testing per year on the track components of
different railway lines. These inspections aim to identify irregularities or rail cracks in their early stages of development so that preventive maintenance or replacement of tracks can be arranged in a timely manner.

At present, the MTRCL will carry out maintenance in respect of any irregularities or cracks detected during inspections at the first opportunity. If cracks are detected during service hours, the maintenance personnel will conduct detailed examination and assessment at the scene, and will arrange temporary repair by fixing the defective tracks with steel plates to ensure safe operation of trains. During temporary repair, railway services need not be suspended normally, but train frequency will be reduced so as to enable the maintenance personnel to fix the problem at the scene. Replacement of defective tracks will be carried out during non-traffic hours at night. The MTRCL will launch a thorough investigation afterwards and have the defective rails examined by laboratories. If train service is disrupted by the incident, the MTRCL will proactively inform passengers through different channels, including the media, the public announcement systems at stations and on trains, and mobile phone apps.

The MTRCL has handled the rail crack incident on Tsuen Wan Line on 2 November 2015 in accordance with the procedures mentioned above. The incident did not affect railway safety. The MTRCL is currently investigating into the incident in conjunction with the Electrical and Mechanical Services Department (EMSD). The investigation results will be announced when the investigation is completed.

My reply to the various parts of Mr Michael TIEN's question is as follows:

(1) All train compartments of the existing MTR heavy rail lines are designed based on the industry standard adopted at the time of the construction of railway lines. The maximum carrying capacity of train compartments is calculated based on accommodating up to six persons (standing) per square metre (ppsm) on average. Apart from the train compartment size, the formulation of the standard has also taken into account the underground operation of the railway services. On ensuring the safety of passengers (including evacuation in case of emergency), the design of railway station structures, platform size, passageways, and throughput of escalators and other facilities should also be taken into account at the same time.
According to the observation in recent years, passengers' travelling behaviour and preferences have changed. Despite the fact that trains are designed based on a passenger density of 6 ppsm, trains running during the busiest hours on the busiest corridors can only achieve a passenger density of around 4 ppsm in actual operation. Based on a passenger density of 4 ppsm, the passenger loading during morning peak for critical links of heavy rail lines ranges from 26% to 104%. Please see Annex 1 for details.

Information on Annex 1 shows that the passenger loading of three railway lines (Tseung Kwan O Line, West Rail Line and East Rail Line) has reached 100% or above. For the Tseung Kwan O Line, MTRCL has introduced a new "2+1" train service arrangement for Tseung Kwan O Line during the morning and evening peak periods since 8 December 2014. Under the arrangement, for every group of three trains departing from North Point Station, the first two trains will head to Po Lam Station while the third train will terminate at LOHAS Park Station. After the implementation of this "2+1" train service arrangement, the loading has decreased from 102% to 91%. As regards the West Rail Line, to complement the commissioning of the Shatin-to-Central Link project (SCL), the existing seven-car trains on the West Rail Line will be replaced by eight-car trains in phases starting from January 2016, thereby increasing the carrying capacity gradually. When all the eight-car trains have been put into service in 2018, the overall carrying capacity of the West Rail Line will be enhanced by about 14%. For the East Rail Line, after the commissioning of the "East-West Corridor" of SCL, it is estimated that about 20% of the passengers of the East Rail Line from the section between Tai Wai and Kowloon Tong will switch to the "East-West Corridor" of SCL for onward trips to Kowloon East and Hong Kong Island. This diversion of passengers will help alleviate the loading of the East Rail Line.

The design capacity of a Light Rail Vehicle (LRV) is about 240 passengers per vehicle. As the Light Rail is operating at grade, its infrastructure and station facilities are not as complex as the heavy rail. The carrying capacity of LRVs largely depends on the loading which can be safely carried by the vehicles, instead of being limited by other infrastructure (for example, station concourse and
escalators) like the heavy rail. Therefore, within the same space, LRVs can carry more passengers than heavy rail trains in terms of design capacity, and a passenger density of 8 ppsm can be achieved (higher than the 6 ppsm of heavy rail as a safety design standard). The actual carrying capacity of LRVs is affected by various factors, including passengers' travelling behaviours. Based on on-site observation, a single-set LRV can carry a maximum of about 200 passengers in actual operation.

The MTRCL advised that the Light Rail adopted an open fare collection system and that there may be LRVs of more than one route calling at the same stop. It is therefore difficult for the Corporation to know which route a passenger will take after he/she purchases a ticket or validates his/her Octopus card at a stop. Under the circumstances, the method used by the heavy rail to calculate passenger loading (viz. calculating the actual passenger loading of railway lines for the busiest section of the morning peak hours through gate entry/exit records of passengers) is not applicable in the case of the Light Rail for the accurate calculation of passenger patronage and loading. Currently, the patronage of the Light Rail is obtained through on-site surveys conducted by the MTRCL. Staff of the MTRCL will observe the number of vacant space in a LRV to assess the patronage. According to the on-site observation of the MTRCL, the overall passenger loading during the busiest hour of the morning peak hours for the Light Rail is around 80% in 2014, assuming a carrying capacity of 200 passengers for each LRV.

Since 2012, the MTRCL has added more than 3,300 weekly train trips. As compared with 2014, up to October 2015, 153 and 446 trips per week have been added in the heavy rail and Light Rail network respectively. Details are set out at Annex 2.

If a gap between trains under scheduled train services allows safe running of trains, the MTRCL will try to arrange as far as possible short-haul train trips to run between busy stations to increase the carrying capacity. However, these train trips are not always possible and can only reduce passenger waiting time at some stations.
In the long run, only by upgrading the signalling system can the train trips and carrying capacity be increased substantially, while further enhancing the overall service reliability and efficiency. The MTRCL awarded the contract to replace the signalling systems in March 2015. The new signalling system for six MTR lines (including Tsuen Wan Line, Island Line, Kwun Tong Line, Tseung Kwan O Line, Disneyland Resort Line and Tung Chung Line) and the Airport Express will be commissioned in phases from 2018. Upon the full completion of the upgrading of signalling system in 2026, the overall carrying capacity will be enhanced by about 10%. Among them, the advance works of the upgrading of the Tsuen Wan Line signalling system will commence this month.

Meanwhile, the MTRCL has continuously enhanced repair and maintenance for the railway system. Each year, MTRCL allocates over $6 billion to replace, upgrade and maintain railway assets and infrastructural facilities. Due to proper maintenance, the increase in train frequency has not affected the safety and reliability of train services, as evidenced by the figures on railway service disruptions and incidents in recent years.

(3) and (4)

The safety and reliability of MTR service have been maintained at an internationally recognized high standard, as can be demonstrated by the MTR's excellent rankings in the benchmark comparison of the Community of Metros over the years. Since the rail merger in December 2007, there has been a continuous increase in MTR train frequency from an average daily total of around 7 300 trips in 2008 to an average daily total of over 8 100 trips at present. During the same period, the total route length of the MTR network has also increased from 211 km to 220 km.

Despite the increase in train frequency and the expansion of the railway network, the total number of railway service disruptions has remained stable in the past few years. The figures of service disruption incidents of eight minutes or above caused by equipment failure or human factors from 2011 to October 2015 are at Annex 3. Details on service disruption incidents of 31 minutes or above (including the causes of incident, course of events, duration of
disruption, investigation results and follow-up action taken) are at Annex 4. As regards details on service disruption incidents between eight to 30 minutes, more time is required to collate the information and it will be submitted to the Legislative Council in due course. (Appendix II)

As regards the number of passengers affected by the incidents, the MTRCL advised that they had not kept relevant statistics.

(5) Information on rail cracks identified by the MTRCL between 2012 and November 2015 is detailed at Annex 5.

(6) The EMSD is the statutory regulatory authority on railway safety. Pursuant to the Mass Transit Railway Ordinance (Ordinance) (Cap. 556) and Mass Transit Railway Regulation (Regulation) (Cap. 556A), the EMSD regulates and monitors the safe operation of the MTR system. Major functions of the EMSD include ensuring the adoption of appropriate safety measures by the MTRCL; assessing and vetting new railway projects and major modifications of existing railway facilities; assessing and following up with MTRCL on improvement measures in respect of railway safety; and investigating into railway incidents.

The EMSD adopts a "risk-based approach" in monitoring the safety of the MTR service. The Department will step up inspections on the safety-critical components of the railway system, railway equipment with higher safety risks, or facilities with higher rates of failure. Under the Ordinance and the Regulation, the EMSD may enter the railway premises of the MTRCL to conduct inspection for the sake of ensuring railway safety and investigation of railway incidents; and request the MTRCL to submit information or documents.

To ensure that its maintenance work are in line with international standard, the MTRCL has formulated guidelines in respect of the maintenance of different railway components on the basis of the standards recognized by the international railway industry or recommended by railway component manufacturers. In the course of inspection, the EMSD will examine, in particular, whether the MTRCL has strictly adhered to these established guidelines in
performing the maintenance work, and will look through the work log of maintenance staff of the MTRCL. Besides, the EMSD will conduct functional tests of various components (particularly safety-critical components) to ensure normal operation.

The figures of inspections on various components of railway systems by the EMSD personnel between 2010 and October 2015 are at Annex 6.

Annex 1

Passenger throughput and loading of MTR heavy rail lines per hour per direction during morning peak for critical links in 2014

<table>
<thead>
<tr>
<th>Heavy rail line (critical link)</th>
<th>East Rail Line (Tai Wai to Kowloon Tong)</th>
<th>West Rail Line (Kam Sheung Road to Tuen Wan West)</th>
<th>Ma On Shan Line (Che Kung Temple to Tai Wai)</th>
<th>Tseung Kwan O Line (Yau Tong to Quarry Bay)</th>
<th>Island Line (Tin Hau to Causeway Bay)</th>
<th>Kwun Tong Line (Shek Kip Mei to Prince Edward)</th>
<th>Tuen Wan Line (Tin Sheh Tai to Admiralty)</th>
<th>Disneyland Resort Line (Shatin to Disneyland Resort)</th>
<th>Tong Chung Line (Olympic to Kowloon)</th>
<th>Airport Express (Tung Yi to Airport)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passenger throughput</td>
<td>58 700</td>
<td>36 600</td>
<td>15 200</td>
<td>45 200</td>
<td>53 700</td>
<td>48 100</td>
<td>52 300</td>
<td>1 800</td>
<td>1 800</td>
<td>2 500</td>
</tr>
<tr>
<td>Loading (6 ppsm)</td>
<td>71%</td>
<td>74%</td>
<td>57%</td>
<td>72%</td>
<td>67%</td>
<td>67%</td>
<td>70%</td>
<td>19%</td>
<td>61%</td>
<td>52%</td>
</tr>
<tr>
<td>Loading (4 ppsm)</td>
<td>100%</td>
<td>104%</td>
<td>80%</td>
<td>102%</td>
<td>94%</td>
<td>95%</td>
<td>98%</td>
<td>26%</td>
<td>85%</td>
<td>61%</td>
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Note:

The MTRCL has implemented the "2+1" train service arrangement on Tseung Kwan O Line from 8 December 2014 during the morning and evening peak periods. For every group of three trains departing North Point Station, the first two trains will head to Po Lam Station while the third train will terminate at LOHAS Park Station. Under the "2+1" train service arrangement, the passenger loading with 6 ppsm has been reduced from 72% to 65%, while the passenger loading with 4 ppsm has been reduced from 102% to 91%.
Annex 2

Number of additional train trips per week of MTR lines in 2015
(as of October) (As compared to 2014)

<table>
<thead>
<tr>
<th>MTR Line</th>
<th>East Rail Line</th>
<th>West Rail Line</th>
<th>Ma On Shan Line</th>
<th>Tseung Kwan O Line</th>
<th>Island Line</th>
<th>Kwun Tong Line</th>
<th>Tsuen Wan Line</th>
<th>Disneyland Resort Line</th>
<th>Tung Chung Line</th>
<th>Airport Express</th>
<th>Total additional train trips for heavy rail network</th>
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<tr>
<td>Additional trips in 2015</td>
<td>4</td>
<td>12</td>
<td>10</td>
<td>22</td>
<td>63</td>
<td>42</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
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</tbody>
</table>

Annex 3

Number of incidents of railway service disruption due to equipment failure and human factor from 2011 to October 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Cause</th>
<th>8 to 30 minutes</th>
<th>31 minutes to 1 hour</th>
<th>Over 1 hour</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>Equipment failure</td>
<td>163</td>
<td>5</td>
<td>1</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>Human factor</td>
<td>20</td>
<td>1</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>2012</td>
<td>Equipment failure</td>
<td>122</td>
<td>4</td>
<td>3</td>
<td>146</td>
</tr>
<tr>
<td></td>
<td>Human factor</td>
<td>16</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2013</td>
<td>Equipment failure</td>
<td>119</td>
<td>2</td>
<td>2</td>
<td>143</td>
</tr>
<tr>
<td></td>
<td>Human factor</td>
<td>19</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>2014</td>
<td>Equipment failure</td>
<td>129</td>
<td>7</td>
<td>4</td>
<td>160</td>
</tr>
<tr>
<td></td>
<td>Human factor</td>
<td>19</td>
<td>0</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
Note:

Apart from equipment failure and human factor, other causes of incidents include passengers’ behaviours and other external factors (such as foreign objects damaging the railway components), but these causes fall out of the control of the MTRCL.

Annex 4

Record of train service disruptions of 31 Minutes or above caused by equipment failure or human factor from 2011 to October 2015

<table>
<thead>
<tr>
<th>Date and Time</th>
<th>MTR Line affected</th>
<th>Cause</th>
<th>The course of events, investigation results, and follow-up action taken</th>
<th>Service disruption (minutes)</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 January 7.16 am</td>
<td>East Rail Line</td>
<td>Human Factor</td>
<td>Power supply to a Hung Hom-bound train was disrupted when the train entered Tai Wo Station. Investigation revealed that the train captain failed to follow proper procedures to reset a minor trainborne equipment fault. The MTRCL temporarily suspended the captain from driving duty and strengthened training for staff after the incident.</td>
<td>34</td>
</tr>
<tr>
<td>17 February 8.00 am</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>A Lo Wu-bound train was withdrawn from service at Fo Tan Station because overhead line traction current supplies between Tai Wai Station and University Station were disrupted. Investigation found a faulty component of traction supply equipment and it was replaced immediately.</td>
<td>34</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------</td>
<td>---------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>29 March 6.51 am</td>
<td>Disneyland Resort Line</td>
<td>Equipment failure</td>
<td>Train service of Disneyland Resort Line was suspended because of trainborne signalling computer failure. Investigation found two faulty components of trainborne signalling computer and they were replaced immediately.</td>
<td>116</td>
</tr>
<tr>
<td>1 August 4.26 pm</td>
<td>Light Rail</td>
<td>Equipment failure</td>
<td>A LRV was delayed at the junction between Tin Wing Road and Tin Shing Road and it was subsequently withdrawn from service upon arrival at Tin Yuet Stop because it sustained air leakage. Investigation found that an air hose was detached on the train and it was immediately fixed.</td>
<td>31</td>
</tr>
<tr>
<td>3 August 1.11 am</td>
<td>Tung Chung Line</td>
<td>Equipment failure</td>
<td>The last Tung Chung-bound train was delayed at Tai Ho Wan because of a failed track circuit. Due to the track circuit's remote location and there was no following passenger train available, it took maintenance personnel 28 minutes to reach the site to attend to the fault. Investigation found a faulty electronic card at the track circuit and it was replaced immediately.</td>
<td>36</td>
</tr>
<tr>
<td>11 September 12.26 pm</td>
<td>Light Rail</td>
<td>Equipment failure</td>
<td>Light Rail service between Goodview Stop and Siu Hei Stop was suspended because a jumper cable of the overhead line system was broken and it fouled train pantographs. The cable was immediately removed and service was resumed after maintenance personnel confirmed safety. The cable was reinstated during non-traffic hours.</td>
<td>35</td>
</tr>
<tr>
<td>14 November 9.53 am</td>
<td>Tung Chung Line</td>
<td>Equipment failure</td>
<td>Train service between Hong Kong and Kowloon Stations of Tung Chung Line was suspended because the computer which controlled the line's signalling system failed. The faulty components of the computer were immediately replaced.</td>
<td>39</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
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<tr>
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</tr>
<tr>
<td>19 April 12.42 am</td>
<td>Tsuen Wan Line</td>
<td>Equipment failure</td>
<td>A Central-bound train was blocked and delayed at Lai Chi Kok Station by the preceding maintenance train which sustained a fault on its trainborne traction supply system. Investigation found faulty components at the trainborne traction supply system and they were immediately replaced.</td>
<td>35</td>
</tr>
<tr>
<td>3 May 7.43 am</td>
<td>West Rail Line</td>
<td>Equipment failure</td>
<td>Traction current supply was disrupted due to some materials detached from the tunnel ceiling of West Rail Line and entangled in the overhead line and pantographs of a train passing through the section. Train service between Nam Cheong and Tsuen Wan West Stations of West Rail Line was thus suspended. Normal service resumed after removing most of the materials and confirming safety. All residues were cleared during non-traffic hours.</td>
<td>93</td>
</tr>
<tr>
<td>29 May 11.45 pm</td>
<td>Airport Express</td>
<td>Equipment failure</td>
<td>A Hong Kong Station-bound train on the Airport Express was withdrawn from service upon arrival at Sunny Bay Station because of antenna failure. Investigation confirmed that the antenna was faulty and it was immediately replaced.</td>
<td>35</td>
</tr>
<tr>
<td>14 June 7.20 pm</td>
<td>Light Rail</td>
<td>Human Factor</td>
<td>Light Rail service between Hung Shui Kiu Stop and Siu Hong Stop was suspended because two LRVs collided near Hung Shui Kiu Stop. Service was resumed after the site was cleared. Investigation confirmed driving misbehaviour of one of the captains and the MTRCL handled the train captain according to established internal disciplinary procedures. Training for staff was also strengthened.</td>
<td>71</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------</td>
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<td>---------------------------------------------------------------------</td>
<td>----------------------------</td>
</tr>
<tr>
<td>9 July 10.52 am</td>
<td>Light Rail</td>
<td>Equipment failure</td>
<td>Light Rail service on Route 505 between San Wai Stop and Tuen Mun Stop was suspended because an overhead line insulator was broken and power supply was disrupted. Service was resumed after emergency maintenance work was conducted to replace the broken insulator.</td>
<td>98</td>
</tr>
<tr>
<td>25 July 3.12 PM</td>
<td>Tseung Kwan O Line</td>
<td>Equipment failure</td>
<td>Trains between Tseung Kwan O Station and Po Lam/LOHAS Park Station were disrupted due to signalling fault. The faulty crossover (a track component which allows switching of direction by trains) resumed normal after it was reset and faulty components were replaced during non-traffic hours.</td>
<td>39</td>
</tr>
<tr>
<td>14 September 6.53 pm</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>A Hung Hom-bound train failed to move after entering Tai Wai Station. Investigation found a faulty component of the brake equipment and it was immediately replaced.</td>
<td>40</td>
</tr>
<tr>
<td>3 October 8.15 am</td>
<td>Island Line</td>
<td>Equipment failure</td>
<td>Train service between Sheung Wan Station and Admiralty Stations was suspended because the metal cover of a temporary emergency ventilation duct protruded from the tunnel wall along a section of track where trains turn around at Sheung Wan Station terminus on the Island Line. The metal cover was removed and the structure frame was secured by maintenance personnel.</td>
<td>127</td>
</tr>
<tr>
<td>2013</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24 January 10.23 am</td>
<td>Tseung Kwan O Line</td>
<td>Equipment failure</td>
<td>Train service of Tseung Kwan O Line between North Point Station and Yau Tong Station was suspended because smoke emitted from a platform screen door at North Point Station which was caused by a fault on the platform screen door electrical insulation. The insulation problem was immediately fixed.</td>
<td>162</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>--------------</td>
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<td>---------------------------------------------------------------------</td>
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</tr>
<tr>
<td>17 May 4.15 pm</td>
<td>Light Rail</td>
<td>Human Factor</td>
<td>A LRV on Route 761P derailed between Hang Mei Tsuen Stop and Tong Fong Tsuen Stop and affected the power supply among Hang Mei Tsuen Stop, Tong Fong Tsuen Stop and Hung Shui Kiu Stop. Light Rail services between Hang Mei Tsuen Stop and Yuen Long Terminus Stop as well as between Tin Shui Wai Stop and Hung Shui Kiu Stop were suspended as a result. Investigation revealed that the captain was driving at a speed of 40.9 km per hour, exceeding the speed limit of 15 km per hour when turning the bend, while the LRV was confirmed to be functioning normally. The train captain was subsequently convicted of violating the offence of negligent act by employee under the &quot;Mass Transit Railway Ordinance&quot;. The MTRCL has also strengthened training for staff.</td>
<td>727</td>
</tr>
<tr>
<td>27 June 6.52 pm</td>
<td>Tsuen Wan Line</td>
<td>Equipment failure</td>
<td>A Tsuen Wan-bound train was withdrawn from service at Tai Wo Hau Station because it sustained a fault on trainborne traction supply. Service between Lai King Station and Tsuen Wan Station was suspended as a result. Investigation found a faulty component of trainborne traction equipment and it was replaced.</td>
<td>38</td>
</tr>
<tr>
<td>4 October 8.50 pm</td>
<td>Tsuen Wan Line</td>
<td>Equipment failure</td>
<td>A Central-bound train was blocked and delayed between Tai Wo Hau Station and Kwai Hing Station by the preceding engineering train. Investigation found a faulty component of the locomotive and it was replaced.</td>
<td>33</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
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</tr>
<tr>
<td>16 December 12.42 pm</td>
<td>Tseung Kwan O Line</td>
<td>Equipment failure</td>
<td>The fastening wire of an overhead line support bracket near Tiu Keng Leng Station was broken which resulted in the suspension of train services on Tseung Kwan O Line and part of Kwun Tong Line. The broken equipment was replaced. The broken fastening wire was subsequently sent to an independent laboratory for tests and analyses. Test results indicated that the overhead line support bracket was installed improperly during construction which caused the breakage of the fastening wire. The MTRCL has taken improvement measures including installing two support brackets in the location of the accident. There were only seven such brackets in the railway system and the MTRCL has checked the other six on the night of the accident and confirmed they were functioning normally.</td>
<td>293</td>
</tr>
<tr>
<td>22 January 5.55 am</td>
<td>Light Rail</td>
<td>Equipment failure</td>
<td>Light Rail service of eight stops between Hang Mei Tsuen Stop and Yuen Long Stop was suspended because a faulty overhead line insulator affected traction current supplies. Investigation revealed the incident was caused by the mechanical failure of an insulator. The MTRCL has replaced the faulty insulator and commissioned an independent expert to conduct a detailed review of overhead line insulators. The review covered different aspects of insulators including its design specifics, procurement, quality control and installation. Based on the advice from the expert, the MTRCL has strengthened quality guarantee and control procedures for the procurement of insulators.</td>
<td>157</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------------</td>
<td>------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>9 February 11.21 am</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>The overhead line insulator near University Station was damaged which interrupted the traction current supplies of Down Line between University Station and Tai Wai Station. Train service on the Down Line from Tai Po Market Station to Fo Tan Station was suspended for maintenance works. Train service of East Rail Line was maintained along the Up Line on a single-track dual-direction basis, but service was less frequent. Investigation revealed that the damaged insulator was defective which decreased its insulation function while increased the possibility of short circuit. The MTRCL replaced the faulty insulator and subsequently commissioned an independent expert to conduct a detailed review of overhead line insulators. The review covered different aspects of insulators including its design specifics, procurement, quality control and installation. Based on the advice from the expert, the MTRCL has strengthened quality guarantee and control procedures for the procurement of insulators.</td>
<td>50</td>
</tr>
<tr>
<td>18 February 4.18 pm</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>The fault of an overhead line insulator of the Up Line near Fanling Station affected traction current supplies in that section of East Rail Line. Train service on the Up Line between Tai Po Market Station and Lo Wu/Lok Ma Chau Station was suspended to facilitate maintenance works. Train service of East Rail Line was maintained along the Down Line on a single-track dual-direction basis, but service was less frequent. The MTRCL replaced the faulty insulator and subsequently commissioned an independent expert to conduct a detailed review of overhead line insulators.</td>
<td>80</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------</td>
<td>-------</td>
<td>----------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>14 March 9.13 pm</td>
<td>Light Rail</td>
<td>Equipment failure</td>
<td>Light Rail service between Tuen Mun Stop and Kin On Stop/Choy Yee Bridge Stop was suspended because of a damaged overhead line insulator near Ho Tin Stop affecting power supply. The MTRCL replaced the faulty insulator and subsequently commissioned an independent expert to conduct a detailed review of overhead line insulators. The review covered different aspects of insulators including its design specifics, procurement, quality control and installation. Based on the advice from the expert, the MTRCL has strengthened quality guarantee and control procedures for the procurement of insulators.</td>
<td>83</td>
</tr>
<tr>
<td>23 April 5.55 pm</td>
<td>Kwun Tong Line</td>
<td>Equipment failure</td>
<td>Train service between Kwun Tong Station and Tiu Keng Leng Station was suspended because the computer controlling the signalling system of Kwun Tong Line failed. Normal train service was resumed after the computer was rebooted.</td>
<td>33</td>
</tr>
<tr>
<td>27 April 8.09 am</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>Due to a data transmission fault on the control system of East Rail Line which prevented the Operations Control Centre from performing the central control function, train service between Hung Hom Station and Lo Wu/Lok Ma Chau Stations was suspended as a prudent measure. Investigation found the router of the Integrated Control and Communication System faulty and it was replaced.</td>
<td>36</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------------------</td>
<td>----------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>2 May 8.47 pm</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>The signalling system of East Rail Line failed to function properly. Investigation found faulty components of the signalling system and they were replaced.</td>
<td>33</td>
</tr>
<tr>
<td>11 September 7.47 pm</td>
<td>Kwun Tong Line</td>
<td>Equipment failure</td>
<td>A Tiu Keng Leng-bound train was withdrawn from service at Prince Edward Station because it lost power. Normal train service was resumed after the defective train was moved to the siding of Yau Ma Tei Station. Investigation found a damaged component of the train control equipment at the underframe and it was replaced.</td>
<td>53</td>
</tr>
<tr>
<td>17 October 8.16 am</td>
<td>Tung Chung Line</td>
<td>Equipment failure</td>
<td>Tung Chung Line and Airport Express trains were delayed near Hong Kong Station because of a signalling fault near the station. Investigation found a faulty component of trackside signalling equipment and it was replaced.</td>
<td>37</td>
</tr>
<tr>
<td>21 November 2.05 PM</td>
<td>Light Rail</td>
<td>Human Factor</td>
<td>Light Rail services of Routes 507, 614 and 614P between Goodview Garden Stop and Tuen Mun Ferry Pier Stop were suspended because a Tin King-bound Route 507 LRV collided with a K52 bus at the junction of Wu Chui Road near Tuen Mun Ferry Pier Bus Terminus. Normal Light Rail service was resumed after the site was cleared.</td>
<td>168</td>
</tr>
<tr>
<td>29 November 7.56 am</td>
<td>Tsuen Wan Line</td>
<td>Equipment failure</td>
<td>Trains were delayed when approaching Mei Foo Station from Lai King Station because of a signalling fault near Lai King Station. Investigation found a faulty component of trackside signalling equipment and it was replaced.</td>
<td>31</td>
</tr>
<tr>
<td>9 December 10.58 pm</td>
<td>Island Line</td>
<td>Equipment failure</td>
<td>Train service between Tai Koo Station and Chai Wan Station was suspended because of a fault at the overhead line system near Heng Fa Chuen Station. Investigation found a damaged component of the overhead line equipment and it was replaced.</td>
<td>144</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------</td>
<td>-------</td>
<td>-----------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>2015 (as of October)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 February 1.40 pm</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>Train service on East Rail Line was delayed because the brake of a Lo Wu-bound through train failed to function properly near Tai Po Market Station. East Rail Line service was resumed normal after a locomotive was arranged to push the through train to another platform at Tai Po Market Station. The through train proceeded to Guangzhou East Station after it was fixed.</td>
<td>83</td>
</tr>
<tr>
<td>4 March 8.30 pm</td>
<td>Tseung Kwan O Line</td>
<td>Equipment failure</td>
<td>Train service was delayed because the signalling system between Po Lam Station and Hang Hau Station was not running smoothly. Investigation found a faulty component of signalling equipment and it was immediately replaced.</td>
<td>31</td>
</tr>
<tr>
<td>21 March 3.30 pm</td>
<td>East Rail Line</td>
<td>Equipment failure</td>
<td>Concrete spilled from a work site on Oi Sen Path along the East Rail Line tunnel at Hung Hom Station when contractors were building noise enclosures for the Shatin-to-Central Link. The concrete was spilled to the East Rail Line track area and affected train service. Normal train service was resumed after maintenance personnel cleared the track area. Contractors also secured the noise enclosure panels to prevent concrete from spilling again.</td>
<td>40</td>
</tr>
<tr>
<td>26 June 12.45 pm</td>
<td>Airport Express</td>
<td>Equipment failure</td>
<td>An Asia World-Expo-bound train was withdrawn from service at Airport Station because of equipment failure. Passengers on board needed to alight and took the next train to Asia World-Expo Station to continue their journey. The Operations</td>
<td>35</td>
</tr>
<tr>
<td>Date and Time</td>
<td>MTR Line affected</td>
<td>Cause</td>
<td>The course of events, investigation results, and follow-up action taken</td>
<td>Service disruption (minutes)</td>
</tr>
<tr>
<td>---------------</td>
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<td>---------------------------------------------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>30 June 8.30 pm</td>
<td>Tseung Kwan O Line</td>
<td>Equipment failure</td>
<td>Control Centre arranged the defective train to proceed to Asia World-Expo Station for inspection at depot later. The train stopped moving when approaching Asia World-Expo Station and it took time for the MTRCL to move the train away. Investigation found a faulty component of the train's brake equipment and it was replaced.</td>
<td>38</td>
</tr>
<tr>
<td>30 September 7.50 am</td>
<td>West Rail Line</td>
<td>Equipment failure</td>
<td>Train service on Tseung Kwan O Line was delayed because the signalling system between Yau Tong Station and Tiu Keng Leng Station was not running smoothly. Investigation found a faulty component of the trackside signalling equipment and it was replaced.</td>
<td>38</td>
</tr>
<tr>
<td>15 October 7.05 pm</td>
<td>Tung Chung Line</td>
<td>Equipment failure</td>
<td>Trains on West Rail Line were delayed when approaching East Tsim Sha Tsui Station from Hung Hom Station because of a signalling fault at East Tsim Sha Tsui Station. Investigation found a faulty component of signalling equipment and it was replaced.</td>
<td>69</td>
</tr>
</tbody>
</table>
Annex 5

Rail cracks found in MTR Network from 2012 to November 2015

<table>
<thead>
<tr>
<th>Incident Date</th>
<th>MTR line affected</th>
<th>Width of crack</th>
<th>Causes/ investigation results</th>
<th>Follow-up action taken</th>
<th>Manufacture of the track</th>
<th>Years of service when the incident occurred</th>
<th>Informed media or not</th>
</tr>
</thead>
<tbody>
<tr>
<td>25 January 2012</td>
<td>East Rail Line</td>
<td>5 mm</td>
<td>Imperfection at right hand wing rail</td>
<td>Installed temporary support and replaced the track during non-traffic hours</td>
<td>Tekway</td>
<td>2.5 years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>17 April 2012</td>
<td>Kwun Tong Line</td>
<td>1 mm</td>
<td>Imperfection in plain rail during manufacturing</td>
<td>Track replaced before traffic hours of the following day</td>
<td>Tata Group</td>
<td>9.5 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>8 October 2012</td>
<td>East Rail Line</td>
<td>5 mm</td>
<td>Pitting corrosion occurs at the bottom of plain rail</td>
<td>Installed temporary support and replaced the tracks during non-traffic hours</td>
<td>BaoGang</td>
<td>8 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>21 December 2012</td>
<td>Tsuen Wan Line</td>
<td>1 mm</td>
<td>Inclusion in plain rail prior to welding</td>
<td>Track replaced before traffic hours of the following day</td>
<td>Tata Group</td>
<td>12 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>Incident Date</td>
<td>MTR line affected</td>
<td>Width of crack</td>
<td>Causes/ investigation results</td>
<td>Follow-up action taken</td>
<td>Manufacture of the track</td>
<td>Years of service when the incident occurred</td>
<td>Informed media or not</td>
</tr>
<tr>
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</tr>
<tr>
<td>30 December 2012</td>
<td>Kwun Tong Line</td>
<td>1 mm</td>
<td>Inclusion in plain rail prior to welding</td>
<td>Reduced train speed, installed temporary support and replaced the track during non-traffic hours</td>
<td>Tata Group</td>
<td>5.5 Years</td>
<td>The breakage was discovered towards the end of traffic hours at night. After ensuring safety of train operation, the MTRCL arranged the trains to reduce speed when passing through the concerned track section and inform passengers of the train service disruption via public announcements at stations and on trains. The track was immediately replaced after service hours ended. As the incident occurred near the end of traffic hours and was rectified, it did not affect operational safety and train services on the following day, hence no proactive announcement was made.</td>
</tr>
<tr>
<td>12 February 2013</td>
<td>East Rail Line</td>
<td>1 mm</td>
<td>Imperfection at weld of right hand wing rail during manufacturing</td>
<td>Installed temporary support and replaced the track during non-traffic hours</td>
<td>Tekway</td>
<td>5 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>19 February 2013</td>
<td>Kwun Tong Line</td>
<td>1 mm</td>
<td>Inclusion in plain rail prior to welding</td>
<td>Reduced train speed, installed temporary support and replaced the tracks during non-traffic hours</td>
<td>Tata Group</td>
<td>2.5 Years</td>
<td>Crack was discovered during traffic hours and train services were affected. The MTRCL therefore proactively informed passengers through various channels (including the media).</td>
</tr>
<tr>
<td>Incident Date</td>
<td>MTR line affected</td>
<td>Width of crack</td>
<td>Causes/investigation results</td>
<td>Follow-up action taken</td>
<td>Manufacture of the track</td>
<td>Years of service when the incident occurred</td>
<td>Informed media or not</td>
</tr>
<tr>
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</tr>
<tr>
<td>6 March 2013</td>
<td>East Rail Line</td>
<td>5 mm</td>
<td>Inclusion in plain rail</td>
<td>Replaced the track before traffic hours of the following day</td>
<td>BaoGong</td>
<td>10.5 Years</td>
<td>Yes</td>
</tr>
<tr>
<td>8 March 2014</td>
<td>Kwun Tong Line</td>
<td>4 mm</td>
<td>Inclusion in weld of plain rail</td>
<td>Reduced train speed, installed temporary support and replaced the tracks during non-traffic hours</td>
<td>Tata Group</td>
<td>11.5 Years</td>
<td>Yes</td>
</tr>
<tr>
<td>3 September 2014</td>
<td>Kwun Tong Line</td>
<td>1 mm</td>
<td>Imperfection at weld of plain rail</td>
<td>Reduced train speed, installed temporary support and replaced the track during non-traffic hours</td>
<td>Tata Group</td>
<td>3.5 Months</td>
<td>Yes</td>
</tr>
<tr>
<td>8 October 2014</td>
<td>East Rail Line</td>
<td>7 mm</td>
<td>Imperfection at weld of plain rail</td>
<td>Reduced train speed, installed temporary support and replaced the track during non-traffic hours</td>
<td>BaoGong</td>
<td>5 Years</td>
<td>Yes</td>
</tr>
<tr>
<td>Incident Date</td>
<td>MTR line affected</td>
<td>Width of crack</td>
<td>Causes/investigation results</td>
<td>Follow-up action taken</td>
<td>Manufacture of the track</td>
<td>Years of service when the incident occurred</td>
<td>Informed media or not</td>
</tr>
<tr>
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</tr>
<tr>
<td>28 February 2015</td>
<td>Kwun Tong Line</td>
<td>1 to 2 mm</td>
<td>Imperfection at weld of plain rail</td>
<td>Reduced train speed, installed temporary support and replaced the track during non-traffic hours</td>
<td>Tata Group</td>
<td>4 Months</td>
<td>Crack was discovered during traffic hours and train services were affected. The MTRCL therefore proactively informed passengers through various channels (including the media).</td>
</tr>
<tr>
<td>30 May 2015</td>
<td>Tsuen Wan Line</td>
<td>6 mm</td>
<td>Imperfection at weld of plain rail</td>
<td>Reduced train speed, installed temporary support and replaced the track during non-traffic hours</td>
<td>Tata Group</td>
<td>1.5 Years</td>
<td>Crack was discovered during traffic hours and train services were affected. The MTRCL therefore proactively informed passengers through various channels (including the media).</td>
</tr>
<tr>
<td>12 July 2015</td>
<td>West Rail Line</td>
<td>1 mm</td>
<td>Imperfection at weld of plain rail</td>
<td>Installed temporary support and replaced the tracks during non-traffic hours</td>
<td>Nippon</td>
<td>5.5 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
<tr>
<td>3 October 2015</td>
<td>East Rail Line</td>
<td>Less than 1 mm</td>
<td>Pitting corrosion occurs at the bottom of plain rail</td>
<td>Track replaced before traffic hours of the following day</td>
<td>BaoGong</td>
<td>10.5 Years</td>
<td>Crack was discovered during inspection in non-traffic hours. Maintenance work was conducted and the crack did not affect operational safety and train services on the following day, hence there was no proactive announcement.</td>
</tr>
</tbody>
</table>
Incident | MTR line affected | Width of crack | Causes/ investigation results | Follow-up action taken | Manufacture of the track | Years of service when the incident occurred | Informed media or not |
--- | --- | --- | --- | --- | --- | --- | --- |
2 November 2015 | Tsuen Wan Line | Less than 1 mm | Preliminary investigation: imperfection at weld in Rail Expansion Joint during manufacturing | Reduced train speed, installed temporary support and replaced the track during non-traffic hours | VAE | 2 Years | Crack was discovered during traffic hours and train services were affected. The MTRCL therefore proactively informed passengers through various channels (including the media). |

Annex 6

Number of inspections conducted by the EMSD personnel on different components of the railway system from 2010 to 2015 (as of October)\(^{(1)}\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Tracks</th>
<th>Trains</th>
<th>Power Supply (including overhead lines)</th>
<th>Signalling system</th>
<th>Others (including platform screen doors, electrical and mechanical equipment)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>9</td>
<td>45</td>
<td>13</td>
<td>17</td>
<td>61</td>
</tr>
<tr>
<td>2011</td>
<td>21</td>
<td>88</td>
<td>7</td>
<td>10</td>
<td>55</td>
</tr>
<tr>
<td>2012</td>
<td>6</td>
<td>60</td>
<td>12</td>
<td>9</td>
<td>49</td>
</tr>
<tr>
<td>2013</td>
<td>13</td>
<td>68</td>
<td>8</td>
<td>10</td>
<td>49</td>
</tr>
<tr>
<td>2014</td>
<td>30</td>
<td>69</td>
<td>35</td>
<td>38</td>
<td>44</td>
</tr>
<tr>
<td>2015 (as of October)</td>
<td>49</td>
<td>52</td>
<td>42</td>
<td>41</td>
<td>72</td>
</tr>
</tbody>
</table>

Note:

(1) Different components of the railway system can be examined during each inspection.
Training Provided for Prospective Teachers on Teaching Non-Chinese Speaking Students

11. **MR ABRAHAM SHEK**: President, some people of the ethnic minorities have relayed to me that the difficulties encountered by non-Chinese speaking (NCS) students in learning Chinese as a second language are vastly different from those encountered by Chinese speaking students in learning Chinese as their native language. Also, the cultural backgrounds of NCS students may pose additional hurdles to their learning in local schools. These people therefore consider that teachers of NCS students have to understand NCS students’ specific needs in order to help them build up their learning capacity. However, currently many teachers have not received the relevant training. Regarding the training provided by the Hong Kong Institute of Education (HKIEd) for prospective teachers on teaching NCS students, will the Government inform this Council if it knows:

(1) whether HKIEd currently offers any course on teaching Chinese as a second language for prospective Chinese language teachers; if HKIEd does, of the details of such courses (including titles of courses, and whether they are compulsory); if not, the reasons for that; and

(2) given that prospective teachers may in future teach NCS students coming from diverse cultural backgrounds, whether HKIEd currently provides any course on cultural sensitivity for prospective teachers; if HKIEd does, whether such courses are compulsory and whether HKIEd has reviewed the effectiveness of the courses; if HKIEd does not, the reasons for that?

**SECRETARY FOR EDUCATION**: President,

(1) Generally speaking, teacher education institutions make reference to relevant policies and documents, such as the Curriculum Guides prepared by the Curriculum Development Council, when designing and developing the initial teacher education (ITE) programmes. The ITE programmes shall meet the needs of the prospective
teachers in their future career in schools. Prospective teachers are equipped with professional knowledge, pedagogy and attributes in teaching students of different backgrounds and needs. On the training provided for prospective teachers on teaching non-Chinese speaking (NCS) students, The Hong Kong Institute of Education (HKIEd) has been offering elective courses on Teaching Chinese as a Second Language in its Bachelor of Education (Honours) (Chinese Language) Programme. For instance, in the 2015-2016 school year, the elective courses offered include Curriculum and Teaching Material Design for International Chinese, Acquisition and Learning of Chinese as an International Language and Instructional Design and Development of Chinese Language for NCS.

(2) In addition to the relevant courses, to raise prospective teachers' awareness on cultural diversity, the HKIEd has been organizing a variety of activities in this aspect such as Cultural Week to celebrate diversity of nationalities, Day Camp for NCS students with prospective teachers serving as tutors, Exhibition on "Hong Kong — the Multiethnic Melting Pot", and festival gatherings on Cultural Integration in student halls. Besides, elective courses such as Intercultural Communication and Story Reading in Chinese to NCS Children are also offered to prospective teachers. Evaluation by different means such as surveys and evaluation forms are available to provide relevant data and information for reviewing the effectiveness of the courses/activities.

Family Impact Assessments of Government Policies

12. **MR CHEUNG KWOK-CHE** (in Chinese): President, with effect from 1 April 2013, various policy bureaux and government departments (B/Ds) are required to assess the policy impacts on families when formulating all their policies, and to set out the assessment results in the policy papers and Legislative Council (LegCo) briefs concerned. The Government also encourages various B/Ds to consult the Family Council in the public consultation process on new policies which may impact on families. Furthermore, the authorities indicated at the end of March this year that they would conduct a study on the family
impact assessment framework (the assessment framework study) within this year to review the effectiveness of the assessment framework and develop a more elaborated assessment checklist. In this connection, will the Government inform this Council:

(1) of the details (including the titles of the papers, the B/Ds that drafted the papers, and the dates on which the papers were submitted to this Council) of all policy papers and LegCo briefs concerning policies in respect of which family impact assessments were conducted by the authorities in the past three years;

(2) of the details (including the titles of the papers, the B/Ds responsible for implementing the polices, and the dates on which the papers were submitted to the Family Council) of all policy papers concerning policies in respect of which the Family Council was consulted by the authorities in the past three years;

(3) of the progress of the assessment framework study and the specific details of the new assessment checklist; and

(4) whether it has any specific plans to further improve the existing family impact assessment mechanism; if it does, of the details and progress?

SECRETARY FOR HOME AFFAIRS (in Chinese): President, with effect from 1 April 2013, a mandatory assessment of family implications has been introduced for all policies. Bureaux and departments (B/Ds) are required to use the three sets of family core values (that is, "Love and Care", "Respect and Responsibility" as well as "Communication and Harmony") as identified by the Family Council, as well as the impact on family's structure and functions, as the basis for assessing the impact of all policies on families. B/Ds are also encouraged to consult the Family Council on new policies which may affect families. My reply to various parts of the question raised by Mr CHEUNG Kwok-che is as follows:
(1) The list of Legislative Council briefs from 1 April 2013 to 30 November 2015 of which family impact assessment was conducted is at Annex A.

(2) The list of subjects from 1 April 2013 to 30 November 2015 in respect of which the Family Council and its sub-committee were consulted is at Annex B.

(3) and (4)

The Family Council will commission a study through the Central Policy Unit to review the effectiveness of the assessment framework and develop a more elaborated checklist as the basis for assessing the impact of various policies on families. The Family Council has endorsed the study scope and recommended that the checklist should be able to:

(i) assist B/Ds in examining the impact of their policies on families and families' functions. Their impact on different forms of families should also be taken into consideration;

(ii) reflect different policy objectives and take into account the social and economic situations of Hong Kong;

(iii) make flexible adaptations for different policy areas; and

(iv) provide evidence-based information.

The Central Policy Unit will invite relevant organizations to submit proposals in end 2015, and the study is expected to be completed in the third quarter of 2017. In reviewing the assessment framework, the research organization will organize focus groups and related activities on training and experience sharing with relevant stakeholders including civil servants. We will conclude the way forward upon completion of the study.
Annex A

List of Legislative Council briefs from 1 April 2013 to 30 November 2015 of which family impact assessment was conducted

<table>
<thead>
<tr>
<th>Bureaux/departments</th>
<th>Date of Submission to Legislative Council</th>
<th>Legislative Council Brief</th>
</tr>
</thead>
</table>
| 1 Financial Services and the Treasury Bureau | April 2013                                 | Inland Revenue Ordinance (Chapter 112)  
Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Canada) Order |
| 2 Home Affairs Bureau                         | April 2013                                 | Betting Duty Ordinance (Chapter 108)  
Betting Duty (Amendment) Bill 2013 |
| 3 Commerce and Economic Development Bureau    | April 2013                                 | United Nations Sanctions Ordinance (Chapter 537)  
United Nations Sanctions (Democratic People's Republic of Korea) (Amendment) Regulation 2013 |
| 4 Financial Services and the Treasury Bureau  | April 2013                                 | Stamp Duty Ordinance (Chapter 117)  
Stamp Duty (Amendment) Bill 2013 |
| 5 Financial Services and the Treasury Bureau  | April 2013                                 | Inland Revenue Ordinance (Chapter 112)  
Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital) (Republic of Austria) (Second Protocol) Order |
| 6 Financial Services and the Treasury Bureau  | April 2013                                 | Inland Revenue Ordinance (Chapter 112)  
Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income and Capital) (Republic of Austria) (Second Protocol) Order |
| 7 Financial Services and the Treasury Bureau  | April 2013                                 | Inland Revenue Ordinance (Chapter 112)  
Inland Revenue (Amendment) (No. 2) Bill 2013 |
| 8 Home Affairs Bureau                         | April 2013                                 | Hong Kong Arts Development Council (Amendment) Bill 2013 |
| 9 Environment Bureau Environmental Protection Department | April 2013                                 | Product Eco-responsibility Ordinance (Chapter 603)  
Product Eco-responsibility (Amendment) Bill 2013 |
| 10 Transport and Housing Bureau               | April 2013                                 | Road Traffic Ordinance (Chapter 374)  
Road Traffic (Driving-offence Points) Ordinance (Chapter 375)  
Resolution of The Legislative Council |
<table>
<thead>
<tr>
<th>Bureaux/departments</th>
<th>Date of Submission to Legislative Council</th>
<th>Legislative Council Brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Financial Services and the Treasury Bureau</td>
<td>April 2013</td>
<td>Loans Ordinance (Chapter 61) Resolution to Raise the Maximum Amount of Borrowings under the Government Bond Programme</td>
</tr>
<tr>
<td>12 Transport and Housing Bureau</td>
<td>May 2013</td>
<td>Tate's Cairn Tunnel Ordinance (Chapter 393) Application for Toll Increases by Tate's Cairn Tunnel Company Limited</td>
</tr>
<tr>
<td>13 Labour and Welfare Bureau</td>
<td>May 2013</td>
<td>De-designation of The Importation of Foreign Domestic Helpers as Labour Importation Scheme under the Employees Retraining Ordinance (Cap. 423)</td>
</tr>
<tr>
<td>14 Home Affairs Bureau</td>
<td>May 2013</td>
<td>Legal Aid Ordinance (Chapter 91) Annual Review of Financial Eligibility Limits of Legal Aid Applicants</td>
</tr>
<tr>
<td>17 Financial Services and the Treasury Bureau</td>
<td>May 2013</td>
<td>Companies Ordinance (Ord. No. 28 of 2012) Companies (Model Articles) Notice Company Records (Inspection and Provision of Copies) Regulation Companies (Non-Hong Kong Companies) Regulation Companies (Fees) Regulation</td>
</tr>
<tr>
<td>18 Food and Health Bureau</td>
<td>June 2013</td>
<td>Hospital Authority Ordinance (Chapter 113) Hospital Authority Ordinance (Amendment of Schedule 1) Order 2013</td>
</tr>
<tr>
<td>19 Financial Services and the Treasury Bureau</td>
<td>June 2013</td>
<td>Securities and Futures Ordinance (Chapter 571) Securities and Futures (Amendment) Bill 2013</td>
</tr>
<tr>
<td>Bureaux/departments</td>
<td>Date of Submission to Legislative Council</td>
<td>Legislative Council Brief</td>
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<tr>
<td>21 Environment Bureau, Environmental Protection Department</td>
<td>June 2013</td>
<td>Waste Disposal Ordinance (Chapter 354) Waste Disposal (Amendment) Bill 2013</td>
</tr>
<tr>
<td>22 Financial Services and the Treasury Bureau</td>
<td>June 2013</td>
<td>Supplementary Appropriation (2012-2013) Bill</td>
</tr>
<tr>
<td>23 Civil Service Bureau</td>
<td>June 2013</td>
<td>2013-14 Civil Service Pay Adjustment</td>
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<tr>
<td>24 Civil Service Bureau</td>
<td>June 2013</td>
<td>2013-14 Civil Service Pay Adjustment</td>
</tr>
<tr>
<td>26 Constitutional and Mainland Affairs Bureau</td>
<td>June 2013</td>
<td>District Councils Ordinance (Amendment of Schedule 3) Order 2013</td>
</tr>
<tr>
<td>27 Financial Services and the Treasury Bureau</td>
<td>June 2013</td>
<td>Bankruptcy Ordinance (Cap. 6) Companies Ordinance (Cap. 32) Bankruptcy (Amendment) Rules 2013 Bankruptcy (Fee and Percentages) (Amendment) Order 2013 Companies (Fees and Percentages) (Amendment) Order 2013 Companies (Winding-Up) (Amendment) Rules 2013</td>
</tr>
<tr>
<td>28 Environmental Protection Department, Agriculture, Fisheries and Conservation Department</td>
<td>July 2013</td>
<td>Country Parks Ordinance (Chapter 208) Country Parks (Designation) (Consolidation) (Amendment) Order 2013</td>
</tr>
<tr>
<td>29 Commerce and Economic Development Bureau</td>
<td>July 2013</td>
<td>Toys and Children's Products Safety Ordinance (Chapter 424) Toys and Children's Products Safety (Amendment) Bill 2013</td>
</tr>
<tr>
<td>Bureaux/departments</td>
<td>Date of Submission to Legislative Council</td>
<td>Legislative Council Brief</td>
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</tr>
<tr>
<td>31 Labour and Welfare Bureau</td>
<td>July 2013</td>
<td>Child Abduction Legislation (Miscellaneous Amendments) Bill 2013</td>
</tr>
<tr>
<td>34 Education Bureau</td>
<td>July 2013</td>
<td>Approval for Caritas Institute of Higher Education and Tung Wah College to Award Degrees</td>
</tr>
<tr>
<td>35 Transport and Housing Bureau</td>
<td>July 2013</td>
<td>Western Harbour Crossing Ordinance (Chapter 436) Western Harbour Crossing Ordinance (Amendment of Schedule 1) Notice 2013</td>
</tr>
<tr>
<td>36 Transport and Housing Bureau</td>
<td>July 2013</td>
<td>Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Chapter 474) Tai Lam Tunnel and Yuen Long Approach Road Ordinance (Amendment of Schedule 1) Notice 2013</td>
</tr>
<tr>
<td>37 Transport and Housing Bureau</td>
<td>August 2013</td>
<td>Pilotage Regulations (Chapter 84A) Pilotage (Amendment) Regulation 2013</td>
</tr>
<tr>
<td>38 Commerce and Economic Development Bureau</td>
<td>August 2013</td>
<td>Adding Fireworks Display to Hong Kong Tourism Board's New Year Countdown Pyrotechnics Show</td>
</tr>
<tr>
<td>41 Transport and Housing Bureau</td>
<td>September 2013</td>
<td>Peak Tramway Ordinance (Chapter 265) Peak Tramway (Amendment) Bill 2013</td>
</tr>
<tr>
<td>42 Transport and Housing Bureau</td>
<td>September 2013</td>
<td>Road Traffic Ordinance (Chapter 374) Taxi Fare Increase Applications Road Traffic (Public Service Vehicles) (Amendment) Regulation 2013</td>
</tr>
<tr>
<td>43 Environment Bureau</td>
<td>September 2013</td>
<td>Air Pollution Control (Amendment) (No. 2) Bill 2013</td>
</tr>
<tr>
<td>Bureau/departments</td>
<td>Date of Submission to Legislative Council</td>
<td>Legislative Council Brief</td>
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</tr>
<tr>
<td>44 Education Bureau</td>
<td>October 2013</td>
<td>Technical Refinement of Measures in relation to Hong Kong's Development as a Regional Education Hub</td>
</tr>
<tr>
<td>45 Financial Services and the Treasury Bureau</td>
<td>October 2013</td>
<td>Inland Revenue Ordinance (Chapter 112) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Italian Republic) Order</td>
</tr>
<tr>
<td>46 Financial Services and the Treasury Bureau</td>
<td>October 2013</td>
<td>Inland Revenue Ordinance (Chapter 112) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (Guernsey) Order</td>
</tr>
<tr>
<td>47 Financial Services and the Treasury Bureau</td>
<td>October 2013</td>
<td>Inland Revenue Ordinance (Chapter 112) Inland Revenue (Double Taxation Relief and Prevention of Fiscal Evasion with respect to Taxes on Income) (State of Qatar) Order</td>
</tr>
<tr>
<td>48 Security Bureau</td>
<td>October 2013</td>
<td>Fugitive Offenders Ordinance (Chapter 503) Mutual Legal Assistance in Criminal Matters Ordinance (Chapter 525) Fugitive Offenders (Czech Republic) Order Mutual Legal Assistance in Criminal Matters (Czech Republic) Order Mutual Legal Assistance in Criminal Matters (Spain) Order</td>
</tr>
<tr>
<td>51 Home Affairs Department</td>
<td>November 2013</td>
<td>Rural Representative Election Legislation (Amendment) Bill 2013</td>
</tr>
<tr>
<td>52 Transport and Housing Bureau</td>
<td>November 2013</td>
<td>Civil Aviation Ordinance (Chapter 448) Dangerous Goods (Consignment by Air) (Safety) Ordinance (Chapter 384) Air Navigation (Hong Kong) Order 1995 (Amendment of Schedule 16) Order 2013 Dangerous Goods (Consignment by Air) (Safety) Regulations (Amendment of Schedule) Order 2013</td>
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<tr>
<td>Bureaux/departments</td>
<td>Date of Submission to Legislative Council</td>
<td>Legislative Council Brief</td>
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| 53 Home Affairs Bureau | November 2013 | Criminal Procedure Ordinance (Chapter 221)  
Legal Aid in Criminal Cases (Amendment) Rules 2013 |
| 54 Education Bureau | December 2013 | Education Ordinance (Cap. 279)  
Education Ordinance (Amendment of Schedule 3)  
Notice 2013 |
| 55 Financial Services and the Treasury Bureau | December 2013 | Inland Revenue Ordinance (Chapter 112)  
Inland Revenue (Amendment) (No. 3) Bill 2013 |
| 56 Financial Services and the Treasury Bureau | January 2014 | Loans Ordinance (Chapter 61)  
Loans (Amendment) Bill 2014 |
| 57 Environmental Protection Department | January 2014 | Air Pollution Control Ordinance (Cap. 311)  
Air Pollution Control (Marine Light Diesel) Regulation |
| 58 Labour and Welfare Bureau | February 2014 | Employment Ordinance (Chapter 57)  
Employment (Amendment) Bill 2014 |
| 59 Transport and Housing Bureau | February 2014 | Shipping and Port Control Ordinance (Cap. 313)  
Merchant Shipping (Local Vessels) Ordinance (Cap. 548)  
Shipping Legislation (Control of Smoke Emission) (Amendment) Bill 2014 |
| 60 Security Bureau | February 2014 | Marriage Ordinance (Chapter 181)  
Marriage (Amendment) Bill 2014 |
| 61 Department of Justice | February 2014 | Contracts (Rights of Third Parties) Bill |
| 62 Commerce and Economic Development Bureau | February 2014 | Toys and Children's Products Safety Ordinance (Chapter 424)  
Toys and Children's Products Safety (Amendment) Ordinance 2013 (Commencement) Notice  
Toys and Children's Products Safety Regulation (Repeal) Regulation  
Toys and Children's Products Safety (Additional Safety Standards or Requirements) Regulation |
| 63 Home Affairs Department | February 2014 | Po Leung Kuk Ordinance (Cap. 1040)  
Resolution of the Board of Directors of the Po Leung Kuk |
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<thead>
<tr>
<th>Bureaux/departments</th>
<th>Date of Submission to Legislative Council</th>
<th>Legislative Council Brief</th>
</tr>
</thead>
<tbody>
<tr>
<td>64 Food and Health Bureau Department of Health</td>
<td>February 2014</td>
<td>Prevention and Control of Disease Ordinance (Chapter 599) Prevention and Control of Disease Ordinance (Amendment of Schedule 1 and 2) Notice 2014 Prevention and Control of Disease Ordinance (Amendment) Regulation 2014</td>
</tr>
<tr>
<td>65 Food and Health Bureau</td>
<td>March 2014</td>
<td>Pharmacy and Poisons Ordinance (Chapter 138) Pharmacy and Poisons (Amendment) Bill 2014</td>
</tr>
<tr>
<td>67 Home Affairs Department</td>
<td>April 2014</td>
<td>Property Management Services Bill</td>
</tr>
<tr>
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### Annex B

List of subjects from 1 April 2013 to 30 November 2015 in respect of which the Family Council and its sub-committee were consulted

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Tax Concessions for Corporate Treasury Centres

13. **MR JEFFREY LAM** (in Chinese): President, the Government has indicated earlier that to attract multinational and mainland enterprises to establish corporate treasury centres (CTCs) in Hong Kong, it will submit, to this Council in the current legislative session, legislative proposals to amend the Inland Revenue Ordinance (Cap. 112) to specify that, subject to compliance with the specified conditions, interest expenditure under profits tax for CTCs will be deducted and profits tax for the specified treasury activities will be reduced by half (two tax concessions). In this connection, will the Government inform this Council:

(1) of the specific contents of the aforesaid legislative proposals;

(2) whether it has received any proposals on the two tax concessions; if it has, of the number and main contents of such proposals; whether the Government has taken on board the proposals received when devising the legislative proposals concerned; if it has, of the details; if not; the reasons for that; and

(3) of the current number of multinational and mainland enterprises which have established CTCs in Hong Kong; whether it has assessed the benefits to be brought about by the two tax concessions to the
Hong Kong economy (e.g. the anticipated number of enterprises which will decide to establish CTCs in Hong Kong in the light of the two tax concessions); if it has, of the details; if not, the reasons for that?

SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY (in Chinese): President,

(1) As announced by the Financial Secretary in this year's Budget, the Government will soon introduce the Inland Revenue (Amendment) (No. 4) Bill 2015 (the Bill) into this Council to adjust the existing interest deduction rules to allow a corporate borrower carrying on in Hong Kong an intra-group financing business deduction, from its assessable profits, of interest payable on money borrowed from a non-Hong Kong associated corporation under specified conditions. In addition, to promote further Hong Kong's competitiveness in attracting the treasury business, we propose introducing a concessionary profits tax rate under the Inland Revenue Ordinance for qualifying corporate treasury centres (CTCs), such that the tax rate for qualifying CTCs will be 50% of the prevailing profits tax rate for corporations. The Bill contains relevant anti-avoidance provisions to ensure that the proposals are consistent with the latest international standards to combat base erosion and profit shifting.

The Government published the Bill in the Gazette on 4 December 2015, and has issued the relevant Legislative Council Brief. For details, please refer to the website of the Financial Services and the Treasury Bureau <http://www.fstb.gov.hk/fsb/ppr/legco/doc/b031215_e.pdf>. I will move a motion for the Bill to be read the Second time at this Council's meeting on 16 December 2015.

(2) The Government briefed the Legislative Council Panel on Financial Affairs on these proposals on 1 June 2015. The Panel generally supported the proposals. Questions were raised in relation to the benefits of the proposals, the impact on our simple tax regime, and measures to tackle tax avoidance. The Bill has specific provisions to address the above aspects. In addition, we have engaged treasury professionals in multinational and local corporations as well as the
tax advisory sector in formulating the draft provisions of the Bill. The industry generally welcomes the above proposed measures to strengthen Hong Kong's status as an international financial centre and the preferred location for multinational corporations to set up treasury centres. Some have raised comments on the technical details and anti-avoidance safeguards of the draft provisions. In finalizing the Bill and striking an appropriate balance, we have taken into account relevant considerations relating to Government's revenue and market competitiveness.

(3) According to market estimates, more than 100 multinational corporations have established CTCs in Hong Kong, with varying scope and size of treasury functions. I hope that this Council would support the timely passage of the Bill, so as to foster the development of Hong Kong as an international financial centre and business hub and attract more multinational and Mainland corporations to establish CTCs in Hong Kong, thereby generating demands for the financial and professional services sectors, and contributing to the development of headquarters economy in Hong Kong.

Proposals for Relaxation of Traffic Restrictions in South Lantau

14. MR LEUNG CHE-CHEUNG (in Chinese): President, recently, the Transport Department has put forward proposals for relaxation of the traffic restrictions in South Lantau to promote the development of tourism and local economy on Lantau Island. The proposals include increasing the current daily quota for coaches entering South Lantau from 30 to 50 (representing a 67% increase), and providing a daily quota of 50 from Mondays to Fridays (except public holidays) for non-resident private cars entering South Lantau. However, some residents of Lantau Island oppose the proposals. They hold the views that as the existing South Lantau Road, Keung Shan Road and Tai O Road are bendy and narrow, relaxing the traffic restrictions may compromise road safety. Moreover, the parking spaces and other ancillary transport facilities in the district cannot cope with the implementation of such proposals. In this connection, will the Government inform this Council:
(1) whether it has assessed the impacts of the aforesaid proposals on the traffic of South Lantau; if it has, of the details; if not, the reasons for that;

(2) as the Islands District Council has requested the authorities to first properly tackle the problems relating to road safety and parking spaces shortage before discussing the aforesaid proposals further, of the progress of the relevant bend improvement works and the study on the provision of additional parking spaces; the implementation timetable for the aforesaid proposals projected on the basis of the current progress of the relevant works;

(3) as the Government has indicated that it will consult other stakeholders on the aforesaid proposals, of the outcome of such consultation; and

(4) given that some residents have suggested converting the open-air car park at Mui Wo into a multi-storey car park to alleviate the shortage of parking spaces, whether the authorities have conducted any feasibility study on this suggestion; if they have, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of Mr LEUNG Che-cheung's question is as follows:

(1) to (3)

In January 2015, the Chief Executive announced in the Policy Address that review of the arrangements for closed roads and issuance of closed road permits for Lantau (LCRP) would be conducted in full swing to cope with the short-term economic and community development in Lantau.

At present, Tung Chung Road (the section at the south of Shek Mun Kap Road) and all other roads in South Lantau are designated as closed roads where motorists are not allowed to enter. Motorists may apply to the Transport Department (TD) for LCRPs if they need to enter the area. In 2014, the TD issued a total of 12 700 LCRPs, about 4 000 of which were issued to persons residing or doing
business in South Lantau while the remaining 8 700 LCRPs were temporary permits issued to persons with genuine needs to enter South Lantau (such as carrying out construction projects, performing official business, attending weddings or funerals or tomb sweeping, and so on). However, applications for tourist and leisure purposes will not be entertained.

To promote the economic and tourism development in Lantau, the TD, having considered the road conditions, traffic flow, parking facilities and their utilization in South Lantau, proposed in June this year to increase the maximum number of coaches permitted to enter South Lantau from 30 to 50 per day; and to permit 50 private cars to enter roads in South Lantau on Mondays to Fridays (except public holidays) for recreational and leisure purposes. The TD then consulted relevant stakeholders, including the Traffic and Transport Subcommittee of the Lantau Development Advisory Committee, Traffic and Transport Committee of the Islands District Council, four Rural Committees in Lantau, relevant public transport operators, the tourism sector and green groups, and so on.

In sum, the TD received both supporting and opposing views during the consultation. Supporters agreed that the roads in South Lantau should be opened up in a gradual and orderly manner to enhance the accessibility of the area. They also proposed providing more parking spaces at tourist spots as soon as possible, streamlining application procedures for LCRPs and stepping up publicity upon implementation of measures. On the other hand, opponents were mainly concerned about the impact of the proposals on the natural rural environment of South Lantau. They were also of the view that the road design in South Lantau was substandard and could not cope with the substantial traffic volume. They also worried that increasing number of vehicles from areas outside South Lantau would worsen the parking problem in South Lantau. Besides, the motorists from outside who might be unfamiliar with the road conditions in Lantau would be prone to traffic accidents.

The TD has assessed the views collected. With respect to roads in South Lantau, while major roads such as Tung Chung Road, South Lantau Road and Keung Shan Road are built along hillsides with
steep gradients and sharp bends at some road sections, they are safe enough for vehicle use. In fact, the TD committed to improving the traffic conditions of the roads in South Lantau. Apart from the provision of additional suitable traffic signs and road markings (such as "Steep Road Ahead", "Sharp Bend", and so on) on relevant road sections to remind motorists, the TD has been actively working with relevant works departments in recent years in undertaking a number of road widening and road bend improvement projects along South Lantau Road and Keung Shan Road. Of which, 12 projects are completed and the remaining projects are carried out in full swing. The TD will continue to closely monitor the utilization of roads in South Lantau and take appropriate measures where necessary to ensure safe and smooth road traffic.

In respect of traffic volume, the design capacity of Tung Chung Road is 10 000 vehicles per day while that of South Lantau Road and Keung Shan Road are both 8 000 vehicles per day. According to the statistics of the TD, the current average daily traffic is 4 700 vehicles on Tung Chung Road and 3 200 vehicles on South Lantau Road. The average daily traffic is 2 560 vehicles on the section of Keung Shan Road between South Lantau Road and Sham Wat Road and only 1 110 vehicles on the section between Sham Wat Road and Tai O Road. Therefore, these road sections still have considerable spare capacity to accommodate additional traffic brought about by the proposed measures.

As regards parking facilities, there are a total of 48 parking spaces for coaches and 436 public parking spaces for private cars in South Lantau, located in major scenic spots and residential neighbourhoods. According to a recent on-site survey conducted by the TD, there should be adequate parking spaces for coaches and private cars to meet the additional parking demand brought about by the proposed measures so long as such additional vehicles would not gather at the same place at the same time. In light of the residents' concerns, the TD is actively exploring with the Lands Department in turning vacant Government land at suitable locations (including Yim Tin Pok in Tai O, Shui Hau, Tong Fuk, and so on) into short-term tenancy car parks to increase the provision of public parking spaces for private cars.
The TD considers that the proposed measures to relax the restrictions on coaches and private cars entering the closed roads in South Lantau are mild and will have minimal impact on the environment and traffic conditions. Having considered various stakeholders' concerns over the proposal, the TD has decided to implement the measures in phases as follows:

(i) the maximum number of coaches permitted to enter South Lantau per day will increase from 30 to 40. The measure of raising the maximum number to 40 coaches will take effect from 25 December 2015. The application procedures will remain unchanged.

(ii) private cars will be allowed to enter South Lantau on Mondays to Fridays (except public holidays) for recreational and leisure purposes but the maximum number will be 25. For the purpose of promoting environmental protection, five out of the 25 quota will be assigned to electric vehicles on a priority basis. Private cars will be allowed to enter South Lantau from 8 am to 7 pm. The TD will publish driving guides for motorists who are permitted to enter South Lantau so as to familiarize them with the road conditions thereat. The TD is preparing for an online computer system for application by the public. It is expected that this measure will be implemented in February 2016 the earliest. Details of the measure will be announced in due course.

The TD will closely monitor the traffic condition as well as the supply and utilization of parking spaces in South Lantau after the implementation of the above measures. It will review the implementation schedule for Phase II as appropriate.

(4) The Government notes the illegal parking situation in Mui Wo and has been providing more parking spaces to meet the demand proactively through various measures. Stage 1 of the Improvement Works (Phase 2) at Mui Wo will commence in mid-2016. According to the plan, car parking spaces for private cars in the open
car park adjacent to the former New Territories Heung Yee Kuk Southern District Secondary School will increase from 59 to 149. Besides, the TD is considering using the playground of the above-mentioned secondary school as a short-term tenancy public car park for provision of 40 additional private car parking spaces and will carry out the necessary consultation. If everything goes smoothly, the private car parking spaces in this area will increase considerably in the short term. In addition, the Civil Engineering and Development Department is exploring with relevant departments the feasibility of using the drainage reserved area near Mui Wo for public car park purpose.

The proposal to construct a multi-storey car park at the existing open car park at Ngan Shek Street in Mui Wo and the land at River Silver Garden is a large-scaled public works project. It would require the investment of huge public resources and affect existing amenity facilities. The Government must carefully assess the demand and supply of parking spaces in Mui Wo and study the impact of the proposal on the environment, land use and planning in the vicinity. According to the TD's assessment, the implementation of the proposals for provision of additional parking spaces mentioned in the preceding paragraph will already be able to alleviate the shortage of parking spaces in Mui Wo. The TD is working to pursue these proposals first and does not have any plan to construct a multi-storey car park in Mui Wo for the time being.

Naming of Geographical Places

15. **MR TONY TSE** (in Chinese): President, under the Public Health and Municipal Services Ordinance (Cap. 132), the Director of Lands is authorized to assign names to streets in Hong Kong and the entire process must proceed in line with the requirements under the relevant legislation. On the other hand, the naming of geographical places is not subject to any statutory regulation. Under the current arrangements, the cross-departmental Geographical Place Names Board (the Board) established under the Survey and Mapping Office (SMO) of the Lands Department is responsible for the establishment, implementation and
review of the procedures for naming, verification and adoption of geographical 
place names. It is learnt that the procedures adopted by the Board for handling 
cases of geographical place naming include: (i) seeking the consent of the 
District Councils concerned, (ii) placing advertisements in local newspapers, and 
(iii) posting notices at the District Offices, the District Lands Offices and the 
Survey Offices of the relevant districts, the SMO Headquarters as well as the 
places to be named for public consultation. The geographical place names 
adopted will be used on the official maps published by the Lands Department but 
they are not meant to be legally binding. In this connection, will the 
Government inform this Council:

(1) of the average number of cases of geographical place naming 
(including adoption of new geographical place names and change of 
existing geographical place names) handled by the Board in each of 
the past three years, together with a breakdown by District Council 
district;

(2) of the longest time and the average time taken by the Board to 
handle cases of geographical place naming last year;

(3) of the respective numbers of cases of geographical place naming 
received by the Board since its inception which were initiated by 
members of the public and by the Government; the number of cases 
in dispute, with a breakdown by District Council district; the major 
issues involved in the disputes in question;

(4) of the government departments from which officers who are 
members of the Board at present are drawn and their ranks; the 
criteria based on which the Board handles the cases of geographical 
place naming, and whether the Board is required, pursuant to such 
criteria, to take into account relevant factors such as how well the 
adopted names are received by the public and historical factors;

(5) whether there are existing channels and mechanisms for the public 
to express their views and make relevant recommendations on the 
geographical place names adopted by the Board which they consider 
to be inappropriate;
(6) whether the authorities conducted reviews in the past three years of the mechanism for naming geographical places and its effectiveness; if they did, of the details; if not, the reasons for that, and whether they will conduct such reviews; and

(7) whether there are plans to legislate on the procedures and system for naming geographical places with reference to the street naming mechanism; if there are, of the details and the implementation timetable; if not, the justifications for that?

SECRETARY FOR DEVELOPMENT (in Chinese): President, in consultation with the Lands Department (LandsD), my reply to the seven parts of Mr Tony TSE's question is as follows:

(1) Between December 2012 and November 2015, the Geographical Place Names Board (GPNB) received and processed six geographical place naming proposals. The number of cases as broken down by district is as follows: one case in Tai Po District, three cases in Yuen Long District, one case in North District and one case in Islands District.

(2) Between December 2014 and November 2015, the GPNB finished processing two applications of geographical place naming. The average processing time of these applications was six months, and the longest processing time was nine months.

(3) Since the establishment of the GPNB in 1987, 55 geographical place naming applications were initiated by members of the public and 144 applications were initiated by government departments. Amongst these, there was dispute in 17 cases. The number of cases in dispute broken down by district is as follows: five cases in Yuen Long District, five cases in North District, three cases in Sai Kung District, one case in Kwai Tsing District, one case in Southern District, one case in Tai Po District and one case in Yau Tsim Mong District. The cases were in dispute mainly because local residents
and representatives were unable to reach a consensus on the geographical place naming proposals. The applicants of the said 17 applications have all been informed that the cases could not be processed any further.

(4) The membership of the GPNB comprises representatives of different ranks (including directorate and non-directorate) from relevant government departments, including the Agriculture, Fisheries and Conservation Department, the Home Affairs Department, Hongkong Post, the Information Services Department, LandsD, the Marine Department, the Rating and Valuation Department, and the Official Languages Division of the Civil Service Bureau.

The GPNB processes geographical place naming applications according to relevant internal guidelines and criteria, including the following:

(i) There should be a practical need in introducing new names in written document or in verbal communication;

(ii) The names chosen should generally be neutral and not related to individual persons, institutions or goods;

(iii) Complicated or rarely-used Chinese characters should be avoided in geographical place names; and

(iv) Requests for name changes will only be considered with sufficient justifications, such as when existing geographical place names are vulgar and may cause embarrassment in verbal communication or in writing.

Representatives of local residents and local organizations will be consulted via the Home Affairs Department on the proposed geographical place names. The proposals will then be submitted to the GPNB for consideration. Upon the GPNB's endorsement, the proposals will be submitted to the relevant District Councils for
endorsement. After the relevant District Councils have endorsed the proposals, notices of the proposed geographical place names will be advertised in newspapers for public consultation. If members of the public hold different views on the proposals, their views will be submitted to the GPNB for a decision. If no objection from the public is received, the GPNB will adopt the proposed geographical place names.

(5) If members of the public hold different views on geographical place names which have already been adopted by the GPNB, they can submit new proposals to the GPNB for consideration.

(6) The existing geographical place naming mechanism is operating smoothly. The LandsD has been closely monitoring the effectiveness of the existing mechanism, and currently does not have any plan to conduct a review of the mechanism.

(7) As the existing geographical place naming mechanism is operating smoothly, the LandsD currently does not have any plan to regulate the geographical place naming procedures through legislation.

Spiral Roundabouts

16. **DR ELIZABETH QUAT** (in Chinese): President, it has been reported that the Transport Department (TD) has implemented since 2004 a trial scheme (trial scheme) to replace roundabouts with circular road markings (conventional roundabouts) by roundabouts with spiral road markings (spiral roundabouts), and the traffic signs at roundabouts have also been adjusted accordingly. The rules of using the two types of roundabouts are different. According to the preliminary trial results, spiral roundabouts have a relatively lower accident rate and higher traffic capacity. However, only seven spiral roundabouts have been provided in Hong Kong at present, representing a mere 3% of the total number of roundabouts across the territory. In this connection, will the Government inform this Council:
(1) of the following details of the seven existing spiral roundabouts: (i) the date on which the roundabout concerned was converted into the current type, (ii) the respective average annual numbers of traffic accidents occurred in the two years before the conversion and thereafter, and (iii) the cost of the relevant conversion (set out in the table below):

<table>
<thead>
<tr>
<th>District</th>
<th>Location</th>
<th>(i)</th>
<th>(ii)</th>
<th>(iii)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yau Tong</td>
<td>Lei Yue Mun Road/Ko Chiu Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tuen Mun</td>
<td>Lam Tei Interchange</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Chai Wan</td>
<td>Chai Wan Road/Wan Tsui Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tai Kok Tsui</td>
<td>Hoi Fai Road under West Kowloon Highway</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tseung Kwan O</td>
<td>Po Ning Road/Chiu Shun Road/Hang Hau Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tseung Kwan O</td>
<td>Po Shun Road/Tong Ming Street</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tseung Kwan O</td>
<td>Wan Po Road/Chiu Shun Road</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(2) of the respective numbers of traffic accidents which occurred at the various roundabouts in Hong Kong in the past 10 years, together with a breakdown by District Council district; how many roundabouts have been listed as traffic accident black spots;

(3) given that the rules of using conventional roundabouts and spiral roundabouts are different, whether TD will step up its efforts in publicizing to drivers the rules, with a view to reducing traffic accidents; if TD will, of the details; if not, the reasons for that;

(4) whether TD has set the rules of using spiral roundabouts as the compulsory content of the driving tests (including written and road tests); if TD has, of the details; if not, the reasons for that;

(5) given that TD is still collecting the relevant data even though the trial scheme has been implemented for nearly 12 years, whether TD will review its work efficiency and expeditiously publish the data concerning the traffic accidents which occurred at the two types of roundabouts; if TD will, of the details; if not, the reasons for that;
given that while the authorities indicated to the Transport Advisory Committee (TAC) in 2012 that they would provide six spiral roundabouts in Tseung Kwan O, only three of them have been provided so far, whether TD has decided to suspend the provision of the remaining three spiral roundabouts; if so, of the reasons for that, and whether it is related to the accident rate of the spiral roundabouts already provided; if the provision of the roundabouts is not suspended, the timetable for providing the remaining three spiral roundabouts;

as it has been reported that TD will adopt a gradual and orderly approach to first implement the trial scheme at roundabouts with low traffic volume and subsequently extend the scheme to roundabouts with high traffic volume, whether TD will publish the criteria adopted for determining if the traffic volume of a roundabout is "low" or "high"; if TD will, of the details; if not, the reasons for that; and

whether TD will consider converting all of the roundabouts into spiral roundabouts; if TD will, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President,

my consolidated reply to the various parts of the question raised by Dr Elizabeth QUAT is as follows:

The Transport Department (TD) initiated a trial scheme on spiral roundabouts after consulting the Road Safety Research Committee (RSRC) of the Road Safety Council in 2004. Spiral roundabouts can, through painting appropriate traffic lane markings, let drivers travelling along the outer lane of roundabouts have a clearer understand that they must give way to vehicles leaving roundabouts from the inner lane. Pictures of conventional and spiral roundabouts are at Annex 1.

Since it is uncertain whether motorists could adapt to the road marking system of spiral roundabouts, the TD after thorough consideration, decides to carry out the trial in a gradual and orderly manner. The TD identified four
two-lane roundabouts with relatively low traffic flow, namely Yau Tong (Lei Yue Mun Road/Ko Chiu Road), Tseung Kwan O (Po Ning Road/Chiu Shun Road/Hang Hau Road), Tuen Mun (Lam Tei Interchange) and Chai Wan (Chai Wan Road/Wan Tsui Road), for the first-stage trial conducted from 2004 and 2008. The TD, in collaboration with academics from local universities, collected and analysed the data derived from the first-stage trial to evaluate its effectiveness. As the data includes the information on how motorists use the roundabouts as well as the record of traffic accidents spanning two years before and after conversion of the roundabouts, a longer time is required for collecting and compiling the data. According to the data and views collected, it has been found that the roundabouts with lower traffic flow after conversion into spiral roundabouts have operated smoothly and spiral roundabouts are well-received by motorists.

With the assessment results, the TD further consulted the RSRC in 2009 and 2010 and secured its support to carry out the second-stage trial to extend the trial scheme to roundabouts with relatively high traffic flow\(^{(1)}\). With a view to further testing the effectiveness, the RSRC recommended the Government to identify a district for trial on a district basis and choose a three-lane roundabout to test whether it could be converted into a spiral roundabout.

The TD subsequently identified Tseung Kwan O for a district trial. Four two-lane roundabouts with relatively high traffic flow (Wan Po Road/Chiu Shun Road, Po Ning Road/Ying Yip Road/Sheung Ning Road, Po Hong Road/Po Yap Road and Po Ning Road/Po Shun Road/Po Lam Road North) and two two-lane roundabouts with relatively low traffic flow (Po Shun Road/King Ling Road/Tong Ming Street and Po Ning Road/Chiu Shun Road/Hang Hau Road (the latter was the roundabout covered in the first-stage)) in Tseung Kwan O were converted into spiral roundabouts. The TD also identified a three-lane roundabout at Hoi Fai Road of Tai Kok Tsui for trial.

With the endorsement of the Yau Tsim Mong District Council and Sai Kung District Council in April 2010 and April 2012 respectively, the TD commenced the conversion works. As most of the roundabouts of the

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\(^{(1)}\) In general, if the "actual flow/design capacity ratio" of a roundabout during peak hours is nearly or has reached 100%, it means that the traffic flow at that roundabout is relatively high.
second-stage trial scheme are with higher traffic flow, the conversion works were scheduled to tie in with the regular road maintenance works by the Highways Department as far as possible so as to avoid affecting the general traffic flow and shorten the duration required for temporary traffic diversion or road closure. The conversion works of the roundabout at Hoi Fai Road of Tai Kok Tsui were completed in June 2011 while that of all the roundabouts at Tseung Kwan O will be completed in December 2015.

The TD has commenced the collation and analysis of the data of the second-stage trial scheme for evaluating the effectiveness of the spiral roundabouts with higher traffic flow. Preliminary results will be available in 2017. Subject to satisfactory results, the TD will prepare plans for conversion of other conventional roundabouts into spiral ones. Before completion of the assessment on the effectiveness of the trial scheme, the TD has no plan to convert all conventional roundabouts into spiral ones. As spiral roundabouts are still under trial, in general, it will not be included in the written or road test of driving tests. The TD will review the arrangement in due course.

In respect of publicity and education, Chapter 5 of the "Road Users' Code" and the "Tips on Driving Through Roundabouts" in the TD's website have set out the rules and advice for motorists to drive through roundabouts, including the ways for entering, circling and leaving roundabouts, the matters that motorists have to pay attention to, and the routes for driving at roundabouts. Those rules and advice are also applicable to spiral roundabouts. In addition, "Issue 30 of Road Safety Bulletin: How Much You Know about Rules of Using Roundabouts" explains in detail the ways for driving through conventional and spiral roundabouts. Generally speaking, the proper way for driving through spiral roundabouts is to follow general driving rule, that is, vehicles changing lanes should give way to vehicles travelling on the main lane.

The number of traffic accidents at roundabouts in various districts in Hong Kong in the past 10 years is at Annex 2. Out of them, three roundabouts are classified as traffic black spots, including the roundabouts at Che Kung Miu Road/Mei Tin Road/Hung Mui Kuk Road, Tsuen Tsing Interchange/Tsuen Wan Road and Tsuen Kam Interchange/Texaco Road North Roundabout. As to the required information in respect of the seven roundabouts mentioned in the question, please see Annex 3.
Figure 1: Conventional Roundabout

Figure 2: Spiral Roundabout
## Annex 2

### Number of Traffic Accidents at Roundabouts from 2005 to 2014
(categorized by District Council)

<table>
<thead>
<tr>
<th>District Council</th>
<th>Year</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
<th>2012</th>
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<td>Sha Tin</td>
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<td>3</td>
<td>10</td>
<td>8</td>
</tr>
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<td>131</td>
<td>136</td>
<td>150</td>
<td>156</td>
<td>137</td>
<td>150</td>
<td>191</td>
</tr>
</tbody>
</table>

## Annex 3

### Conversion Date, Conversion Cost and Number of Traffic Accidents at the Seven Spiral Roundabouts

<table>
<thead>
<tr>
<th>District</th>
<th>Location</th>
<th>Spiral Roundabout Conversation Date</th>
<th>Number of Traffic Accident⁽¹⁾</th>
<th>Cost of Conversion ($)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yau Tong</td>
<td>Lei Yue Mun Road/Ko Chiu Road</td>
<td>January 2004</td>
<td>Before conversion</td>
<td>After conversion</td>
</tr>
</tbody>
</table>

⁽¹⁾ Conversion costs include the cost of the spiral roundabout, the cost of the inner roundabout, and the cost of the roadworks. The costs are calculated based on the number of traffic accidents before and after the conversion. The number of traffic accidents is calculated using the following formula:

\[
\text{Number of Traffic Accidents} = \sum (\text{Before conversion} + \text{After conversion})
\]

The cost of conversion is calculated based on the number of traffic accidents before and after the conversion. The cost is calculated using the following formula:

\[
\text{Cost of Conversion} = \frac{\text{Number of Traffic Accidents} \times \text{Cost per Traffic Accident}}{\text{Total Cost of Conversion}}
\]
| District            | Location                                      | Spiral Roundabout Conversion Date | Number of Traffic Accident<sup>(1)</sup> | Cost of Conversion ($)<br> |                |                  |
|---------------------|-----------------------------------------------|-----------------------------------|------------------------------------------|---------------------------|
|                     |                                               | Before conversion | After conversion |                      | 1st year | 2nd year | 1st year | 2nd year |            |
| Tseung Kwan O       | Po Ning Road/Chiu Shun Road/Hang Hau Road    | April 2004           | 4 | 3 | 1 | 3 | 37,000 |
| Tuen Mun            | Lam Tei Interchange                           | September 2006        | 6 | 3 | 3 | 3 | 8,000  |
| Chai Wan            | Chai Wan Road/Wan Tsui Road                   | August 2008           | 4 | 3 | 5 | 1 | 33,500 |
| Tai Kok Tsui        | Hoi Fai Road under the West Kowloon Highway   | June 2011             | 4 | 3 | 1 | 2 | 129,800|
| Tseung Kwan O       | Po Shun Road/Tong Ming Street                | August 2013           | 5 | 3 | 4 | 3<sup>(2)</sup> | 91,200 |
| Tseung Kwan O       | Wan Po Road/Chiu Shun Road/Po Yap Road        | July 2014             | 5 | 8 | 0<sup>(2)</sup> | -<sup>(3)</sup> | 45,300 |

Notes:

(1) It is more comprehensive and appropriate to list out the number of traffic accidents in each of the two years before and after conversion than providing the yearly average number of traffic accidents.

(2) Provisional figures.

(3) As Wan Po Road/Chiu Shun Road/Po Yap Road roundabout was converted to a spiral roundabout in July 2014, the data of the 2nd year after conversion is not available.
Approach for Handling Cases Involving Mentally Incapacitated Persons by Police

17. **MS EMILY LAU** (in Chinese): President, on 2 May this year, the Police arrested an autistic man with moderate intellectual disabilities and charged him with manslaughter, but subsequently quashed the indictment against the man because evidence in support of an alibi had been found. The family members of the man reproached the Police for handling the case improperly, including taking the first statement from the said mentally incapacitated person (MIP) in the absence of his family members or guardian, and asking leading questions that caused him to make a statement against himself. Regarding the handling of cases involving MIPs by the Police, will the Executive Authorities inform this Council:

(1) whether the Police have, since the occurrence of the aforesaid case, provided training for police officers of all ranks to enable them to deepen their knowledge of autism and grasp the skills in communicating with autistic persons, especially the skills in taking statements from those people as well as in detaining and imprisoning them; if training has been provided, of the details, and whether such training is provided on a regular basis or as a one-off arrangement; if no training has been provided, whether the Police will conduct it expeditiously and incorporate the relevant training contents into the regular training programmes; and

(2) how the authorities ensure that police officers will not handle cases involving MIPs in the aforesaid manner again?

**SECRETARY FOR SECURITY** (in Chinese): President,

(1) and (2)

As always, the Police strive to enhance police officers' professional sensitivity and capability in handling mentally incapacitated persons (MIPs). In various training courses (including Probationary Inspector Course, Recruit Police Constable Training Course, Police Constable Development Course, Sergeant and Station Sergeant Promotion Course, Standard Criminal Investigation Course and
Advanced Criminal Investigation Course), there are sessions teaching police officers on the handling of MIPs in their discharge of duties, the proper procedures for taking statements from MIPs, and points to be aware of in the detention of persons with special needs, and so on.

Apart from the above, the Police have released a training day package with "Handling Mentally Disordered Persons" as its theme and an e-learning package in collaboration with Police Clinical Psychologists entitled "Criminal Psychology" with a view to enhancing police officers' knowledge on such issues and augmenting their professionalism in their discharge of duties. The Police are planning to launch a new training day package called "Understanding and Handling Mentally Incapacitated Persons" in 2016-2017 for wider promotion among members of the Force and enhancement of their awareness and professional capability.

Alongside the strengthening of relevant training, the Police also attach importance to multi-lateral co-operation, and there has been collaboration with various government departments and non-governmental organizations (NGOs) for the provision of such training to front-line officers. For example, experts from the Department of Health share with police officers of different ranks their knowledge of and experience in handling persons (particularly the elderly) with dementia. In addition, the Police, in conjunction with NGOs, invite clinical psychologists and social workers to hold seminars for sergeants and station sergeants who are under promotion training, sharing with them how to identify persons with autism and hyperactivity disorder, as well as the points to be aware of when having contact or communication with them.

The Police are aware of the community concern over the issue mentioned in the question, and agree that, in handling MIPs, it is paramount that their rights should be safeguarded in a professional manner. To this end, the Police have, subsequent to the incident, formed a working group led by the Assistant Commissioner for Police (Support). In collaboration with relevant government departments in its work, the working group aims to re-examine the policies for handling cases involving MIPs and the guidelines of
investigation, explore the means to enhance and optimize investigation work, and study the ways to further augment front-line officers’ training in handling relevant tasks.

A number of group meetings have been held in the past few months. One of the work priorities is to give consideration to the more effective adoption of multi-agency co-operation, which includes the need to seek professional assistance in the handling of MIPs. Furthermore, as far as training is concerned, given that the current training programmes for front-line officers on the handling of MIPs are mainly conducted by instructors of the Police, the working group will consider stepping up collaboration with professionals of other departments as well as other stakeholders in the realm of training. In addition, the working group will review whether the current mode of training, mainly in the form of classroom instruction, is the most effective, including the need to strengthen other modes of training like role-playing and field training, so that front-line police officers will have a better grasp of the skills in handling cases involving MIPs.

Data on Government Lands Which are Rented Out on Short-term Tenancy

18. **MR WU CHI-WAI** (in Chinese): President, according to Report No. 65 of the Director of Audit published last month, the Education Bureau maintains a database on vacant school premises, which includes data on the proposed uses of the school premises and the number of years for which they have become vacant, etc. There are views in the community that the Government should maintain and make public similar types of data on government lands (in particular the lands rented out on short-term tenancy (STT)), so as to facilitate the public’s monitoring and making recommendations on the uses and planning of such lands. Regarding the data on government lands which are rented out on STT, will the Government inform this Council:

(1) whether the Lands Department (LandsD) has set up a database on the lands rented out on STT; if LandsD has, of the details (set out in a table) of the lands resumed by LandsD upon expiry of the term of tenancy in each of the past three financial years, including (i) the locations of the lands, (ii) the land areas (square metres), (iii) STT
numbers, (iv) the uses of the lands set out in the original STTs and
(v) the proposed new uses of the lands; if LandsD has not, whether it
will expeditiously set up such a database and undertake to submit
such information to this Council within six months from now; if
LandsD will not set up such a database, of the reasons for that;

(2) of the number of the lands currently rented out on STT to the same
tenants for a consecutive period of over 30 months, and set out in a
table (i) the locations of the lands, (ii) the land areas (square
metres), (iii) STT numbers, (iv) the uses specified in STTs and (v) the
dates on which the first STT was granted; if such information cannot
be provided, whether LandsD will expeditiously set up such a
database and undertake to submit such information to this Council
within six months from now; if LandsD will not set up such a
database, of the reasons for that; and

(3) as the Secretary for Development indicated at the Legislative
Council meeting of 21 January this year that the Government had
been carrying out a series of land use reviews, including reviews of
the "Government, Institution or Community" sites, lands for other
government uses as well as government lands across the territory
which were currently vacant, rented out on STT or deployed for
various other uses on a temporary basis, of the details and latest
progress of such reviews; whether the authorities have put forward
proposals in the light of the outcome of the reviews; if they have, of
the respective numbers of those proposals which (i) have been
implemented and (ii) involve changes in the planned land use?

SECRETARY FOR DEVELOPMENT (in Chinese): President, my reply to
Mr WU’s question is as follows:

(1) The Lands Department (LandsD) will generally arrange for the
disposal of unallocated Government land which may be put to
gainful use according to the planned long-term use under Outline
Zoning Plans or Outline Development Plans. Where the long-term
use is yet to be determined or is not yet due for implementation, the
LandsD will try to put the site to appropriate temporary use(s),
including temporary use by other government bureaux/departments
or by parties outside the Government through short-term tenancies (STTs). The short-term use of the land will be terminated at an appropriate time to tie in with the long-term use identified for the site or another temporary use which should be given priority in the light of changing circumstances. According to the LandsD’s records, 67, 49 and 23 STTs were terminated in the years of 2012-2013, 2013-2014 and 2014-2015 respectively. Proposed new uses include re-tendering of the resumed STT site, specified long-term development use or government works site. For details of the terminated STTs, please refer to the Annex.

(2) STTs are normally granted for a term of not more than five years and thereafter monthly or quarterly, so that the short-term use of the land can, where necessary, be terminated at an appropriate time to tie in with the long-term use identified for the site or another temporary use which should be given priority in the light of changing circumstances. As at end November 2015, there are over 5 000 valid STTs, of which over 90% have tenancy taken up for a period of 30 months or more. Of these STTs which involve a wide range of uses, about 1 000 (accounting for approximately 60% of the total area of STT sites) are for infrastructure, community and livelihood purposes such as railway projects, public rental housing projects, non-profit making uses and car parks; about 1 500 (accounting for approximately 10% of the total area of STT sites) are related to small and medium enterprises such as the storage of goods, recovery and recycling, workshops/boatyards, shops and restaurants (including al fresco dining areas) and livestock keeping; and about 300 (accounting for approximately 6% of the total area of STT sites) are for public utility uses such as electricity substations, pumphouses, bus depots and bus regulator kiosks. The remaining STTs involve other miscellaneous uses such as gardens, plant nurseries and access roads.

(3) With a view to increasing the housing land supply in the short to medium term, the Planning Department has carried out a series of land use reviews, including reviews on land currently vacant, under STTs, or under different short term, Government, Institution or Community and other government uses, as well as Green Belt sites, and so on. Through such efforts, we have identified some 150
potential housing sites, most of which can be made available in the five year period from 2014-2015 to 2018-2019 for providing over 210 000 flats, with over 70% being public housing flats, subject to timely amendments to their respective statutory plans. As at end November this year, we have initiated or completed the rezoning procedures for 62 sites, which are estimated to provide about 72 900 public and private housing units in total\(^{(1)}\). We do not have the breakdown of sites which are vacant, under STTs or other short-term uses. Land use reviews on suitable sites and areas will continue, so as to identify more land for housing and other developments in the short to medium term.

Annex

District Information on Terminated Short-Term Tenancies (STTs)

<table>
<thead>
<tr>
<th>Location (district)</th>
<th>Number of terminated STTs</th>
<th>Area (hectares)</th>
<th>Major original uses of terminated STTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong East</td>
<td>15</td>
<td>1.83</td>
<td>Pumphouse, fee-paying public car park</td>
</tr>
<tr>
<td>Hong Kong West and South</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Kowloon East</td>
<td>10</td>
<td>10.33</td>
<td>Fee-paying public car park, production of concrete/storage of goods</td>
</tr>
<tr>
<td>Kowloon West</td>
<td>6</td>
<td>0.38</td>
<td>Fee-paying public car park, workshop/factory</td>
</tr>
<tr>
<td>Islands</td>
<td>11</td>
<td>2.80</td>
<td>Fee-paying public car park, private garden</td>
</tr>
<tr>
<td>North</td>
<td>9</td>
<td>10.65</td>
<td>Fee-paying public car park, educational use</td>
</tr>
<tr>
<td>Sai Kung</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

\(^{(1)}\) The 62 sites include three sites whose original zonings were reverted to, or which are not recommended for rezoning to residential use by the Town Planning Board after consideration. The flat number of 72 900 has excluded the estimated flat number of those three sites.
### 2012-2013

<table>
<thead>
<tr>
<th>Location (district)</th>
<th>Number of terminated STTs</th>
<th>Area (hectares)</th>
<th>Major original uses of terminated STTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sha Tin</td>
<td>5</td>
<td>1.49</td>
<td>Fee-paying public car park, private garden</td>
</tr>
<tr>
<td>Tuen Mun</td>
<td>5</td>
<td>5.41</td>
<td>Fee-paying public car park, shops</td>
</tr>
<tr>
<td>Tai Po</td>
<td>4</td>
<td>0.73</td>
<td>Fee-paying public car park, private garden, workshop/factory</td>
</tr>
<tr>
<td>Tsuen Wan and Kwai Tsing</td>
<td>1</td>
<td>1.05</td>
<td>Fee-paying public car park/ open storage of goods</td>
</tr>
<tr>
<td>Yuen Long</td>
<td>1</td>
<td>0.29</td>
<td>Plant nursery</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>67</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:

The proposed new uses include re-tendering of the resumed STT sites, specified long-term development uses or Government works sites.

### 2013-2014

<table>
<thead>
<tr>
<th>Location (district)</th>
<th>Number of terminated STTs</th>
<th>Area (hectares)</th>
<th>Major original uses of terminated STTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong East</td>
<td>8</td>
<td>1.32</td>
<td>Fee-paying public car park, covered storage of goods</td>
</tr>
<tr>
<td>Hong Kong West and South</td>
<td>1</td>
<td>0.02</td>
<td>Private garden</td>
</tr>
<tr>
<td>Kowloon East</td>
<td>3</td>
<td>2.10</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Kowloon West</td>
<td>4</td>
<td>2.19</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Islands</td>
<td>9</td>
<td>2.55</td>
<td>Private garden</td>
</tr>
<tr>
<td>North</td>
<td>3</td>
<td>1.64</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Sai Kung</td>
<td>4</td>
<td>2.40</td>
<td>Bus depot</td>
</tr>
<tr>
<td>Sha Tin</td>
<td>5</td>
<td>12.81</td>
<td>Fee-paying public car park, private garden</td>
</tr>
<tr>
<td>Tuen Mun</td>
<td>5</td>
<td>1.34</td>
<td>Fee-paying public car park, workshop/factory</td>
</tr>
</tbody>
</table>
### 2013-2014

<table>
<thead>
<tr>
<th>Location (district)</th>
<th>Number of terminated STTs</th>
<th>Area (hectares)</th>
<th>Major original uses of terminated STTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tai Po</td>
<td>4</td>
<td>0.06</td>
<td>Private garden</td>
</tr>
<tr>
<td>Tsuen Wan and Kwai Tsing</td>
<td>3</td>
<td>2.31</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Yuen Long</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>49</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:

The proposed new uses include re-tendering of the resumed STT sites, specified long-term development uses or government works sites.

### 2014-2015

<table>
<thead>
<tr>
<th>Location (district)</th>
<th>Number of terminated STTs</th>
<th>Area (hectares)</th>
<th>Major original uses of terminated STTs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hong Kong East</td>
<td>3</td>
<td>0.31</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Hong Kong West and South</td>
<td>1</td>
<td>0.01</td>
<td>Private garden</td>
</tr>
<tr>
<td>Kowloon East</td>
<td>2</td>
<td>0.90</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Kowloon West</td>
<td>1</td>
<td>0.17</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Islands</td>
<td>3</td>
<td>0.12</td>
<td>Private garden, open storage of goods</td>
</tr>
<tr>
<td>North</td>
<td>4</td>
<td>1.25</td>
<td>Fee-paying public car park, open storage of goods</td>
</tr>
<tr>
<td>Sai Kung</td>
<td>1</td>
<td>0.02</td>
<td>Private garden</td>
</tr>
<tr>
<td>Sha Tin</td>
<td>4</td>
<td>1.48</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Tuen Mun</td>
<td>2</td>
<td>0.79</td>
<td>Storage of goods</td>
</tr>
<tr>
<td>Tai Po</td>
<td>1</td>
<td>0.00</td>
<td>Placing of village mailboxes</td>
</tr>
<tr>
<td>Tsuen Wan and Kwai Tsing</td>
<td>1</td>
<td>1.56</td>
<td>Fee-paying public car park</td>
</tr>
<tr>
<td>Yuen Long</td>
<td>0</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>23</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note:

The proposed new uses include re-tendering of the resumed STT sites, specified long-term development uses or government works sites.
Newly-emerged Modes of Transport

19. **MR CHARLES PETER MOK** (in Chinese): President, some members of the technology industry have relayed to me that some newly-emerged and greener modes of transport (e.g. mini-motor cycles, motor-driven bicycles, motor-driven skateboards and electric unicycles) (newly-emerged modes of transport) have become increasingly popular in recent years, and quite a number of cities allow such modes of transport to be legally ridden on their roads. However, under Road Traffic Ordinance (Cap. 374), all vehicles must be registered with and licensed by the Transport Department before they may be ridden on roads. Certain types of such newly-emerged modes of transport do not fall within any one of the classes of vehicles specified in Schedule 1 to Cap. 374 and therefore cannot be registered and licensed, and other types of newly-emerged modes of transport which can be classified as motor cycle or motor tricycle cannot be registered and licensed either, as they fail to meet the requirements in relation to horsepower, lighting, braking and warning devices, etc. specified in the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374 sub. leg. A). In this connection, will the Government inform this Council:

(1) whether it has assessed the public demand for the use of newly-emerged modes of transport; if it has, of the details; if not, the reasons for that;

(2) whether it will study the roles that the newly-emerged modes of transport can take and their positioning within the transport system of Hong Kong, in particular their transport efficiency in serving as short-haul feeder transport; if it will, of the details; if not, the reasons for that;

(3) whether it will study the implementation of a trial scheme to allow newly-emerged modes of transport to be ridden on designated roads (including roads where vehicular traffic is prohibited and pavements), so as to assess the feasibility of formally allowing such modes of transport to be ridden on roads and introducing a relevant regulatory regime; if it will, of the details; if not, the reasons for that; and
(4) given that the newly-emerged modes of transport had not come into existence when Cap. 374 was enacted, whether the authorities will consider (i) categorizing certain types of newly-emerged modes of transport as new classes of vehicles under Schedule 1 to Cap. 374, and (ii) incorporating into Cap. 374 sub.leg. A the relevant requirements that are applicable to new classes of vehicles, so that such newly-emerged modes of transport may be ridden legally on roads after being registered and licensed; if they will, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my consolidated reply to the various parts of Mr Charles Peter MOK's question is as follows:

According to the Road Traffic Ordinance (Cap. 374) (the Ordinance), "motor vehicle" means any mechanically propelled "vehicle" whereas "vehicle" generally means any vehicle, whether or not mechanically propelled, which is constructed or adapted for use on roads. As mobility devices have different structures and functions, some of them may fall within the definition of "motor vehicle" under the Ordinance while some may not. According to the information possessed by the Transport Department (TD), the mobility devices which can be purchased in the market currently, including mini-motor cycles, electric bicycles, electric scooters and electric unicycles, and so on, are all mechanically propelled and thus belong to "motor vehicles".

According to the TD's professional assessment, the mobility devices which can be purchased in the market currently are not suitable to share road spaces with ordinary vehicles, no matter from the road safety perspective or from the smooth traffic angle. In addition, Hong Kong is small and densely populated. Many pavements are rather narrow with lots of street facilities and various activities taking place. Using mobility devices on pavements will pose high risks to the users and other pedestrians and therefore they are also not suitable for use on pavements. In respect of persons using mobility devices illegally, law-enforcement officers can take enforcement action pursuant to the Summary Offences Ordinance (Cap. 228) depending on the circumstances. To our understanding, the police departments in London and New York have also recently made it clear to the public that using electric scooters on carriageways and pavements is illegal.
There may be a need to set up designated lanes for mobility devices which are separated from vehicles and pedestrians if mobility devices are to be used without posing high risk to other road users (including the pedestrians) and obstructing the vehicular and pedestrian flow. As the carriageways and pavements currently in Hong Kong are not spacious enough for setting up such designated lanes, the TD considers that such devices should not be registered and licensed as a tool for transportation, nor the legislation should be amended to facilitate the registration and licencing of such mobility devices for use on roads. The Government will strengthen the publicity work to inform the public that it is an offence to use unregistered and unlicensed mobility devices on carriageways, or to use mobility devices on pavements, causing danger to the public. The TD will also continue to closely monitor the emergence of mobility devices in the market.

Depending on the circumstances, the existing mobility devices may be used inside individual private properties, recreational or sports venues or other non-public places, in compliance with the rules and requirements on the use imposed by those in-charge of the venue.

Part-time Interpreters for Public Services

20. MISS ALICE MAK (in Chinese): President, at present, some government departments and public organizations hire part-time interpreters to assist their staff in communicating with people from ethnic minorities. In this connection, will the Government inform this Council:

(1) whether the Government has maintained lists of part-time interpreters; if it has, of the government departments responsible for maintaining such lists and the respective numbers of part-time interpreters on such lists (broken down by language/dialect of interpretation service), as well as the government departments and public organizations that make reference to such lists;

(2) of the total number of occasions on which government departments hired part-time interpreters and the total number of service hours involved, as well as the average number of service hours per
interpreter, broken down by language/dialect of interpretation service, in each of the past three years; whether it knows the relevant statistics in respect of public organizations;

(3) whether the government departments mentioned in (1) currently have left full-time or half-time interpreter posts unfilled and hire part-time interpreters to provide the interpretation services concerned; if so, of the titles of such posts and the reasons why recruitment exercises for filling such posts have not been conducted; and

(4) of the current remunerations offered by government departments to part-time interpreters; of the number of adjustments of the remunerations for them in the past 10 years, as well as the rate(s) of adjustment and their revised remunerations after each adjustment; whether their remunerations were reduced in 2003 in tandem with the salary reduction of the civil service; if so, whether their remunerations have been subsequently adjusted upward following the increases of salaries for the civil service?

SECRETARY FOR THE CIVIL SERVICE (in Chinese): President, the Civil Service Bureau is responsible for supporting government departments on use of the two official languages (written Chinese, written English, Cantonese, Putonghua and spoken English), including translation and interpretation services. As for similar support involving other languages, such as employment of part-time interpreters to assist the staff in communicating with ethnic minorities, individual departments will hire external services in accordance with the Stores and Procurement Regulations based on their own requirements.

Since government departments have not collected or compiled such statistical information as lists of part-time interpreters, the number of occasions and service hours for which they were hired, and adjustments of remunerations, no detailed itemized data is available.
Electronic Stored Value Payment Services

21. **MR CHRISTOPHER CHUNG** (in Chinese): President, it has been reported that recently, a local company providing electronic stored value payment services (commonly known as "e-wallet services") collaborated with a supermarket chain in conducting promotional activities, which attracted tens of thousands of members of the public to download the related mobile application and register as users of its services. While the company claimed that it could transfer payments collected from members of the public to public utilities for settling electricity, gas, telecommunications services bills, etc., the utilities concerned issued statements stating that they had not made any agreement on fee collection with that company. Regarding electronic stored value payment services, will the Government inform this Council:

(1) given that the Payment Systems and Stored Value Facilities Ordinance, which commenced operation on the 13th of last month, provides that it will be illegal for any issuers, unless being exempt, to issue or operate any stored value facilities without a licence, but there is a one-year transitional period for such a requirement, whether the authorities have assessed the risk of law-breakers committing fraud under the guise of providing electronic stored value payment services during the transitional period; if they have assessed, of the details and their corresponding measures;

(2) whether the authorities have compiled statistics on (i) the number of companies operating electronic stored value payment services in Hong Kong and (ii) the number complaints relating to such services received by the authorities (broken down by nature of such complaints), in each of the past five years; and

(3) given that more and more members of the public use electronic stored value payment services, whether the authorities have plans to step up publicity to educate the public on how to choose and safely use such type of services; if they do, of the details?

**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President,
The regulatory regime for stored value facilities (SVFs) and retail payment systems under the Payment Systems and Stored Value Facilities Ordinance (the Ordinance) commenced operation on 13 November this year. Under the Ordinance, the Hong Kong Monetary Authority (HKMA) is empowered to implement a mandatory licensing system for multi-purpose SVFs and perform relevant supervision and enforcement functions. A one-year period is allowed for existing issuers of SVFs or new market operators to apply for a licence from the HKMA. After the expiry of the one-year period (that is, from 13 November 2016 onwards), it will be illegal for any issuers, unless being exempt, to issue or operate any SVFs without a licence.

Deception and fraud are criminal offences under the Theft Ordinance. The public should report to the Police in cases of any suspected deception for the Police's follow-up.

The HKMA does not have statistical breakdown on the number of companies operating electronic stored value payment services in Hong Kong and related complaints in the past five years.

Customers should always exercise caution when choosing or using SVFs. They should understand clearly the terms and conditions of the agreement, such as the nature of the relevant SVFs, scope of services, fees, redemption arrangements of the outstanding stored value, complaint handling mechanism, and so on. The HKMA has launched public education programmes, including through press releases, TV and radio announcements, posters, brochures, and so on, to enhance public awareness of the use of these payment products or services, and their understanding of the new regulatory regime enforced by the HKMA.

Mental Health of Working Persons

DR CHIANG LAI-WAN (in Chinese): President, it has been reported that a number of suicide cases allegedly due to work pressure have occurred in Hong Kong in recent months. On the other hand, the Occupational Safety and Health Council interviewed 377 working persons by way of questionnaires last month to gauge their work pressure, depressive and anxious emotions, as well as
mental health conditions. According to the survey findings, over 60% of the
respondents experienced a considerable degree of work pressure, 25% suffered
from symptoms of depressive and anxiety disorders of varying degrees, over 50%
were in a state of mental and psychological sub-health (e.g. with insomnia and
disorganized thinking), and nearly one-fifth were even in a state of mental and
psychological illness. It is learnt that the poor mental health of working persons
not only reduces their productivity and attendance rates, but also affects their
physical and mental well-being as well as their relationships with family
members. In serious cases, it may even lead to tragic incidents resulting in
casualties. Regarding the mental health of working persons, will the
Government inform this Council:

(1) whether it has regularly conducted surveys on the work pressure
faced by working persons in order to gauge their mental health
conditions; if it has, of the details; if not, the reasons for that;

(2) given that quite a number of employees are unaware that their
feeling dispirited may have been caused by work pressure and they
therefore have not proactively sought assistance, whether the
authorities have provided employers with guidelines on and support
for identifying employees with mental health problems and providing
training on management of work pressure for employees; if they
have, of the details; if not, the reasons for that;

(3) whether measures are in place to support those working persons
who suffer from mental illness or mood disorders due to work
pressure in order to help them develop positive psychology; if so, of
the details; if not, the reasons for that; and

(4) as it is learnt that quite a number of working persons do not have
sufficient awareness of mental health, whether the authorities have
put in place policies to promote occupational mental health so as to
enhance such knowledge and awareness of working persons; if they
have, of the details; if not, the reasons for that?

SECRETARY FOR LABOUR AND WELFARE (in Chinese): President, the
Labour Department (LD) is greatly concerned about employees' occupational
safety and health, including the work pressure faced by them and the possible
impact of such pressure on their mental health. In order to raise employees' alertness and awareness about work pressure and their understanding of the proper ways to manage work pressure, the LD and the Occupational Safety and Health Council (OSHC) have done much, both in terms of quantity and diversity, to assist employers and employees in establishing a good working environment and creating a harmonious working atmosphere to prevent organizations and employees from being adversely affected by work pressure.

My reply to the four parts of the question is as follows:

(1) The OSHC conducts surveys of various scales from time to time on the work pressure faced by employees, including territory-wide and sector-specific work pressure surveys, and passes the results of such surveys to the LD for reference. The LD also sends staff to attend local and international conferences relating to mental health and work pressure, such as the conference and workshop on work stress management organized by the OSHC every year, with speakers including local and international experts and scholars. The LD also makes reference to local and international professional journals and relevant research reports as well as other local and international information on employees' mental health. Through the various channels mentioned above, the LD effectively gauges the situation of work pressure faced by employees and their mental health status. We consider that there is currently no need to conduct regular surveys on the matter.

(2) and (4)

In order to promote proper understanding of and measures for managing work pressure to employers and employees, the LD and the OSHC have published a variety of promotional publications and information and organized various forms of publicity activities. The LD has published a "Work and Stress" booklet, while the OSHC has published a "Work Stress Management" DIY kit and online work stress assessment. Such information provides practical measures for preventing and managing work pressure at personal and organizational levels.
As for publicity activities, the LD organizes public talks and workshops to strengthen employers' and employees' understanding of work pressure management. As at the end of October this year, the LD had organized a total of 102 talks and workshops. The OSHC also co-organizes a variety of activities with various organizations, including talks, training courses and conferences, to train employers and employees from different sectors on how to manage work pressure, and to understand causes of work pressure and ways to manage and relieve such pressure effectively from different perspectives, so as to share amongst participants positive thinking and strengthen their mental health.

Since 2011, the LD and the OSHC have introduced and co-organized an "Occupational Health Award" relating to work pressure in the "Occupational Health Award Forum and Award Presentation" every year to give recognition to organizations achieving outstanding performance in work pressure management, and to promote occupational health culture amongst employers and employees. Besides, the OSHC has also publicized the above-mentioned work and activities through radio and newspapers to further disseminate the message to employers and employees.

Furthermore, the Department of Health has commenced preparatory work in 2015 for launching a three-year territory-wide public education and publicity campaign on mental health. The objectives of the campaign are to increase public engagement in promoting mental well-being and increase knowledge and understanding of the public (including working persons) about mental health.

(3) Employees suspected to be suffering from mental or emotional problems arising from work pressure may seek consultations at the occupational health clinics of the LD. Apart from providing counselling on the prevention and management of work pressure, occupational health doctors and nurses will refer them to the Hospital Authority (HA) for follow-up if necessary. The HA may provide appropriate professional support for patients with varying degree of mental health problems (including those suffering from mental or emotional problems as a result of work pressure) and their family members.
The HA launched, in 2010, the Integrated Mental Health Programme which was expanded to cover all hospital clusters in 2011-2012, to provide appropriate support for patients with mild mental illness (such as those having mild depression or anxiety disorder symptoms) in primary care settings. Patients with mild mental illness are provided with diagnosis and appropriate treatment, including individual or group counselling, psychological and drug treatment, in primary care settings at designated general out-patient clinics in the seven clusters of the HA. The services are provided by multi-disciplinary teams led by family medicine specialists in collaboration with psychiatric specialists.

For patients with complicated mental illness (such as emotional distress, anxiety disorder and depression), the HA's multi-disciplinary psychiatric team comprising psychiatrists, psychiatric nurses, clinical psychologists, occupational therapists and medical social workers provides patients with appropriate treatment and training, including hospitalization, out-patient consultation, daytime rehabilitative training, community service and other support services (including psychological treatment), according to the clinical needs of these patients.

Besides, medical social workers of the Social Welfare Department (SWD) are stationed in psychiatric hospitals and clinics of the HA to provide counselling and support services to mental patients or ex-mentally ill persons to help them cope with emotional, family and relationship problems arising from illness, and to apply for or refer them to receive rehabilitation services and community support services. The SWD also provides subvention to non-governmental organizations to operate a total of 24 Integrated Community Centres for Mental Wellness across the territory to provide one-stop, district-based and accessible community support services, ranging from early prevention to crisis management for ex-mentally ill persons, persons with suspected mental health problems and their families and carers, and residents in the district.
WRITTEN ANSWER

Written answer by the Secretary for Transport and Housing to Mr Paul TSE's supplementary question to Question 2

As regards arrangements for Mainland residents to drive in Hong Kong, according to the Public Security Bureau of the Guangdong Province, 237,856 holders of Hong Kong driving licence have obtained the Mainland driving licence through direct issue as at 30 November 2015.
SUPPLEMENTARY INFORMATION

Supplementary information by the Secretary for Transport and Housing to Mr Michael TIEN's written Question 10

As regards information on incidents which caused service disruption in various MTR railway lines of eight to 30 minutes, this Bureau has collated the relevant information in conjunction with the MTR Corporation Limited (MTRCL). Outlined below is the number of incidents which caused disruption of eight to 30 minutes in the MTR system from 2011 to October 2015. The incidents are classified based on the concerned railway lines and causes of incidents (equipment failure or human factor). Normally, if the incidents were caused by equipment failure, the MTRCL would immediately examine the issue and repair or replace the equipment concerned as soon as possible. If the incidents were caused by human factor, the MTRCL would strengthen staff training afterwards to avoid recurrence.

Annex

Number of incidents due to equipment failure or human factor in the MTR system which caused railway service disruption of eight to 30 minutes from 2011 to October 2015

<table>
<thead>
<tr>
<th>Year</th>
<th>Cause</th>
<th>Island Line</th>
<th>Tsuen Wan Line</th>
<th>Kwun Tong Line</th>
<th>Tseung Kwan O Line</th>
<th>Tung Chung Line</th>
<th>Disneyland Resort Line</th>
<th>Airport Express</th>
<th>East Rail Line</th>
<th>West Rail Line</th>
<th>Ma On Shan Line</th>
<th>Light Rail</th>
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Note:

"Railway infrastructure" includes signalling system (central computer and trackside signalling equipment), tracks, overhead lines and track circuit; "rolling stock equipment" includes trainborne signalling computers and equipment, trainborne traction supply equipment, brake equipment and train doors; and "station equipment" includes Platform Screen Doors and Automatic Platform Gates. For incidents which were caused by "human factor", examples are failure to strictly adhere to established procedures by staff when handling incidents, and mistakes made by staff inadvertently when operating the railway system or trains.