OFFICIAL RECORD OF PROCEEDINGS

Wednesday, 13 July 2016

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 ALBERT HO CHUN-YAN

THE HONOURABLE LEE CHEUK-YAN

THE HONOURABLE JAMES TO KUN-SUN

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

THE HONOURABLE LEUNG YIU-CHUNG

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

THE HONOURABLE TAM YIU-CHUNG, G.B.M., 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 VINCENT FANG KANG, G.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, S.B.S., J.P.

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

THE HONOURABLE CHAN HAK-KAN, B.B.S., J.P.

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

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

DR THE HONOURABLE LEUNG KA-LAU

THE HONOURABLE CHEUNG KWOK-CHE

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

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 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

THE HONOURABLE IP KIN-YUEN

DR THE HONOURABLE ELIZABETH QUAT, J.P.

THE HONOURABLE MARTIN LIAO CHEUNG-KONG, S.B.S., 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 CHUNG KWOK-PAN

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

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

THE HONOURABLE ALVIN YEUNG NGOK-KIU

MEMBERS ABSENT:

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

DR THE HONOURABLE FERNANDO CHEUNG CHIU-HUNG
PUBLIC OFFICERS ATTENDING:

THE HONOURABLE JOHN TSANG CHUN-WAH, G.B.M., J.P.
THE FINANCIAL SECRETARY

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

THE HONOURABLE MATTHEW CHEUNG KIN-CHUNG, G.B.S., J.P.
SECRETARY FOR LABOUR AND WELFARE

MR GODFREY LEUNG KING-KWOK, J.P.
SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT

THE HONOURABLE LAI TUNG-KWOK, G.B.S., I.D.S.M., J.P.
SECRETARY FOR SECURITY

THE HONOURABLE EDDIE NG HAK-KIM, S.B.S., J.P.
SECRETARY FOR EDUCATION

DR THE HONOURABLE KO WING-MAN, B.B.S., J.P.
SECRETARY FOR FOOD AND HEALTH

THE HONOURABLE PAUL CHAN MO-PO, G.B.S., M.H., J.P.
SECRETARY FOR DEVELOPMENT

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

MR RONALD CHAN NGOK-PANG, J.P.
UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS
CLERKS IN ATTENDANCE:

MR KENNETH CHEN WEI-ON, S.B.S., SECRETARY GENERAL

MISS ODELIA LEUNG HING-YEE, DEPUTY SECRETARY GENERAL

MISS FLORA TAI YIN-PING, ASSISTANT SECRETARY GENERAL

MS DORA WAI, ASSISTANT 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:

No. 118 — Hong Kong Deposit Protection Board
Annual Report 2015-2016

No. 119 — Clothing Industry Training Authority
Annual Report 2015

No. 120 — Sir Robert Black Trust Fund
Report of the Trustee on the Administration of the Fund
for the year ended 31 March 2016

No. 121 — Report of the Public Accounts Committee on Report No. 66
of the Director of Audit on the Results of Value for
Money Audits (July 2016 — P.A.C. Report No. 66)

Report of the Finance Committee on the examination of the Estimates
of Expenditure 2016-2017

Report of the Committee on Members' Interests of the Fifth Legislative Council

Committee on Rules of Procedure Progress Report for the period October 2015 to July 2016

Committee on Access to the Legislature's Documents and Records Progress Report for the period April 2014 to July 2016
Report No. 22/15-16 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments

Report of the Bills Committee on Bank of Communications (Hong Kong) Limited (Merger) Bill

Report of the Panel on Development 2015-2016

Report of the Panel on Commerce and Industry 2015-2016

Report of the Panel on Manpower 2015-2016


Report of the Panel on Administration of Justice and Legal Services 2015-2016

Report of the Panel on Health Services 2015-2016


Report of the Panel on Transport 2015-2016

ADDRESSES

PRESIDENT (in Cantonese): Addresses. Mr Abraham SHEK will address the Council on the "Public Accounts Committee Report No. 66".

Report of the Public Accounts Committee on Report No. 66 of the Director of Audit on the Results of Value for Money Audits (July 2016 — P.A.C. Report No. 66)

MR ABRAHAM SHEK: President, on behalf of the Public Accounts Committee (the Committee), I have the honour to table our Report No. 66.
Out of the eight chapters covered by the Director of Audit's Report No. 66, the Committee has decided to hold hearing on one chapter that contained more serious allegations of shortcomings.

I will now report the conclusions and recommendations on the chapter "Efforts of the Rating and Valuation Department in safeguarding revenue on rates and government rent" covered in Report No. 66. Rates and Government rent are broad-based and stable sources of government revenue. From 2014 to 2015, revenue collected from rates and Government rent added up to $31.6 billion. The Committee expresses grave concern that the Rating and Valuation Department has not made its best effort in collecting rental information, making interim valuations, collecting rates and Government rent, and taking follow-up actions on ineligible rates-exempted cases in rural areas under the provisions of the Rating Ordinance and the Government Rent (Assessment and Collection) Ordinance. This has resulted in a loss of government revenue.

The Committee expresses grave concern about the Rating and Valuation Department's decision not to collect rates on un-assessed illegal rooftop structures and other types of assessable unauthorized building works with removal orders issued by the Buildings Department. This decision was based on the assumption that some unauthorized building works would be transient. However, this presumption turned out to be not always valid as some 10,000 unauthorized building works had remained outstanding for two years or more as at the end of 2015. The Committee urges the Administration to re-examine the validity of the above decision in order to curb the loss of government revenue and to deliver a clear message to the public that unauthorized building works are not exempted from rates.

The Committee expresses grave concern that the Rating and Valuation Department has not made sufficient efforts to co-ordinate and solicit support from other relevant government departments, namely, the Buildings Department, the Lands Department and the Home Affairs Department, to provide useful information to facilitate the assessment of rates and Government rent in a timely manner. To cope with the heavy workload arising from the assessment and collection of rates and Government rent, the Administration should consider allocating additional manpower and resources to the Rating and Valuation Department. Before new resources are allocated, it is imperative that the above departments should make concerted efforts to facilitate the assessment and
collection of rates and Government rent. These include sharing of information on unauthorized building works and sub-divided properties required for rates assessment purposes and strengthening inspections of rates-exempted village houses.

President, the Committee has raised detailed and in-depth questions about the issues and shortcomings raised in the other seven chapters in the Director of Audit's Report. I would like to express, on behalf of the Committee, our appreciation for the thorough answers given to these questions from the relevant government bureaux, departments and organizations. After the Committee has reviewed the replies received, members have decided that public hearings were not necessary for these seven chapters. However, the Committee is of the view that had these replies been included in the Director of Audit's Report, the Committee would not have to expend so much efforts and time in clarifying the issues with the relevant bureaux, departments and organizations.

President, this is the last time for me to table the PAC report in the Council in the current term. In these four years, the Committee has published 10 reports and held 57 public hearings on 25 different chapters. I am pleased that the Committee's various conclusions and recommendations have facilitated the Administration in striving to achieve value for money in the delivery of public services. I have some observations that I would like to share with fellow honourable Members. It has often been said that history tends to repeat itself. This saying could be aptly applied to the issues investigated by the Committee in the past four years. Firstly, there were a number of cases in which departments' practices have deviated from the laid down procedures or guidelines, or the funding proposals approved by the Finance Committee of this Council. Secondly, the irregularities revealed by the Director of Audit's Reports often involved poor co-ordination, as in the case that I have earlier reported, and collaboration between departments. Thirdly, there was insufficient supervision from the bureaux on the departments under their purview. I hope that the Administration will improve on these three aspects to improve the efficiency, effectiveness and economy in the delivery of services.

The Committee has completed its work in the current term, and I would like to register my appreciation for the active participation and contribution made by members of the Committee. Our gratitude goes, in particular, to the staff of the Legislative Council Secretariat, whose unfailing support has enabled us to
finish our job within a very tight time frame. I would also like to express our gratitude to the Director of Audit, and staff of the Audit Commission for their continuous support to the Committee.

Thank you, President.

PRESIDENT (in Cantonese): Mr CHAN Kin-por will address the Council on the "Report of the Finance Committee on the examination of the Estimates of Expenditure 2016-2017".

(Mr CHAN Chi-chuen stood up)

PRESIDENT (in Cantonese): Mr CHAN Chi-chuen, what is your point?

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.

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


The FC held a total of 21 sessions of special meetings in April this year to examine the Estimates of Expenditure 2016-2017 (the Estimates), with the aim to ensure that the authorities are seeking a provision no more than is necessary for the execution of the policies approved.
Members submitted 7,199 written questions on the Estimates to the Administration, which were slightly more than the 7,093 questions submitted last year. A relatively large number of questions were focused on welfare, women affairs, education and home affairs. The Administration, according to the undertaking it had made earlier, submitted replies to a total of 3,300 questions before the special meetings. As for the remaining questions that were compliant with the Rules of Procedure, and the supplementary questions raised by Members during the special meetings, the Administration's replies to these questions were submitted before the third Budget meeting on 20 April 2016. The questions and replies have been uploaded onto the website of the Legislative Council.

At the special meetings, Members raised questions on various expenditure items, and they also expressed concerns and views on measures closely related to economic development and people's livelihood referred to in the Budget. The procedures of the special meetings are set out in the report.

Following the passage of the Appropriation Bill 2016 at the meeting of the Legislative Council on 13 May, the FC started to examine the funding requests submitted by the authorities with respect to various measures proposed in the Budget.

President, the FC spent a total of approximately 31 hours and 30 minutes to complete the examination of the Estimates, the process of which was smooth in general. In this connection, I am most grateful to Members for their enthusiastic participation, and I would also like to extend my gratitude to the various Policy Bureaux and departments of the Government for their co-operation.

I so submit.

PRESIDENT (in Cantonese): Mr TAM Yiu-chung will address the Council on the "Committee on Rules of Procedure Progress Report for the period October 2015 to July 2016".

Committee on Rules of Procedure Progress Report for the period October 2015 to July 2016

MR TAM YIU-CHUNG (in Cantonese): President, in my capacity as Chairman of the Committee on Rules of Procedure (the Committee), I submit to this Council the progress report of the Committee's work during the Legislative
Session of 2015-2016. I will highlight several items of important work of the Committee.

During this Legislative Session, the Committee discussed the issue relating to the presentation of petitions to the Council under Rule 20 of the Rules of Procedure (RoP). Members agreed to review the handling of situations where more than one petition on similar or related subject matters had been presented, and they expressed views on the relevant procedures. Members considered that as two select committees had been formed in the current term of the Legislative Council to handle the subject matters stated in the relevant petitions, the Council had already gathered a certain amount of experience in the matter. The Committee suggested that the Committee on Rules of Procedure of the next term of the Legislative Council could continue following up the review concerned.

Members noted that in recent years, Members have repeatedly drawn the attention of the President to the absence of a quorum during Council meetings under Rule 17 of the RoP. As such, the President must immediately give direction to summon Members to return to the Chamber. When Members resort to the above procedure incessantly, the work of the Council will be disrupted. Moreover, Council meetings may have to be adjourned, seriously affecting the efficiency of the Council in its operation. While the Committee has examined other practical solutions which are in line with the Basic Law, members have yet to reach any consensus on an alternative acceptable to all.

To ensure smoother operation of the committees and set out clearly Members' understanding of certain provisions of the RoP, the Committee had suggested that various amendments be made to the Handbooks for Chairmen of Panels, Bills Committees and Subcommittees on Subsidiary Legislation/Other Instruments, including the arrangement relating to amendments to a motion proposed during the period of extension, the principles for the disclosure of pecuniary interests by Members, as well as the number of oral representations that a member of the public may make at committee meetings held for the purpose of receiving public views on a subject. These amendment proposals had already been endorsed by the House Committee.

The Committee had studied and endorsed a proposal made by the Committee on Members' Interests to amend Rule 83 of the RoP, which aims to align the deadlines for Members to register election donations with the 60-day deadline for lodging election returns as specified under the law. The proposal was supported by the House Committee at its meeting on 17 June 2016. The
Chairman of the Committee on Members' Interests proposed to move a motion to amend Rule 83 of the RoP at the Council meeting of 6 July 2016.

Following the establishment of the Innovation and Technology Bureau in the end of last year, the portfolios of individual Policy Bureaux have been changed. The Committee considered that the terms of reference of the Panel on Information Technology and Broadcasting, the Panel on Commerce and Industry and the Panel on Economic Development might need to be rationalized as a result of such changes. The Committee agreed that the Committee on Rules of Procedure of the next term of the Legislative Council should further discuss the necessary changes to the terms of reference of the relevant Panels.

I would like to take this opportunity to thank Members for their support and valuable opinions for the work of the Committee. Thank you, President.

PRESIDENT (in Cantonese): Mr Tony TSE will address the Council on the "Report of the Panel on Development 2015-2016".

Report of the Panel on Development 2015-2016

MR TONY TSE (in Cantonese): President, in my capacity as Chairman of the Panel on Development (the Panel), I submit to this Council the report on the work of the Panel for the 2015-2016 Session. I will highlight several major items of work of the Panel.

During the Session, one of the major items of work of the Panel was to monitor the progress made by the Government in increasing housing land supply. The short- to medium-term measures adopted by the Government in this regard included developing the Anderson Road Quarry site with the aim of providing 9,000-odd private and subsidized housing flats on the site by 2023. Members were concerned about the future impact of this development on traffic in the Kwun Tong District, and urged the authorities to undertake early planning for traffic improvement measures.

The Panel supported the Planning and Engineering Study for Housing Sites in Yuen Long South conducted by the authorities with a view to optimizing the development potential of brownfield land for housing and other development
The authorities already briefed the Panel on the findings of the study, as well as the draft Recommended Outline Development Plan. Members were concerned about the connectivity between the housing sites in Yuen Long South and the urban areas. According to the authorities, as the development of Hung Shui Kiu would create about 150,000 job opportunities, residents of Yuen Long South would be able to find jobs in the Hung Shui Kiu New Development Area without having to travel long distances to the urban areas for work in the future. The authorities also planned to build a new road connecting Yuen Long South with the West Rail Yuen Long Station.

In January this year, the Lantau Development Advisory Committee issued its first-term work report, setting out initial proposals on the development strategy for Lantau. The Panel discussed these proposals and held a special meeting to receive views from the public. Members attached the greatest importance to the need to strike a balance between development and conservation. The authorities must conduct extensive consultation on each development project and take on board public views where appropriate before implementing the project.

The Panel had all along been concerned about water resources management and water quality monitoring in Hong Kong. In March this year, a delegation of Panel members paid a duty visit to Singapore to study the country's experience in developing water resources and safeguarding the quality of drinking water. A relevant report was already submitted to the House Committee. In June this year, the Panel made a site visit to Sha Tin Water Treatment Works to learn about the procedures and technology adopted by the Water Supplies Department to monitor the quality of drinking water. Members were concerned about whether the authorities would introduce legislation on the safety of drinking water, and the authorities advised that a relevant study would be conducted.

The details of the work of the Panel in other areas are set out in its report.

President, lastly, I would like to take this opportunity to thank members and the Secretariat for their support for the Panel over the past year. I so submit.

PRESIDENT (in Cantonese): Mr WONG Ting-kwong will address the Council on the "Report of the Panel on Commerce and Industry 2015-2016".
Report of the Panel on Commerce and Industry 2015-2016

MR WONG TING-KWONG (in Cantonese): President, in my capacity as Chairman of the Panel on Commerce and Industry (the Panel), I submit the report of the work of the Panel for this Session and briefly highlight several areas of work of the Panel.

In respect of the development of trade relations, members of the Panel urged the Administration to enhance the regional co-operation between Hong Kong and Northeast or Northwest Mainland, as well as promote a comprehensive economic and trade co-operation arrangement with Taiwan. Members considered that the Administration should leverage on the advantages brought by CEPA to help Hong Kong's enterprises and professional services sector grasp the business opportunities arising from the Belt and Road Initiative. They urged the Administration to strengthen the overseas Economic and Trade Office (ETO) network to promote Hong Kong's image and cultural co-operation and exchanges. In view of the significant trade relations between Hong Kong and member states of the Association of Southeast Asia Nations (ASEAN), members supported the establishment of new ETOs to enhance liaison and exchanges between Hong Kong and the ASEAN. Members also urged the Administration to strive for early conclusion of the ASEAN-Hong Kong Free Trade Agreements to secure better access for Hong Kong's goods and services to the ASEAN market.

Members welcomed the establishment of a full-fledged Trade Single Window for the one-stop lodging of all documents from the trade in relation to importing and exporting goods, thereby streamlining business processes and enhancing trade efficiency. They agreed that the Administration should set up new funding schemes to support Hong Kong's professional services and promote their external competitiveness.

In respect of the promotion of inward investment, members suggested that the Administration should attract overseas enterprises to set up high value-added research and development offices in Hong Kong. They also suggested that the Administration should introduce tax deduction measures to attract and retain high value-added technology companies to expand their business in Hong Kong.

Concerning the promotion of innovation and technology, members supported the launch of a Midstream Research Programme for Universities to encourage universities to conduct more theme-based midstream research. They also welcomed the launch of a Pilot Technology Voucher Programme to help small and medium enterprises (SMEs) improve productivity, upgrade and
transform. To nurture more innovation and technology talents, members supported the extension of the Internship Programme to cover the incubatees and SME tenants in the Hong Kong Science Park and Cyberport. Members also supported the introduction of the Innovation and Technology Venture Fund to encourage the private sector's investment in local innovation and technology start-ups. Moreover, they also supported the Administration's development of an Advanced Manufacturing Centre and a Data Technology Hub in the Tseung Kwan O Industrial Estate.

President, the work of the Panel has been set out in detail in the report of the Panel. I so submit and I would also like to take this chance to thank the support from members and the Secretariat for the Panel's work.

PRESIDENT (in Cantonese): Mr KWOK Wai-keung will address the Council on the "Report of the Panel on Manpower 2015-2016".

Report of the Panel on Manpower 2015-2016

MR KWOK WAI-KEUNG (in Cantonese): President, in my capacity as Chairman of the Panel on Manpower (the Panel), I submit to the Legislative Council the report of the Panel for the current Legislative Session. As the work of the Panel has already been detailed in the report, I will only highlight several major areas of work of the Panel.

Protection for employees' rights and benefits was high on the Panel's agenda. Given that the Government, in formulating the legislative proposal on paternity leave, has undertaken to conduct a review one year after the legislation came into operation, the Panel followed up closely on the implementation of paternity leave and its review. Most members expressed disappointment that the Administration would only report the review findings and recommendations on the future directions to the Panel in the first quarter of 2017. They urged the Administration to speed up its work for an early completion of the review.

The Panel continued to follow up on the employment assistance provided by the Administration to the more vulnerable group, in particular, the supportive measures provided to the elderly, women and ethnic minorities. Members urged the Administration to provide appropriate training and job referral service to the above-mentioned job seekers in light of market demand.
President, the Panel attached great importance to occupational safety in various industries. Members were particularly concerned that the construction industry recorded the highest number and rate of fatal industrial accidents among all industries. Given that a number of mega infrastructure projects had commenced one after another, members expressed grave concern that construction workers might neglect safety at work in seeking to meet tight project deadlines. Members called on the authorities to implement adequate measures and carry out publicity and education programmes to protect workers' occupational safety.

Members were also greatly concerned about the work progress and policy direction of the Standard Working Hours Committee. Apart from requesting the Administration's report, the Panel also established a subcommittee to follow up on the issue of regulating working hours. The subcommittee had completed its work and a report was submitted to the Panel.

Furthermore, the Panel also established a joint subcommittee with the Panel on Financial Affairs in the current Legislative Session to study issues relating to the offsetting arrangement under the Mandatory Provident Fund Schemes. The subcommittee had completed its work and submitted a report.

President, I so submit.


MR NG LEUNG-SING (in Cantonese): President, in my capacity as Chairman of the Panel on Financial Affairs (the Panel), I submit the report of the work of the Panel for the current Session and briefly highlight several major areas of work.

As regards matters relating to Hong Kong's macro-economic situation, the Panel was concerned that Hong Kong had been continuously affected by the uncertain economic outlook of the global economy …

(Mr LEUNG Kwok-hung stood up)
PRESIDENT (in Cantonese): Mr NG, please hold on. Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): President, a point of order. I request a headcount.

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 NG Leung-sing, please continue.

MR NG LEUNG-SING (in Cantonese): As regards matters relating to Hong Kong's macro-economic situation, the Panel was concerned that Hong Kong had been continuously affected by the uncertain economic outlook of the global economy and there was a further slowdown in the Hong Kong economy during the first quarter of 2016. Members urged the Government to adopt measures to stimulate domestic demand, support affected sectors and enhance Hong Kong's competitiveness. Noting that the local property market was facing downward pressure with the impending United States interest rate hike and increase in flat supply, some members considered that the Government should adjust the existing demand-side management measures on the property market.

Regarding the work of the Hong Kong Monetary Authority (HKMA), members were concerned that interest rate hikes in the United States might cause negative equities in the local property market. Members stressed that the HKMA should regularly review the countercyclical macroprudential measures implemented. In view of the continuous moderation and even reduction in credit growth of Hong Kong, members expressed concerns about the difficulties faced by small and medium enterprises (SMEs) in obtaining credit and urged the Government and the HKMA to provide SMEs with the relevant assistance. Some members also urged the HKMA to look into the difficulties encountered by SMEs and start-up companies in opening bank accounts.
Regarding the development of the financial services industry in Hong Kong, the Panel received a briefing on the work of the Financial Services Development Council and discussed the relevant measures with the authorities. Members called on the Government to step up its efforts in developing financial technologies and review whether the current regulatory regimes could cater for the development; and some members urged the Government to put in place a clear legislative framework for financial technologies development and refrained from over-regulation. Furthermore, members generally support the proposal of establishing an exchange distribution platform for funds in Hong Kong by the Government to reduce the costs of investors and bring new business opportunities for the trade.

The Government briefed the Panel on the regulatory arrangements to tackle malpractices by financial intermediaries for money lending. Members supported the authorities to enhance police enforcement; strengthen public education and publicity and impose additional licensing conditions and disclosure requirements on money lenders. Some members suggested …

(Mr LEUNG Kwok-hung stood up)

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

MR LEUNG KWOK-HUNG (in Cantonese): President, a point of order. I request a headcount.

PRESIDENT (in Cantonese): Mr NG, please pause. 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, but some Members had not returned to their seats)

PRESIDENT (in Cantonese): Will Members please return to their seats.

PRESIDENT (in Cantonese): Mr NG Leung-sing, please continue.
MR NG LEUNG-SING (in Cantonese): The Government briefed the Panel on the regulatory arrangements to tackle malpractices by financial intermediaries for money lending. Members supported the authorities to enhance police enforcement; strengthen public education and publicity and impose additional licensing conditions and disclosure requirements on money lenders. Some members suggested the authorities to conduct a comprehensive review on the Money Lenders Ordinance; introduce a licensing system for intermediaries and tighten the regulation of advertisements on money lending, so as to step up regulation on intermediaries and alert the public about the risks of over-borrowing.

Last but not least, I would like to thank members for their active participation in the work of the Panel, and the Legislative Council Secretariat for its support to the Panel over the past year.

PRESIDENT (in Cantonese): Mr CHEUNG Kwok-che will address the Council on the "Report of the Panel on Welfare Services 2015-2016".


MR CHEUNG KWOK-CHE (in Cantonese): President, in my capacity as Chairman of the Panel on Welfare Services (the Panel), I now submit to the Legislative Council the report of the Panel for the current Legislative Session. I will highlight the work of the Panel in a number of aspects.

The authorities briefed members on the progress of the implementation of the Special Scheme on Privately Owned Sites for Welfare Uses. A majority of members suggested that the ratio of publicly funded services to self-financing services provided under the Special Scheme should be set at 8:2, so as to ensure that public resources were put to use for needy groups in an equitable manner. Members also urged the authorities to adopt measures to ensure that services provided to service users would not be affected by the in situ expansion or redevelopment projects under the Special Scheme.

Members noted that the authorities would launch the first phase of the Pilot Scheme on Residential Care Service Voucher for the Elderly. Some members considered the Pilot Scheme worth a try as it would serve as an additional choice of residential care services for eligible elderly persons on the waiting list. However, as a majority of members were concerned that the authorities had neither improved the system for monitoring residential care homes for the elderly
nor enhanced the statutory standards for manpower and service premises, the Panel passed a motion with five votes in favour of it and two against it, objecting to the implementation of the Pilot Scheme on Residential Care Service Voucher for the Elderly.

Members also learnt that the Social Welfare Department planned to merge the Licensing Office of Residential Care Homes for the Elderly and the Licensing Office of Residential Care Homes for Persons with Disabilities, so as to step up the inspection and regulation of residential care homes. Members were of the view that the problem with the quality of private residential care homes could not be resolved by merely stepping up inspection. Members advised the authorities to make public the names of residential care homes with poor track records, and provide the direction of and a timetable for the review of the relevant Code of Practice for residential care homes for the elderly and residential care homes for persons with disabilities.

Members expressed grave concern about the case of a boy with intellectual disability who was poisoned to death by direct ingestion of crystal methamphetamine in 2013. Members urged the Administration to immediately set up an independent commission of inquiry to review the case, the system and legislation for child protection as well as the mode of service delivery, and make recommendations within a year for improvement. Members advised that the Panel on Welfare Services of the next-term Legislative Council should revisit the subject matter.

President, the specific work of the Panel is already set out in detail in the Report. Lastly, I wish to take this opportunity to thank members for taking part in the work of the Panel over the past year and the large number of deputations for providing the Panel with their valuable advice.

President, I so submit.

PRESIDENT (in Cantonese): Mr Martin LIAO will address the Council on the "Report of the Panel on Administration of Justice and Legal Services 2015-2016".

Report of the Panel on Administration of Justice and Legal Services 2015-2016

MR MARTIN LIAO (in Cantonese): President, in my capacity as Chairman of the Panel on Administration of Justice and Legal Services (the Panel), I now
submit the report of the Panel for the current session, and highlight several major items of work of the Panel.

The Panel continued to follow up the manpower and other support for the Judiciary during the current session. Noting that the vacancy rate of judicial posts still stood at 11.9% as of November 2014 despite the numerous rounds of recruitment exercises conducted by the Judiciary, members urged the Judiciary to expedite its review on the retirement ages of Judges and judicial officers, so as to better attract quality candidates and experienced private legal practitioners to join the bench. As lack of judicial support was another major factor discouraging outside law talents to join the bench, members also urged the Judiciary to expand the Scheme on Judicial Assistants to provide assistance to Judges other than appellate Judges in the Court of Final Appeal and the Court of Appeal of the High Court.

The Panel also continued to follow up with the Judiciary on the mechanism for handling complaints against judicial conduct. Members generally welcomed the various improvement measures launched by the Judiciary with effect from 1 April 2016 following the review of the complaint handling mechanism, namely (i) introducing a standard form to make it easier for complainants to provide the necessary information; (ii) releasing statistics and details on justified and partially justified complaints against judicial conduct to the public, as appropriate, on an annual basis; and (iii) setting up a new Secretariat for Complaints against Judicial Conduct for co-ordinating the handling of complaints against judicial conduct.

Regarding the provision of screens for complainants in sexual offence cases during court proceedings, members welcomed the Administration's plan to introduce legislative amendments to allow the provision of screens for complainants in sexual offence cases, and urged the authorities to execute the plan expeditiously. In the interim, the Judiciary had recently promulgated amended/new Practice Directions, as a result of which the consideration of the need for screens as shields had become a standing procedure in every sexual offence case that was brought before the Court. To complement the new standing procedure as required by the Practice Directions, the Police had drawn up a leaflet to provide information to adult victims of sex crimes on what they might undergo and their rights whilst assisting the Police investigation.

President, the work of the Panel is set out in detail in the Report. I so submit.
PRESIDENT (in Cantonese): Dr LEUNG Ka-lau will address the Council on the "Report of the Panel on Health Services 2015-2016".

Report of the Panel on Health Services 2015-2016

DR LEUNG KA-LAU (in Cantonese): President, as Prof Joseph LEE, Chairman of the Panel on Health Services (the Panel) is unable to attend the meeting, I would, in my capacity as Deputy Chairman of the Panel, report on the work of the Panel in this Legislative Session on his behalf. As the work of the Panel has been set out in detail in the report, I will only focus on some key areas of work of the Panel.

The Panel closely followed up on the redevelopment, expansion and development plans of public hospitals in the next 10 years. Members urged the Administration to ensure that the additional hospital beds and in-patient capacity could meet with the increasing service demand arising from a growing and ageing population in the long run. Members were also very concerned about the progress of the drafting of legislation relating to the regulation of private healthcare facilities. Moreover, members asked the authorities to introduce the relevant bill into the Legislative Council in the 2016-2017 Legislative Session.

President, as the elderly had a much higher demand for medical services than those in other age groups, members requested the Administration to strengthen the medical services for the elderly by optimizing the Elderly Health Care Voucher Scheme, providing health assessment services for the elderly and providing treatment to the elderly with hearing difficulties.

The Panel also continued to follow up with the Administration on the implementation details of the Colorectal Cancer Screening Pilot Programme, under which higher risk groups would be subsidized for screening. Members urged the authorities to conduct an assessment after the implementation of the Pilot Programme and consider how colorectal cancer screening services could be provided to more age groups in the future.

The Panel discussed the proposed framework for launching a voluntary accredited registers scheme for healthcare personnel not subject to statutory regulation. Members were concerned about the accreditation procedures and standards, especially how the Administration could assist the healthcare professions in joining the scheme. The Panel requested the Administration to
revert on further details of the scheme in the next legislative term prior to its launch.

President, the Panel also followed up on a number of issues relating to the Hospital Authority (HA), including the progress of HA in implementing the recommendations of the Steering Committee on Review of the HA, the conduct of urgent testing for severe influenza cases, the effectiveness of clinical public-private partnership programmes, patient safety management, as well as the provision of private patient services at public hospitals.

I so submit, President.

PRESIDENT (in Cantonese): Dr LAM Tai-fai will address the Council on the "Report of the Panel on Education 2015-2016".


DR LAM TAI-FAI (in Cantonese): President, in my capacity as Chairman of the Panel on Education, I submit the report of the Panel for the current Legislative Session and highlight several items of important work of the Panel.

The Panel was concerned that while the requisite qualification and level of responsibilities for primary school teachers and principals were comparable to those of secondary school teachers and principals, there is a very big difference between their salary structures and pay levels. Members have discussed the matter with the Administration, and passed a motion unanimously requesting the Education Bureau to expeditiously review the staff establishment and salary structure in primary schools and make recommendations for improvement. The Government advised that it would seriously consider the concerns and demands of members and the school sector. Noting that the Government has failed to undertake to review the salary structures of primary school principals and teachers, I have written to the Bureau on behalf of the Panel to express disappointment. The Panel would continue to follow up on the further progress of the matter.

With regard to the fact that there are still 28 primary schools operating in matchbox-style sub-standard premises constructed decades ago, the Panel has expressed grave concern about their environment for learning and teaching as
well as the need for repair, reprovisioning and redevelopment. The Panel paid a visit to three of these primary schools with the Under Secretary for Education in April 2016. In order to follow up the matter pragmatically, the Panel convened two closed tripartite meetings in May and July to provide a forum for the Administration and the school sector to exchange views and explore short-, mid- and long-term measures, with a view to improving the learning environment to ensure the quality of education.

The Panel was gravely concerned about the spate of student suicide cases which occurred in this school year, and a special meeting was convened to discuss with the Administration measures to tackle and prevent student suicides. Members endorsed two proposals to urge the Government to implement a number of measures, which include introducing the "School Retreat Day" in schools and addressing the concerns arising from the pressure of heavy homework on primary students. Amid the serious public concern over the drilling and pressure on students as a result of the Territory-wide System Assessment (TSA), the Panel has convened a number of meetings and public hearings. Apart from discussing with the Administration about the related issues, the Panel has also received views from over 80 stakeholders over the implementation of TSA.

While there was general agreement among members to promote students' biliteracy and trilingualism, views were divergent about the policy of using Putonghua as the medium of instruction for teaching the Chinese Language subject (PMIC). At the meeting held on 2 July, the Panel passed a motion urging the Administration to abolish setting PMIC as the long-term vision. According to the Administration, schools could consider whether and how to implement PMIC having regard to their own circumstances.

On higher education, the Panel has received views from the eight University Grants Committee (UGC)-funded institutions on the Report entitled "Governance in UGC-funded Higher Education Institutions in Hong Kong". The institutions generally welcomed the recommendations of the Report. The Panel also convened public hearings on institutional governance in June. Many deputations considered the terms of reference of the Report too restrictive and no examination was made on the problems arising from the Chief Executive's ex-officio role as the Chancellor of institutions and his powers to appoint members to university councils. While the Administration considered that the current statutory system has operated effectively, some members have expressed disagreement.
With regard to the Belt and Road Scholarship Scheme proposed by the Government, while some members supported in principle, some opposed the provision of funding for the Scheme and they queried the urgency of the proposed funding. In late June, the Education Bureau stated that the relevant funding proposal would be submitted to the next term of the Panel and Finance Committee for deliberation.

With regard to the implementation of free kindergarten education, many members opined that the Administration should put in place a mandatory salary scale similar to the current practice in aided schools, so as to provide a clear remuneration framework for kindergarten teachers. According to the Education Bureau, the funding mode for aided schools was subject to a basket of control measures and therefore the salary practices could not be applied to kindergartens in isolation. The Panel urged the Administration to maintain dialogue with the kindergarten sector with a view to improving future arrangements.

Other major items of work of the Panel are set out in detail in the report.

President, I so submit. Thank you.

PRESIDENT (in Cantonese): Mr Michael TIEN will address the Council on the "Report of the Panel on Transport 2015-2016".

Report of the Panel on Transport 2015-2016

MR MICHAEL TIEN (in Cantonese): President, in my capacity as Chairman of the Panel on Transport (the Panel), I submit the report of the work of the Panel for the current session and briefly highlight several major areas of work.

In the 2015-2016 session, the Panel, along with its Subcommittee on Matters Relating to Railways (the Subcommittee), continued to closely monitor government policies and issues of public concern relating to transport matters.

In late June this year, the MTR Corporation Limited (MTRCL) announced that the overall MTR fare adjustment rate for this year would be adjusted upward by 2.65% under the Fare Adjustment Mechanism (FAM). In response to members' suggestion, the Board of MTRCL has also announced that it would advance the next scheduled FAM review by one year. The Panel has also called
on MTRCL to offer more fare concessions to passengers and increase the size of the profit sharing scheme.

The Panel has all along been concerned about the road traffic congestion problem. In December 2015, the Administration briefed Panel members on measures aimed at addressing the problem of traffic congestion, namely the proposed increase in fixed penalty for congestion-related traffic offences and implementation of an Electronic Road Pricing (ERP) Pilot Scheme in Central and its adjacent areas. Quite a number of members considered that if ERP was to be implemented, commercial vehicles and public transport should be exempted.

In February this year, the Administration briefed the Panel on the local public transport arrangements at the Hong Kong Boundary Crossing Facilities upon the opening of Hong Kong-Zhuhai-Macao Bridge (HZMB) in the future, and on the latest progress of the discussions among the Administration, Guangdong Province and Macao Special Administrative Region on the cross boundary transport arrangements for HZMB. Members have requested the Administration to consider whether public transport arrangements can cater for the increase in passenger demand when formulating the relevant arrangements.

In addition, the Panel has also received a briefing by the Administration on the four topics under the Public Transport Strategy Study, including the review on the statutory cap on the number of public light buses and the number of seats therein; review of taxi service; mid-term review for ferry services of the current licence; and accessible public transport services for people with disabilities. Most of the members have expressed support for increasing the seating capacity of public light buses. However, members had diversified views on the introduction of premium taxi service under the franchise model. In addition, members have also asked ferry companies to offer more fare concessions and increase the frequency of ferry services on holidays, and urged public transport operators to speed up the provision of barrier-free facilities and provide more travel subsidies to people with disabilities.

The Subcommittee continued to follow up on matters relating to railway planning, implementation and operation, as well as the implementation of the several railway projects currently under construction.

President, the other areas of work of the Panel are explained in detail in the written report. I so submit.
ORAL ANSWERS TO QUESTIONS


Fire Safety of Industrial Buildings

1. **IR DR LO WAI-KWOK** (in Cantonese): President, in recent years, quite a number of units in industrial buildings have been converted for various uses. Last month, a No. 4 alarm fire broke out in units on several storeys in an old industrial building in Kowloon Bay. The fire had raged for several days and caused injuries to and death of a number of fire personnel before it was extinguished. The authorities indicated that as the units concerned had been sub-divided into hundreds of mini-storages, making the layout very complicated, and the various mini-storages were locked, it was difficult to put out the blaze. The fire has aroused concern about the fire safety of industrial buildings. In this connection, will the Government inform this Council:

(1) of the number of fire safety inspections conducted by the authorities on old industrial buildings and the number of Fire Hazard Abatement Notices issued to the persons concerned, in each of the past three years;

(2) whether it will expeditiously formulate guidelines to regulate the layouts, partition materials, types of items to be stored and basic fire service facilities, etc. in respect of the mini-storages in old industrial buildings; if it will, of the details; if not, the reasons for that; and

(3) whether it will, upon making reference to overseas experience, amend the relevant legislation to require owners, owners' corporations and property management companies of industrial buildings to regularly arrange fire risk assessments to be conducted for the buildings concerned and such assessments, under specified circumstances, be conducted by registered fire engineers, so as to facilitate the authorities to issue fire safety certificates after ensuring the buildings' compliance with the requirements; if it will, of the details; if not, the reasons for that?
SECRETARY FOR SECURITY (in Cantonese): President, the No. 4 alarm fire at the Amoycan Industrial Centre was one of the biggest challenges faced by the Fire Services Department (FSD) in recent years. The design of the mini-storage made the firefighting operation extremely difficult. The firefighters had to deal with some 200 mini-storage cubicles, with a complicated layout, maze-like partitions and narrow passageways filled with intense heat due to the fire. Worse still, all of the cubicles were locked, which significantly added to the difficulty of firefighting. I would like to take this opportunity to express again my gratitude and appreciation towards all the fire and ambulance personnel for their dedication and diligence for putting out the blaze.

We appreciate the public's concerns over the fire safety of mini-storages. The inter-departmental working group led by the Security Bureau has set out to explore short, medium and long-term measures to enhance the fire safety of mini-storages and similar premises. My reply to the three parts of the question raised by Ir Dr LO is as follows:

(1) The FSD set up an Industrial Building Enforcement Team in April 2010 to follow up on the irregularities identified in industrial buildings. As at end May 2016, the task force conducted 10,868 follow-up inspections and issued 2,864 Fire Hazard Abatement Notices (FHANs). The FSD has also referred some other suspected irregularity cases to relevant departments for follow-up.

Separately, the Buildings Department (BD) has been conducting a large-scale operation against illegal domestic use of units in industrial buildings since 2012. As at end May 2016, the BD inspected 99 target industrial buildings and issued 110 removal and discontinuation orders. Additionally, if the BD receives reports from members of the public or other departments concerning industrial buildings in contravention of the Buildings Ordinance (Cap. 123), its staff will conduct inspections and follow-up as appropriate. However, the BD does not keep such statistics.

(2) According to information available at this stage, there are over 500 mini-storages in Hong Kong and they are mainly located in industrial buildings in various districts. Nonetheless, regardless of the type of building in which the mini-storages are located, the building shall comply with the fire and building safety requirements applicable at the time the building was completed, as well as other
applicable statutory requirements. With respect to fire safety, mini-storages must comply with the relevant requirements on the provision of means of escape and means of access for firefighting and rescue purposes, and so on. In relation to structural safety of buildings, the floor slabs of mini-storages must conform to the relevant loading requirements.

The FSD, the BD, the Lands Department and the Labour Department are now inspecting mini-storages and similar premises in Hong Kong to check if there is any breach of the existing statutory requirements. For any breaches of the Fire Services Ordinance (Cap. 95) or the Dangerous Goods Ordinance (Cap. 295) identified during inspection, the FSD will institute prosecution against or issue a FHAN to the person(s) concerned under the relevant provisions. For unauthorized building works, the BD will issue orders for removal of such works under the Buildings Ordinance. In addition, the FSD and the relevant departments have recently met with the major operators of mini-storages in Hong Kong and expressed the Government's grave concern over the fire safety of mini-storages. The departments asked the trade to take all possible management measures as soon as possible to improve fire safety, including increasing the number of security personnel, preventing storage of dangerous goods, strengthening fire prevention training for their employees, ensuring the effective working order of fire service installations and equipment (FSI), and so on.

(3) At present, the fire safety of industrial buildings is largely regulated by the Buildings Ordinance. The FSI in an industrial building shall comply with those requirements applicable at the time when the building was constructed. The owners or occupiers shall ensure that such FSI are in effective working order at all times. The FSD and the BD would also conduct inspections periodically. Where irregularities are identified during the inspections, the departments will take enforcement actions.

Ir Dr LO suggests that the owners, and so on, of industrial buildings should be required to regularly arrange registered fire engineers to conduct fire risk assessments on the buildings.
The Registered Fire Engineer (RFE) Scheme, which enables qualified persons to conduct fire safety risk assessment, is not yet in force. The Government would first need to have the support of the Legislative Council in deliberating and passing the Fire Services (Amendment) Bill 2015 at this meeting, and then make subsidiary legislation to provide for the details of the RFE Scheme, before it could be brought into operation. The Scheme will be implemented in the licensing process for prescribed premises such as restaurants and hotels. Whether and how the Scheme would be extended to other areas is a subject for the FSD's follow-up studies.

As committed previously, the Government will study how to amend the law in order to strengthen the regulation of fire safety of mini-storages. We welcome any proposals which might enhance fire safety, and the feasibility of each proposal will be carefully studied. The Government will continue to listen to views from the public and examine different legislative approaches, taking into account relevant experiences in other jurisdictions. Upon resumption of the Legislative Council, the authorities will report progress to the relevant Panels as soon as practicable, with a view to putting forward legislative amendment proposals within the next Legislative Session.

IR DR LO WAI-KWOK (in Cantonese): President, after I have submitted this oral question, another No. 3 alarm fire broke out in an industrial building in Cheung Sha Wan on 8 July. It was later found that in addition to workshops and mini-storages, some units have even been converted to "sub-divided units". Consequently, residents of "sub-divided units" were among the injured. Living in "sub-divided units" in an industrial building is an offence under the law which involves huge security risk. If this situation is allowed to persist, a time bomb of a deadly blaze will undoubtedly be planted.

The Secretary mentioned in his main reply just now that the BD issued 110 removal and discontinuation orders as at end May 2016. Taking the opportunity of reviewing the two blazes, will the authorities also conduct a comprehensive review of the effectiveness of law enforcement in the past, conduct inspections to identify various fire safety hazards and illegal activities in old industrial buildings in Hong Kong, and enhance the deterrent effect by stepping
SECRETARY FOR DEVELOPMENT (in Cantonese): Good morning, President and Members. The Government is very concerned about the fire safety risks posed by converting an industrial building for residential purpose. During this review, we will also look into the effectiveness of law enforcement in the past, as well as the follow-up action and deterrent measures to be taken against cases of non-compliance identified during future inspections.

The BD often encounters difficulties during inspections of industrial buildings. When a flat has been converted to "sub-divided units", it is very often not easily noticeable during inspection from outside the flat. It is necessary to enter the flat to get evidence. In fact, the BD has encountered some uncooperative owners in the past. While the BD can certainly apply for a warrant to enter the flat to collect evidence, this takes quite a long time.

Looking forward, we will conduct reviews to strengthen the following aspects: first, the BD staff should be given investigation power, enabling them to enter premises suspected of having "sub-divided units" for investigation, thereby shortening the time for collecting evidence inside the premises; second, give consideration to imposing penalties. The relevant legislation has in fact set out very severe penalties, including a fine of $200,000, a possible one-year imprisonment for the person convicted, and a pecuniary penalty for each day on which the breach continues. However, among the 20-odd cases against which successful prosecutions were instituted in the past, only fines were meted out in most cases. As such, in reviewing future prosecutions, for breaches of law by individual company, we will consider instituting criminal prosecution against the directors of the company. In addition, we are also studying to criminalize the illegal act of converting industrial buildings to "sub-divided units" for residential use. The Lands Department is also actively considering more stringent measures, including recovering the relevant units.

DR CHIANG LAI-WAN (in Cantonese): President, a fire broke out in an industrial building in Cheung Sha Wan last week, leading to very dangerous conditions. A District Council member from the Democratic Alliance for the Betterment of Hong Kong and my personal assistant stayed outside that industrial
building for the whole night. As there are a large number of residential buildings, including old buildings, new buildings and housing estates in the vicinity, in case the blaze gets out of control, the fire may spread from one building to another anytime, which is really worrying.

The Secretary indicated that the authorities will step up inspections and prosecute owners who illegally sub-let industrial buildings. I strongly support this initiative. However, I hope that the Secretary will set a target in respect of the progress of processing cases. At the same time, the Secretary should also review why there are "sub-divided units" in industrial buildings. As these residents cannot afford high rents, they can only move to "sub-divided units" in industrial buildings with lower rental. We hope that the Government will identify some buildings in the district, for example, buildings which are totally owned by the Government or vacant school premises, as temporary accommodation for residents who are forced to move of out "sub-divided units" in industrial buildings. I hope that the Secretary will convey my requests to relevant departments.

SECRETARY FOR DEVELOPMENT (in Cantonese): President, I would like to thank Dr CHIANG Lai-wan for her supplementary question. We are gravely concerned about the presence of "sub-divided units" in industrial buildings for residential use. I thank Dr CHIANG Lai-wan for her suggestions and we will follow up. However, based on my initial observation, there may be certain difficulties in implementing her suggestions. If a vacant site is available in the urban area, and if circumstances allowed, we will strive to build public housing for members of the public in need, but not temporary housing for short-term use.

Moreover, it is very unlikely that there are vacant school premises in urban areas that have not been put to effective use. Vacant school premises are very often located in the countryside or remote areas, and they are smaller in size. Even if we put in substantial resources to convert them, two problems remain outstanding: first, not many people can move in; and second, in fact some residents of "sub-divided units" have another residence in the New Territories. They rent a place in the urban area simply due to their job. For instance, those who work in the catering industry can go back to their residence for some rest during break between shifts.
As such, the suggestions made by Dr CHIANG just now may not completely solve the actual problems. However, we will actively consider various solutions. At the same time, we will do our best in respect of land supply and housing construction.

DR PRISCILLA LEUNG (in Cantonese): President, I think that the Secretary is also aware that I have been requesting for amending the Fire Services Ordinance and the Fire Safety (Buildings) Ordinance. After the blazes at industrial buildings, the authorities have now proposed to amend the Fire Services Ordinance to extend the monitoring of mini-storages and other buildings. Under the existing legislation, we can indeed criminalize cases of non-compliance and issue a large number of prosecution notices to owners of old residential buildings. However, owners can do nothing at all in response to the requests of the authorities.

After the two fire hazards, we hope that the authorities will, in addition to amending the legislation, reconsider the following suggestions. First, confer the Director of Fire Services greater power of discretion in decision making, so that he can decide whether resources should be immediately provided to residential or industrial buildings with pressing needs. At the same time, has the Government seriously considered — Secretary for Development Paul CHAN is here today — making reference to the Operation Building Bright by providing funding support to help improve old buildings? Many owners of both industrial and residential buildings can do nothing even when they are served with a notice of prosecution.

President, I hope that the Secretary can answer this question.

PRESIDENT (in Cantonese): Which Secretary will answer the question? Secretary for Security, please reply.

SECRETARY FOR SECURITY (in Cantonese): I fully understand the concerns of Dr LEUNG. In this Chamber, apart from Dr LEUNG, other Members have also exchanged their views on this issue. The supplementary question of Dr LEUNG involves two parts: first, the recent two blazes in industrial buildings have raised our awareness of the need to amend certain legislations; and second, regarding fire safety issue, under the Fire Safety
(Buildings) Ordinance (Cap. 572), we must raise the fire safety requirements of old commercial/residential buildings. I will respond to these two parts in the same order.

Regarding the first part, the inter-bureau/departmental working group led by me is now working expeditiously. As I mentioned in the main reply just now, we hope that when the next term of the Legislative Council resumes, we will report to the relevant Members the work done in these two months, our proposals as well as the views collected. By then we will also be able to listen to the views of Members so as to expeditiously implement the suggestion to strengthen the law-enforcement power conferred on the Director of Fire Services.

I hereby make an appeal again. The Fire Services (Amendment) Bill 2015 (the Bill) is still pending. The Bill has obtained the support from the Bills Committee and other stakeholders, and a consensus has been reached. The two blazes have highlighted the importance and urgency of the Bill. However, I am worried that we do not have sufficient time in this meeting to scrutinize and pass the Bill. The Bill is an important basis for many of our subsequent work. If the Bill has to be examined afresh by the next Legislative Council, the timetable to strengthen fire safety will be delayed. Therefore, I urge all Members to show mercy by passing the Bill in time.

The second part concerns the Fire Safety (Buildings) Ordinance (Cap. 572). We have come up with some options, such as directly connecting fresh water pipes to some low-rise buildings (like three-storey buildings) in order to meet the fire safety requirement for fire-fighting purpose. We have implemented this scheme in one building, which has already passed an inspection by the Water Supplies Department. The FSD will conduct an acceptance test next month. If the test is passed, we will roll out the scheme to more than 300 buildings. The remaining issue, which is of concern to Dr LEUNG and me, is about how to handle buildings with four to six storeys. While the FSD is engaged in dealing with issues related to old industrial buildings, it is also working very hard to come up with solutions. I also hope that we can put forward some proposals to deal with and solve this problem within this year.

PRESIDENT (in Cantonese): The Secretary has used more than five minutes to answer your question. I cannot allow you to raise another question.
DR PRISCILLA LEUNG (in Cantonese): Most importantly, will the authorities provide additional resources to old buildings, as in the case of the Operation Building Bright?

PRESIDENT (in Cantonese): Dr LEUNG, please sit down. Dr LAM Tai-fai, please raise your supplementary question.

DR LAM TAI-FAI (in Cantonese): President, Hong Kong faces a serious shortage of housing and land supply, resulting in the prevalence of mini-storages and "sub-divided units". However, mini-storages and "sub-divided units" are plagued by various problems in respect of structural safety, fire safety and hygiene. It can be said that they are just like "city bombs" which can explode anytime, endangering people's lives and resulting in property losses.

According to the FSD's data, 358 industrial buildings in Hong Kong have not been fitted with automatic sprinkler system. Meanwhile, the FSD has not maintained any separate record of the availability of automatic sprinkler system in 1,870 old commercial buildings and some 13,000 old composite buildings.

Given the absence of automatic sprinkler system in many buildings and the lack of a classified record, the Secretary is unable to grasp the actual situation. Then how can he diffuse this "city bomb" in order to protect the life and property of the public? Without grasping the actual situation, how can the Secretary address the relevant issue?

PRESIDENT (in Cantonese): Dr LAM, please sit down and let the Secretary answer.

SECRETARY FOR SECURITY (in Cantonese): Dr LAM, we note that some old industrial buildings are not fitted with automatic sprinkler system. However, this problem is currently not regulated by any legislation. As I said just now, our working group is now studying ways to deal with this problem. We have to ensure that the old industrial buildings built before 1973 also comply with the current fire safety requirements.
In addition, we will continue inspecting other industrial buildings. By collecting the relevant information in a comprehensive manner, we will establish the corresponding standards for raising fire safety requirements.

PRESIDENT (in Cantonese): We have spent more than 23 minutes on this question. Second question.

Supply of Meals for Persons Detained in Magistrates' Courts


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 LEUNG Kwok-hung, please ask your main question.

2. MR LEUNG KWOK-HUNG (in Cantonese): President, this question is about meals. In fact, a contributory factor in the prosperity of Germany is that most of its workers eat cold food and sandwiches.

President, I now ask my question.

At present, meals for persons detained in cell holding units in various Magistrates' Courts (detainees) are mainly supplied by the canteens in nearby police stations. I have received quite a number of complaints in recent months that the takeaway boxed meals supplied by such canteens were lukewarm and unhygienic, causing some people to feel ill after having the meals. In reply to my enquiry about the canteen in the Kowloon City Police Station, the authorities have indicated that according to section 4 of the Food Business Regulation, the
expression "food business" does not include "any canteens provided in work places for the use exclusively of the persons employed in the work places", and hence the canteen concerned is not required to hold a food business licence. However, some people have pointed out that as detainees are not employed in the Kowloon City Police Station, it may be illegal for the canteen to supply meals to the detainees in the Kowloon City Magistrates' Courts. On the other hand, the authorities have also indicated that the detainees may, with the consent of the departments concerned, request that arrangement be made by their relatives and friends at their expenses for meals to be supplied to them by outside restaurants, and the meals are required to go through security checks conducted by the relevant departments. In this connection, will the Government inform this Council:

(1) as the food supplied by restaurants holding food business licences (licensed restaurants) is required to meet food safety standards, whether the authorities will consider having the meals for detainees supplied by licensed restaurants instead; if they will, of the implementation time; if not, the reasons for that, and whether such reasons include the Government's disregard for such people's rights;

(2) whether the authorities will consider having the meals for detainees in Magistrates' Courts to be supplied by licensed restaurants which are located within the Magistrates' Courts (including those located in the Kowloon City Magistrates' Courts) instead; whether there are licensed restaurants in each of the Magistrates' Courts at present; if not, whether the authorities will immediately conduct open tenders for selection of contractors to open restaurants in those Magistrates' Courts which do not have any licensed restaurant; and

(3) as the relatives and friends of some detainees have relayed to me that the police officers stationed in the Kowloon City Magistrates' Courts have refused to deliver food to detainees bought by them from the licensed restaurants in the Magistrates' Courts, of the current application procedure for supplying food to detainees by their relatives and friends, including the method and criteria adopted for vetting and approving the applications and the departments involved; whether the authorities will simplify the procedure?
SECRETARY FOR SECURITY (in Cantonese): President, section 10 of the Police Force Ordinance (Cap. 232) specifies the duties of the Police Force, which include escorting and guarding prisoners and keeping order in court. The Hong Kong Police Force (HKPF) respect the rights of detainees, and all along fulfil their duty of care to persons remanded by the Police, and ensure that their rights and safety are safeguarded.

(Mr LEUNG Kwok-hung stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Mr LEUNG Kwok-hung, what is your point?

MR LEUNG KWOK-HUNG (in Cantonese): President, as too many Members have gone to have meals, a quorum is not present in the Chamber right now.

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): Secretary for Security, please continue with your reply.

SECRETARY FOR SECURITY (in Cantonese): At present, there are seven Magistrates' Courts in Hong Kong, which are located respectively in the Eastern District, Kowloon City, Kwun Tong, Tsuen Wan, Fanling, Sha Tin and Tuen Mun. The Police are responsible for the operation of the cell holding units (CHUs) of Magistrates' Courts. A police officer at the inspectorate rank is designated as the Officer-in-Charge (Court) (OC Court) of each CHU, and is accountable to, according to the police district he or she reports to, an officer at the chief inspectorate rank responsible for court affairs as well as to an officer at the senior superintendent rank in charge of administration matters of the respective region. Upon consultation with the Judiciary and the Food and
Environmental Hygiene Department (FEHD), I set out my reply to Mr. LEUNG Kwok-hung's question as follows:

(1) and (3)

The Police respect the rights of detainees and are committed to safeguarding their rights during the period of detention regardless of whether they are remanded in a police station or a Magistrates' Court. In fulfilling their statutory duties, discharging their duty of care to detainees and protecting detainees' safety, the Police will also adopt proper measures, which include taking care of the basic needs of detainees.

In most of the cases, detainees will only be remanded in the CHU of a Magistrates' Court for a short span of time to wait for a trial to commence or resume, which will generally not be more than one working day. In the light of the actual situation, the HKPF shall provide three meals, that is, breakfast, lunch and dinner, to such detainees. As far as the current practice is concerned, meals are mainly supplied by the canteen of a police station near a Magistrates' Court. For instance, meals for detainees in the CHU of the Kowloon City Magistrates' Courts are supplied by the canteen of the Kowloon City Police Station.

Contractors of police stations' canteens are selected and commissioned by the HKPF regularly through open tender. The provisions of the Public Health and Municipal Services Ordinance (Cap. 132), including the meaning of the expression "food business" under the Food Business Regulation (Cap. 132X), are not applicable to canteens established by the Government. A canteen of any police station is therefore not required to obtain a licence under the Food Business Regulation and shall not fall under "any canteens provided in work places for the use exclusively of the persons employed in the work places" under section 4 of the Regulation. Having said that, the HKPF shall, in the respective contracts, clearly specify the terms and conditions that the contractors shall abide by, including that the food supplied shall meet hygiene standards and the nutritional requirements of a balanced diet.
Any contractor of a police station's canteen shall prepare meals that are supplied to detainees in accordance with the relevant guidelines for meals as specified by the HKPF, which include the requirements and standards for the meals in respect of the types of food, portion, delivery and storage, and so on.

To ensure that the meals meet the requirements in areas such as hygiene and quality, the meals, upon preparation by canteens of police stations, shall be delivered to the Magistrates' Courts concerned as soon as possible. Food must be kept and delivered in insulated containers to ensure that the food therein meets the hygiene standards. The OC Court shall examine all the food to be provided to detainees. When deemed necessary, there may be a slight variation in mealtime depending on the trial duration of the case in the Magistrates' Court, operational requirements and manpower deployment of the Police. To prevent spoiled food from being served, any unconsumed food shall be disposed of within two hours upon receipt, and meals shall be provided again by the canteen of the nearby police station. At the same time, the OC Court may take the initiative to re-order the meal if he or she considers that the food hygiene or quality falls short of the requirements.

If a detainee has a view on the meal provided by the Police, the OC Court shall review afresh the quality of the food. In the light of the actual circumstances, the OC Court shall consider if there is a need to re-order the meal for the detainee.

During the detention period, if a detainee needs to have a meal outside the specified time, the OC Court may order the meal for the detainee from the canteen of the nearby police station, and the detainee does not need to wait until the next mealtime.

Detainees …

(Mr LEUNG Kwok-hung stood up)

**PRESIDENT** (in Cantonese): Secretary, please hold on. Mr LEUNG Kwok-hung, what is your point?
MR LEUNG KWOK-HUNG (in Cantonese): President, I am raising a point of order concerning the quorum. It is not about meals.

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): Secretary for Security, please continue with your reply.

SECRETARY FOR SECURITY (in Cantonese): Detainees may make a request to the OC Court in case they wish to be provided meals by their friends or relatives. Generally speaking, the OC Court shall, as far as practicable, give convenience to the detainees' friends or relatives for meal provision, as long as no unreasonable delay or disturbance will be caused to the judicial procedures. Upon approval of such a request, the meals will first undergo security check by police officers to confirm that no tools, weapons, medicines or other suspicious items are hidden in the food, so as to protect the safety of detainees and other persons who may come into contact with them. Once checked, the food shall be delivered by a police officer to the detainees for consumption.

(THE PRESIDENT'S DEPUTY, MR ANDREW LEUNG, took the Chair)

(2) Magistrates' Courts are under the purview of the Judiciary. Apart from the Tsuen Wan Magistrates' Courts, all the other six Magistrates' Courts operated canteens or food kiosks in the past. Based on the Director of Audit's recommendations in his Report No. 31 in 1998, the Government Property Agency reviewed the formulation of standards for canteen operation in 1999. Magistrates' Courts buildings were found to have failed to meet such standards. As a consequence, all Magistrates' Courts have ceased
to provide canteen services. Having said that, upon consideration of the above Director of Audit's report, the Judiciary will offer food kiosk services in Magistrates' Courts if tenders can be successfully awarded. At present, food kiosk services are only available at Tuen Mun Law Courts Building and Kowloon City Law Courts Building, where the Tuen Mun Magistrates' Courts and Kowloon City Magistrates' Courts are located respectively.

Deputy President, meal provision to detainees in Magistrates' Courts has all along been effective, and the food supplied has met hygiene standards and nutritional requirements. The HKPF will continue to properly discharge their duty of care to detainees as appropriate and safeguard their rights.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, the Secretary has given a good reply to my question. But I have to raise another point, which is a point of order. I think a quorum is not present here.

DEPUTY 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)

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG Kwok-hung, please ask your supplementary question.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, the Secretary has said in the main reply that the relevant arrangement has been effective. In fact, the crux of the whole issue is that since the Government Property Agency found that the facilities of Magistrates' Courts were unsuitable or inadequate for the operation of canteens, all Magistrates' Courts have ceased to provide canteen services. Of course, the Audit Commission agreed to this decision. However, the review was conducted in 1998 and 1999, and that was 10-odd years ago.
As mentioned in the main reply, there are canteens in police stations. According to the Secretary's explanation, canteens of police stations are exempt from the requirements governing other canteens or food businesses. This I understand. Secretary, may I ask if you will conduct a review 10-odd years later in respect of the current inconvenience caused by the absence of canteens or food kiosks in all Magistrates' Courts to a large number of detainees, court users and people working in courts? Will you consider improving the meals for all people concerned from this angle? Let me repeat: police stations …

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, you do not need to repeat. You have asked your supplementary question. Please sit down.

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, I need only 15 seconds. Canteens of police stations are for police officers, but canteens of Magistrates' Courts are for members of the public.

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, please sit down.

SECRETARY FOR SECURITY (in Cantonese): Deputy President, as I have said in the main reply, it is up to the Judiciary to consider whether canteens should be established in Magistrates' Courts, and the Judiciary has considered the matter on the basis of the Director of Audit's relevant report released in 1998. Of course, there must be consistency in what the Government does. After consideration, the relevant authorities found that Magistrates' Courts failed to meet the standards for canteen operation, and as a result, there are no canteens in all Magistrates' Courts now. This is an objective fact. Yet, regardless of whether detainees are remanded in Magistrates' Courts or police stations, the meals they get must meet the standards required by us. I believe this is the most important point.

MR CHRISTOPHER CHEUNG (in Cantonese): Deputy President, Mr LEUNG Kwok-hung has mentioned in the main question that some detainees felt ill after having the takeaway boxed meals supplied by the canteen of the Kowloon City Police Station. Was the Government aware of this problem? What complaint channels are available for a detainee who intends to complain about a meal?
SECRETARY FOR SECURITY (in Cantonese): Deputy President, I have no relevant information on the problem mentioned by Mr LEUNG Kwok-hung in the main question. That said, I have asked the Police to check their records to find the answer to a broader question, which is whether the Complaints Against Police Office (CAPO) has received any complaints about meals provided by the Police. According to the information obtained by me, the CAPO did not receive any complaints about meal arrangements from 2014 to June this year.

Here, I wish to make a point in reply to Mr CHEUNG's supplementary question. In my view, should a detainee in a Magistrates' Court think that there is something wrong with a meal provided by the Police, the most direct way of lodging a complaint is to directly express the opinion to a police officer on duty. I believe the police officer on duty will definitely follow up the matter according to the actual situation. For example, if there is a problem with the food, we can replace the food.

In addition, even if a dissatisfied detainee did not complain on the spot, he or she can still lodge a complaint through various existing complaint mechanisms, such as complaining to the CAPO as I mentioned just now. The complaint channels exist in various forms, including complaining in person, by phone, by letter and by email. The complainant does not have to complain on the spot, for he or she may complain afterwards. We will follow up the complaint no matter when it is received. Furthermore, if the complaint is lodged with the CAPO, the CAPO will refer the complaint to the Independent Police Complaints Council for review as well.

MR LEUNG CHE-CHEUNG (in Cantonese): Deputy President, I have actually received similar complaints. One of the reasons for the detainees to lodge such complaints might be that their appetite and feelings for food got worse after they were detained.

Nonetheless, I do think that the existing arrangement for supplying meals to detainees in the CHUs of Magistrates' Courts (that is, the requirement that such meals must be supplied by the canteens of nearby police stations) will, in fact, lead to certain problems. For instance, if there is a sudden major illegal incident, such as the Mong Kok riot, which culminates in the detention of a lot of people in a Magistrates' Court within a short period of time, there will be a sudden increase in the demand for meals for detainees. In the circumstances,
given that such meals must be purchased from the canteen of the nearby police station, will the police station's canteen fail to prepare enough meals, thereby causing certain problems? I would like to know if the authorities have in place any special measures to deal with such a situation.

SECRETARY FOR SECURITY (in Cantonese): If there is a sudden need for a Magistrates' Court to handle the mention hearings or trials of a higher than usual number of detainees … In any event, the Police have the information on the number of detainees to be taken to respective Magistrates' Courts each day. No matter how much the number is higher than usual, the Police have sufficient time to inform the contractors of police stations' canteens for preparation. As we all know, each police station has quite a lot of staff, so the canteen of a police station will certainly prepare a fair number of meals in ordinary days. As one of the duties of the relevant police officers on duty is to provide enough meals for detainees, they will definitely make prompt contact with the contractors when they see the aforesaid situation arise. What is more, the supply of various raw materials is basically very convenient in Hong Kong nowadays. I therefore do not think that the provision of meals will be inadequate in the aforesaid situation.

MR YIU SI-WING (in Cantonese): The Secretary has stated in the main reply that unlike ordinary restaurants, canteens of police stations are not required to apply to the FEHD for the licence that ordinary restaurants have to obtain. I also believe that the authorities will not allow these canteens to go unregulated. May I ask the Secretary what methods the authorities have adopted to ensure that canteens of police stations meet food safety and hygiene standards? Does the FEHD play a monitoring role in this regard?

SECRETARY FOR SECURITY (in Cantonese): Deputy President, what we are discussing today is an issue relating to meals for detainees in Magistrates' Courts. As I have said very clearly in the main reply, such meals are supplied by the canteen of the nearest police station. Canteens in police stations not only supply meals to detainees, but also provide meals for the staff of police stations. Regardless of the identities of the people having meals in these canteens, we must ensure that these canteens supply meals according to consistent standards and such meals meet the requirements. In what ways do we ensure that such meals
meet the requirements? We have set up canteen management committees the members of which are required to inspect canteens of police stations regularly. For example, members of the Police Headquarters Canteen Management Committee are required to inspect the canteen at least once a month to assess the cleanliness and standard of its food, as well as its service standard.

Of course, the relevant work is not undertaken solely by the Police. The Police also encourage canteen contractors to attend food safety talks organized by the FEHD. In addition to providing these talks, the FEHD has to work proactively. Although canteens of police stations are not required to be licensed under the law, this does not mean that the food provided by these canteens is of a low standard. FEHD officers will inspect all these canteens regularly. The basic requirement for the frequency of such inspections is once every 10 weeks, and the standard of examination is the same as that generally applicable to all restaurants. Where any irregularity is found at a canteen, the FEHD will ask the canteen to make improvement. If a canteen has breached the applicable hygiene legislation, FEHD officers will carry out their duties accordingly pursuant to the law.

DEPUTY PRESIDENT (in Cantonese): Third question.

Teaching Putonghua in Kindergartens

3. MS CLAUDIA MO: It has been reported that starting from this year, the Education Bureau will offer Putonghua courses for kindergarten (KG) teachers during the summer vacation. Some KG principals have remarked that while teaching young children Putonghua in the form of interest class should not give rise to any problem, incorporating Putonghua into the formal curriculum will create pressure on teachers and students as well as parents. Moreover, it may not be an ideal arrangement for young children to learn several languages at the same time. In this connection, will the Government inform this Council:

(1) whether it has any plan to revise the Guide to the Pre-primary Curriculum to incorporate Putonghua curriculum; if it has such a plan, of the justifications and the implementation timetable;
(2) whether it has conducted on its own or commissioned academics to conduct studies to compare young children learning Cantonese, English and Putonghua with those children learning only Cantonese and English in respect of their learning progress and development in other areas; if there are such studies, of the outcome; if not, the reasons for that; and

(3) as some parents of ethnic minority (EM) young children have indicated that since their children are learning three completely different languages or dialect (i.e. their native languages, English, and Cantonese) at present, such children may not be able to cope with the learning of an additional language (i.e. Putonghua), whether the authorities will provide more comprehensive and effective learning support for EM young children to facilitate their learning of various languages; if they will, of the details of the support measures?

SECRETARY FOR EDUCATION: Deputy President, the Education Bureau all along encourages kindergarten teachers to pursue continuing professional development and to participate in professional development activities of different modes and with diversified content, such as courses, seminars and workshops. Among the numerous professional development opportunities, the "Putonghua Course for Kindergarten Teachers" aims to help individual kindergarten teachers who have personal interest to enhance the proficiency in Putonghua and sustain professional development. The course is not related to the Guide to the Pre-primary Curriculum.

My reply to the questions raised by Ms Claudia MO is as follows:

(1) The learning of pre-primary education is currently organized through theme-based and integrated approaches of curriculum planning. There are no independent language subjects implemented in the curriculum. The Education Bureau has no plan to incorporate Putonghua curriculum into the revised Guide to the Pre-primary Curriculum, or to issue a mandate for kindergartens to teach Putonghua.
(2) Since there is no plan to incorporate Putonghua curriculum into the revised Guide to the Pre-primary Curriculum, or to issue a mandate for kindergartens to teach Putonghua, the Education Bureau has not conducted any studies to compare young children learning Cantonese, English and Putonghua with those children learning only Cantonese and English in respect of their learning progress and development in other areas.

Language learning for children should proceed step by step in light of their pace of development. Early childhood is the golden period for language learning, and language experiences at the early age will have tremendous influences on the language development of children. Proper language experiences will help children develop an interest in language learning and use language to think, communicate and learn. This will lay a foundation for children's language development. Teachers are recommended, in light of children's development, to provide children at early age with pleasurable, meaningful and real-life language learning experiences through thematic and integrated learning activities in a natural way, as well as cultivate children's interest in language and their language ability through trial and interaction. In addition, most of the kindergartens in Hong Kong are currently providing different modes of English and Putonghua activities for young children to cater for their different learning needs. Such activities of language exposure should align with children's cognitive and psychological development and life experience so that they can have joyful learning in a stress-free environment.

(3) The Education Bureau has been providing comprehensive support for non-Chinese speaking (NCS) young children to learn different languages. To facilitate NCS children's learning languages in an inclusive learning environment in local schools, the related support measures include:

(i) The Education Bureau has been providing school-based support services to kindergartens admitting NCS students which include on-site professional support …

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

MR LEUNG KWOK-HUNG (in Cantonese): Deputy President, a point of order. I think a quorum is not present in the Chamber.

DEPUTY 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)

DEPUTY PRESIDENT (in Cantonese): Secretary, please continue with your reply.

SECRETARY FOR EDUCATION: The Education Bureau has been deploying different measures to support NCS students, including the University-School Support Programmes (USP) financed by the Education Development Fund. These programmes aim at enhancing the professional capacity of teachers in teaching Chinese as well as helping NCS students to integrate into the local learning environment and a smooth transition to primary education. Cantonese is the medium of instruction of all the participating kindergartens of the USP.

(ii) With the support of the Language Fund, the Standing Committee on Language Education and Research (SCOLAR) has collaborated with non-governmental organizations (NGOs) to organize district-based programmes for NCS children aged three to nine for motivating them to learn Chinese through fun activities such as games and creative art. Since the 2012-2013 school year, a total of eight projects have been supported.
(iii) The Quality Education Fund (QEF) encourages innovative projects that provide support for NCS children in local schools. Learning support for NCS children has been covered in the contents under different priority themes of the QEF, including "Effective Learning and Teaching of Languages", "Support for Students with Diverse Needs", "Catering for Learners' Diversity" and "Promoting Whole Child Development in Kindergarten Education" to encourage the education sector to apply for funding for relevant projects to provide support for NCS children to learn Chinese, to enhance learning effectiveness in other subjects, and to strengthen communication with the parents of NCS students and home-school co-operation to address the needs of NCS students for whole person development. In the past five school years, we have supported altogether five projects in these particular areas.

We will continue to review the effectiveness of various support measures on an ongoing basis and refine individual measures whenever necessary.

**MS CLAUDIA MO:** In the first paragraph of Part (2) of the main reply, the Secretary said that the Government had no such mandate as to order kindergartens to teach Putonghua, but it is most hypocritical. It is just so phony! It is something that is happening now, and he said it had nothing to do with the Government! Actually, the Panel on Education has already passed a motion, albeit not legally binding, urging the Government to drop this so-called long-term goal of using Putonghua as the medium of instruction for teaching Chinese (hereinafter referred to as "PMIC"). My question for the Secretary is: Could you please just do that?

**SECRETARY FOR EDUCATION:** Deputy President, at the Panel on Education, we were discussing PMIC in primary and secondary education. Today, we are talking about kindergarten education. So they are two different things, to begin with. As far as …

**MS CLAUDIA MO:** Education is education …
DEPUTY PRESIDENT (in Cantonese): Ms Claudia MO, please sit down.

MS CLAUDIA MO: *Don't look at me like that.*

DEPUTY PRESIDENT (in Cantonese): Ms Claudia MO, you have interrupted the Secretary's speech, which violates the Rules of Procedure. Secretary, please continue with your reply.

SECRETARY FOR EDUCATION: As far as the discussion at the Panel on Education is concerned, it is important and I respect that. As I have explained to Members repeatedly during the Panel discussion, we are talking about some very relaxed and voluntary-based programmes to be initiated and managed by the school principals. Whenever they think they are ready — that is, when the teachers are ready, the students are ready, the school is ready, and the learning environment is ready — they can launch the Putonghua-based programmes.

There is another point which I would also like to mention. If Members can still recall, 71% of the primary schools have already implemented PMIC for different classes based on a specific and favourable environment. Given such a high percentage of engagement, there must be a good reason for the schools to do so. For that matter, it would be very unreasonable — and I actually do not see any ground to do so — to eliminate this particular long-term objective, particularly when so many schools are engaging themselves to it.

MS CLAUDIA MO: *Sorry, I could not understand what he was talking about.*

DEPUTY PRESIDENT (in Cantonese): Ms MO, please discuss the matter with the Secretary on other occasions. Mr Martin LIAO, please ask your supplementary question.

MR MARTIN LIAO (in Cantonese): Deputy President, as stated and clarified in the Secretary's main reply, as well as the Education Bureau's reply made earlier in response to media enquiries, the "Putonghua Course for Kindergarten
Teachers" is not related to the Guide to the Pre-primary Curriculum (the Curriculum Guide). I think it is beneficial to promote the pursuit of continuing education among practitioners of all trades and industries. It is also commendable for the Government to take the lead in organizing the relevant courses and programmes.

As far as I know, different training courses have been organized by the Government, for example, those relating to educational psychology, pedagogy, and so on. I would like to ask the Secretary: How many continuing education courses in Putonghua have been organized by the Government in the past? Have any follow-up actions been taken by the authorities in assessing their effectiveness? If these courses are found to be effective, what are the details?

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, Mr LIAO has made a very good point. First of all, teachers can voluntarily apply for these training courses which are basically intended to enhance their professional knowledge or facilitate their personal development. We have also organized similar courses in the past, and it is purely a matter of personal choice for enrolment in those courses.

Secondly, teachers invariably have different objectives or expectations when they enrol in these courses. To avoid creating pressures on the teachers, the courses are generally conducted in a relaxed manner. As regards the effectiveness of the courses, most teachers would have a higher proficiency in the language upon completion of the courses. For instance, they may be better prepared to sit for the Putonghua papers of the Language Proficiency Assessment for Teachers, so that they can become qualified to teach the subject of Putonghua. In addition, attending these courses can help teachers become more adept at using Putonghua either in class or in their daily life.

Given that at this stage, teachers' enrolment in these courses is voluntary based on their own consideration for professional development, the authorities have not implemented a separate mechanism to assess the use of Putonghua by teachers upon completion of the courses, or their proficiency level of the language.
MR IP KIN-YUEN (in Cantonese): Deputy President, Ms Claudia MO expressed grave concern in the main question about the learning of the Chinese language by ethnic minority (EM) young children in kindergartens because learning the Chinese language in Hong Kong can involve Cantonese as well as Putonghua. Although the Secretary has set out his main reply in three parts, as far as I am concerned, no explanation has been given about the learning of Putonghua by EM students. That is why I think this part of the question raised by Ms Claudia MO has not been answered at all.

In fact, the Curriculum Guide is the root of the entire problem. The entire Curriculum Guide has little coverage on how to help EM students learn the Chinese language, and nothing has been mentioned about learning Putonghua. At present, consultation on the revised Curriculum Guide is being conducted. I would like to ask the Secretary whether the relevant problems should be discussed more extensively in the Curriculum Guide, particularly the problem encountered by NCS students in learning the Chinese language in view of the complicated situation involving both Cantonese and Putonghua. In this regard, will the authorities formulate strategies and propose measures to help these children? Will work in this regard be strengthened?

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, just now, I have highlighted the importance of language learning in kindergarten education. We hope that young children would develop good language awareness and learning attitude for the purposes of learning, growth and development in future. In the paper on grant to the Language Fund submitted to the Finance Committee of the Legislative Council for discussion at the meeting on 10 January 2014, it was also stated that as a strategic direction of language education, the SCOLAR stressed the importance of language development of young children, and considered that support for the learning of the Chinese and English languages by young children should be strengthened.

Let me reiterate, no policy has been formulated on bi-literacy and tri-lingualism or on learning Putonghua during the whole process. The reason is that language learning in kindergarten is only part of the language development process, rather than part of the curriculum. During the three years of kindergarten education, it is most important to provide a suitable environment for
young children to develop an interest and awareness to learn and use languages in real-life setting. Our work is solely premised on this basis.

Deputy President, regarding the Curriculum Guide just mentioned by Mr IP, please allow me to give a more detailed explanation. The Curriculum Guide would be revised by the Curriculum Development Council (CDC), taking into consideration the experience of learning and teaching in kindergartens, the changes in society and the needs of early childhood education. Since 2006, we have already proposed that our work should dovetail with the vision of "Children First: Right Start for All". This vision is also adopted by the Committee on Free Kindergarten Education in its report submitted in May 2015 as the objective of kindergarten education, with recommendations made in respect of key revisions and professional support. The key revisions focus on refining the curriculum, which include fine-tuning the curriculum goals; emphasizing the importance of ethics on the development of children; adopting an integrated approach and real-life themes as the learning keys for young children instead of learning by subjects; enhancing the element of free exploration in games; catering further for the diversity of children and promoting an inclusive culture; as well as enhancing the interface between kindergarten and primary education.

From June to September this year, the Education Bureau will organize a series of seminars, with targeted participants being kindergarten and primary school principals, teachers and parents, as well as members of the public. The activities include an introduction of the key revisions and various recommendations relating to professional support, experience-sharing sessions and open discussion. In addition, the views of all stakeholders would be collected to serve as the basis of refining the curriculum. Starting from late July this year, the Education Bureau will also distribute questionnaires to all kindergartens in the territory in order to collect the views of the profession on the proposed revisions. It is hoped that a suitable curriculum guide can be formulated by the end of 2016. After gaining a thorough understanding of the key revisions, kindergartens can implement the new curriculum in a gradual and orderly manner starting from the 2017-2018 school year, taking into account their own circumstances and needs. The kindergartens should also make flexible arrangements to participate in professional development activities, in order to improve the quality of education on a continuous basis. Deputy President, I made such a detailed explanation because I must make it clear that the two matters are unrelated.
MR IP KIN-YUEN (in Cantonese): Deputy President, although the Secretary has prepared such a detailed explanation, it is totally unrelated to my question. My question is: Does the Secretary consider it necessary to beef up the Curriculum Guide in respect of the problems encountered by NCS students in learning the Chinese language, particularly in view of the complicated situation involving both Cantonese and Putonghua? Will the Secretary give his reply on this point specifically?

DEPUTY PRESIDENT (in Cantonese): You have already pointed out the part of your supplementary question which has not been answered, please sit down. Secretary, do you have anything to add?

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, I would like to stress again that as I said a moment ago, we would deploy different resources to continue strengthening the support for NCS students to meet their needs of language learning and development.

MS STARRY LEE (in Cantonese): Deputy President, without doubt, language learning should best be started at an early age. The sooner young children can become bi-literate and tri-lingual, the better. As Members have pointed out, the background of this oral question is the ongoing review conducted by the Education Bureau on the Curriculum Guide.

I note that when the Education Bureau wrote to the principals of all kindergartens and kindergarten-cum-child care centres on 17 June, informing them that a 10-day "Putonghua Course for Kindergarten Teachers" would be organized by the Bureau during the summer vacation with the aim of encouraging continuing education of kindergarten teachers and enhancing their proficiency in Putonghua, some people already queried that the Education Bureau intended to pave the way for training kindergarten teachers in teaching Putonghua and incorporating the subject into the kindergarten curriculum.

Although I am aware that the Education Bureau has already clarified the matter, I must state my support for the Bureau because it is definitely commendable to enhance the proficiency of kindergarten teachers in Putonghua or provide them with more opportunities to learn the language. However, I deeply regret that some people have politicized the matter by quickly labelling it
as a move to pave the way for implementing PMIC in kindergartens, communization or toadyism, and so on. I would like to ask the Secretary whether, in face of such politicized criticisms, the Bureau has reviewed the matter from the perspective of stepping up communication with the kindergartens, so as to prevent the recurrence of similar incidents.

SECRETARY FOR EDUCATION (in Cantonese): Deputy President, thanks to Ms Starry LEE for such an important reminder. Allow me to stress once again that we are reviewing the Curriculum Guide as part of our initiative to develop a major policy. The entire process is not related to a small project, but a major one because 1,000 kindergartens with different missions and modes of operation are involved. That is why it is our premise to work closely with the profession, and we will continue our work in this direction. As I mentioned a moment ago, we will start distributing the questionnaires from the end of June and organize a series of seminars and sharing sessions from July to September. All such work is done precisely for this purpose.

We also understand that as different people have different motives, misunderstanding or misconception may sometimes arise. That is why we have always tried to give our response instantaneously. This is the second task we would undertake.

Thirdly, we would like to encourage more people in the profession to share their views and experiences. We consider that this approach can adequately manifest the major direction of profession-led in the entire planning process.

DEPUTY PRESIDENT (in Cantonese): Fourth question.

Review of Basic Law

4. MR ALVIN YEUNG (in Cantonese): Deputy President, the major tasks of the Standing Committee of the 12th National People's Congress (NPCSC) for this year include: "conducting tracking studies on the Basic Law of Hong Kong ..., improving the systems and mechanisms relating to the implementation of the Basic Law, strengthening 'one country, two systems' and the theoretical research and publicity of the Basic Law ...". The Deputy Director of the Basic Law
Committee (BLC) has said earlier that as next year will mark the 20th anniversary of the reunification of Hong Kong, it is high time to review the implementation of the Basic Law in the Hong Kong Special Administrative Region (SAR). On the other hand, some Hong Kong residents call for a review of the Basic Law in order to truly realize the principles of "one country, two systems" and "high degree of autonomy". These residents are dissatisfied that certain articles of the Basic Law have impeded the true implementation of a high degree of autonomy. They have also expressed concern that the Basic Law lacks a clear description of the political, social and economic systems, etc. of Hong Kong after 2047. In this connection, will the Government inform this Council:

(1) whether it will take the initiative to approach the relevant parties to gain an understanding from them, and inform this Council of the details, of the review to be conducted by NPCSC and BLC regarding the implementation of the Basic Law, including the timetable, scope of review, consultation approach, etc.;

(2) given that under Article 159 of the Basic Law, the Chief Executive has a role in the amendment of the Basic Law, whether the SAR Government has plans to take the initiative to review the Basic Law and establish channels for Hong Kong residents to participate in the process and forward their views to the Central Authorities and BLC for reference in the review of the Basic Law; and

(3) whether it will consider the proposal of the Civic Party to hold a Hong Kong affairs conference under the chair of the SAR Government after the Legislative Council election in September this year to review the Basic Law and deal with the current major crises in the governance of SAR, and to invite representatives from the Central Authorities to sit in on such conference, as well as representatives from various sectors of the community and people with different political views in SAR to participate in it; if it will not, of the reasons for that?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, our consolidated reply to the question raised by Mr YEUNG is as follows:
The Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Basic Law) is the constitutional document of the Hong Kong Special Administrative Region (HKSAR). In accordance with the Constitution of the People's Republic of China, the National People's Congress enacts the Basic Law, prescribing the systems to be practised in the HKSAR, in order to ensure the implementation of the basic policies of the People's Republic of China regarding Hong Kong, that is, "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy".

In accordance with the Basic Law, the Standing Committee of the National People's Congress (NPCSC) established the Committee for the Basic Law of the HKSAR, which is responsible for studying questions arising from the implementation of Articles 17, 18, 158 and 159 of the Basic Law and submitting its views thereon to the NPCSC. Hence, improving the systems and mechanisms relating to the implementation of the Basic Law, strengthening theoretical research and publicity of "one country, two systems" and the Basic Law are part of the ongoing tasks of the NPCSC.

As regards the long-term effective implementation of "one country, two systems" in accordance with the Basic Law, Mr ZHANG Dejiang, Chairman of the NPCSC, had made it very clear in his speech delivered at the welcome banquet attended by various sectors of Hong Kong on 18 May this year. In this regard, I would like to quote from Chairman ZHANG's speech as follows: "First of all, we must firmly keep faith in 'one country, two systems'. There are three fundamental reasons for doing so. Firstly, 'one country, two systems' is a basic policy of the Country. It is a strategic choice, not a contingency measure, and therefore will not change. Secondly, 'one country, two systems' was formulated based on solid public opinion. It is the largest common denominator of the Motherland and Hong Kong, and therefore should not change. Thirdly, since Hong Kong's return to the Motherland, the implementation of 'one country, two systems' has been proven to be practicable and workable. It is a good system that has passed real tests, and therefore need not be changed. In the past years, by adhering to the principle of 'one country, two systems', we have realized Hong Kong's smooth return to the Motherland, maintained the prosperity and stability of Hong Kong and promoted joint development of the Mainland and Hong Kong. In the years to come, it is still necessary for us to firmly maintain 'one country, two systems' and continue to give full play to the unique role of Hong Kong. The opinion that the Central Government will 'Mainlandize' Hong Kong, or even turn 'one country, two systems' into 'one country, one system', is completely
groundless. People in Hong Kong would like to see the continuation of 'one country, two systems'. Implementation of 'one country, two systems' will best serve the interests of both the Country and Hong Kong. The Hong Kong community can completely rest assured that the Central Authorities remain firmly committed to upholding this principle."

As seen from the above remarks, Chairman ZHANG clearly stated that the implementation of "one country, two systems" would not, should not and need not be changed. In fact, the Central Government, the HKSAR Government, the international community as well as local and overseas academic institutions all generally agreed that the Basic Law has been functioning well, and has been successfully implemented since it was put into practice. The HKSAR Government considers it unnecessary to amend the Basic Law.

I would like to emphasize that the HKSAR Government has always heeded the voices of the community regarding the implementation of the Basic Law and "one country, two systems", as well as the effective governance of the HKSAR Government and matters of various policy areas. Moreover, the HKSAR Government has always adopted an open mind and collected the opinions of various sectors of the community on the implementation of the Basic Law through different channels including advisory bodies, committees and various kinds of consultation sessions. Pursuant to Article 64 of the Basic Law, the Chief Executive also regularly presents policy addresses to the Legislative Council and attends question-and-answer sessions to exchange views with Members on the work of the Government.

Meanwhile, the Central Government is also fully aware of the implementation of the Basic Law and "one country, two systems" in the HKSAR. For example, the Chief Executive will dutifully report to state leaders the latest situation of the HKSAR and the work of the HKSAR Government during his annual duty visits to Beijing. Moreover, I believe that the Central Authorities are pleased to communicate with different sectors of the Hong Kong community and listen to views on the implementation of the Basic Law and "one country, two systems".

In future, if Members serving the new term of the Legislative Council are interested in communicating with officials from the Central Authorities, the Chief Executive and the HKSAR Government will be pleased to assist in such arrangements. The arrangement for Chairman ZHANG to meet with members
of different political parties during his visit to Hong Kong is a case in point. I believe that with the concerted efforts of the people in Hong Kong, the effective implementation of the Basic Law and "one country, two systems" will definitely continue.

MR ALVIN YEUNG (in Cantonese): Deputy President, Chairman ZHANG only said in his speech that the implementation of "one country, two systems" need not be changed, but he has never mentioned that the Basic Law need not be changed.

In the face of the issue of 2047, how should we deal with it? Must the Basic Law be amended? If so, how can the SAR Government ensure that the views of Hong Kong people would be reflected in the amendments to the Basic Law? Will the Under Secretary please explain.

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, as I have clearly stated in the main reply earlier on, both the Central and the SAR governments considered that since the reunification, the Basic Law has been functioning well and the principle of "one country, two systems" has been successfully implemented. Therefore, I do not see any need or room to amend the Basic Law for the time being.

As a matter of fact, we have been listening to views from people from all walks of life on policy priorities and policy implementation processes, including the views of Legislative Council Members from different political parties and affiliations. Should Members or the community have any opinion about the implementation of the Basic Law and the principle of "one country, two systems", they are most welcome to tell us through the existing channels and platforms. We would collate the views collected and relay them to the Central Government through the existing channels on a regular basis. One example is definitely the Chief Executive's annual duty visit to Beijing, which is indeed a specific manifestation of the Chief Executive's accountability towards the Central Authorities in accordance with the Basic Law. Therefore, the Chief Executive would definitely perform this duty in a solemn and serious manner. And, in the course of it, he will certainly reflect the views of Hong Kong people truthfully to the Central Authorities, including their views on the implementation of "one country, two systems". The Central Authorities do have a very clear picture of the general situation of Hong Kong as the views of Hong Kong people would be
clearly reflected to the Central Authorities through different channels, which include Members of the Legislative Council and media reports.

MR DENNIS KWOK (in Cantonese): Deputy President, just now in response to the supplementary question, the Under Secretary mentioned that the Chief Executive of the SAR Government would report the latest situation and the work of the SAR Government truthfully to the state leaders. I think the Under Secretary would agree that at present, openness and transparency are the important principles of governance. If so, can the work report be made public for Hong Kong people? This is because many people do not believe the Chief Executive would truthfully reflect the situation of Hong Kong to the Central Authorities.

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, we have in fact responded to this question before. According to our established practice, we would not make public any report or correspondence between the SAR Government and the Central Government. Nonetheless, I must stress that, as I have just said, duty visit is very crucial for the Chief Executive to manifest his accountability to the Central Authorities in accordance with the Basic Law, we would therefore undoubtedly perform this duty in a solemn and serious manner.

In fact, the duty visit is highly transparent. The Chief Executive would make public announcements before the visit, and during the visit, he would also meet with the media to give an account of his report to the state leaders and the latters' feedback on the work of the SAR. Upon his return to Hong Kong, the Chief Executive would also give an account of his duty visit to different sectors through various channels, which include attending the Chief Executive's Question and Answer Session at the Legislative Council each year on a regular basis to answer questions from Members. In fact, a Chief Executive's Question and Answer Session will be held tomorrow morning. Therefore, if Members and the media are interested to know more about the duty visit of the Chief Executive, a number of channels are currently available for the Chief Executive to brief members of the public. We trust that the current arrangements are sufficient and appropriate as well.
MR KWOK WAI-KEUNG (in Cantonese): Although in the reply to Mr YEUNG's main question, the Bureau mentioned that the SAR Government does not see any need to amend the Basic Law, Article 159 of the Basic Law stipulates that the power of amendment is vested in the NPC, whereas the power to propose bills for amendments is vested in the NPCSC, the State Council and the HKSAR Government. Furthermore, the Article also sets out the requirements for amendment bills, which include obtaining the consent of two thirds of the deputies of the HKSAR to the NPC, two thirds of all the members of the Legislative Council, and the Chief Executive. I would like to ask specifically, since Article 159 of the Basic Law has set out the details of bills for amendment, even if there is no need to amend the Basic Law, should a mechanism be developed in respect of this provision, so as to inform the public of the steps to be taken should amendment be made and of the time taken to complete the whole process?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLANDAffairs (in Cantonese): In response to Mr KWOK's supplementary question, I would deliver my answer from two perspectives.

The first perspective is concerned with an amendment to the principal provisions of the Basic Law. Mr KWOK is right in saying that with regard to an amendment to the Basic Law, Article 159 clearly stipulates that the power of amendment is vested in the NPCSC, the State Council and the HKSAR Government, and Mr KWOK has already given an outline of the general requirements of Article 159. And yet, is it necessary to develop a more specific mechanism on the basis of Article 159? As a matter of fact, the same question was once raised in this Council and a response had already been given. After examining and discussing the matter with the relevant Mainland authorities, we are of the view that the Basic Law should not be amended so lightly. As I mentioned just now, the Basic Law has been functioning well and "one country, two systems" has been successfully implemented since the reunification, we therefore do not see any need for amendment. The Basic Law is indeed an important legal safeguard and cornerstone for upholding the principle of "one country, two systems" and protecting the basic policies of China regarding Hong Kong, so it cannot be amended so lightly. On this premise, we do not see any need to develop another mechanism on the basis of Article 159 for the time being.
This is the response given to the question on amending the principal provisions of the Basic Law.

The second perspective is concerned with the Annexes of the Basic Law, for example, Annexes I and II set out the methods for the selection of the Chief Executive and the election of the Legislative Council, and any amendment will be dealt with under another mechanism. I believe Members are aware that any amendment to the methods for electing the Chief Executive and forming the Legislative Council must go through the "Five-step Process" of constitutional development, which has clearly governed the procedures for amending Annexes I and II. As a matter of fact, we have already completed the "Five-step Process" and the relevant mechanism is clear in this regard.

**MS CLAUDIA MO** (in Cantonese): The Under Secretary said in the third paragraph from the bottom that the Government has always heeded the voices of the community regarding the implementation of "one country, two systems" and the Basic Law. At present, there are strong voices in society demanding to take back the approval right of one-way permit application, which does not involve the amendment of the Basic Law as Article 22 of the Basic Law clearly stipulates that the approval right can be taken back by administrative means. In other words, while the Mainland Government has the approval right on exit, the Hong Kong Government has the approval right on entry. Can the Under Secretary explain why the above-mentioned proposal cannot be considered? Is it because this is after all a political issue?

**UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS** (in Cantonese): With regard to the implementation and development of specific policies, I think it would be better for the Policy Bureau concerned to give an account. All in all, as highlighted by me just now, we have all along faithfully collected views from different sectors of the community (including Members of the Legislative Council) and then reflected them to the Central Authorities. If there are any views about the relationship between the Central Authorities and the SAR, I believe the Central Authorities would heed the views and proactively consider them.
MR FREDERICK FUNG (in Cantonese): In fact, with regard to this matter, that is, part (1) of Mr Alvin YEUNG’s main question, many situations have changed. Why do I say so? During the era of TUNG Chee-hwa, both the Hong Kong and Macao Office and the Liaison Office of the Central People’s Government in the SAR had developed different mechanisms to prevent government officials at the ministerial, provincial or local levels from coming to Hong Kong, so as to avoid impacting on the local situation. And yet, nowadays, officials of the ministerial, provincial and local levels as well as local people have flocked to Hong Kong, and during elections, they had even mobilized rural gentries to vote for a certain political party.

Deputy President, I would like to cite a few more examples. On the economic front, Mainland real estate companies accounted for less than 2% to 3% of the entire market before the reunification in 1997, but it has now risen to 47% …

DEPUTY PRESIDENT (in Cantonese): Mr Frederick FUNG, please raise your question quickly. I fail to see how your speech relates to the main question.

MR FREDERICK FUNG (in Cantonese): … Also, recently, the Government promotes using Putonghua to teach the Chinese Language subject and implements national education, and so on. In other words, since the era of TUNG Chee-hwa, no amendment has been made to the Basic Law even though there have been drastic changes pertaining to "one country, two systems". In practice, the relevant policies are heading towards this direction. My question is: How will the SAR Government deal with these changes and should such changes be brought up for discussion by the community at large, so that we can inform the Central Government what our ideal Hong Kong should be under the principle of "one country, two systems"?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, I have actually given a response to this question earlier on. Since the reunification, both the Central and the SAR Governments have all along strictly adhered to the provisions and requirements of the Basic Law, and they have been performing their role pursuant to the Basic Law. If members of the public wish to express any view over the
implementation of the Basic Law, we will continue to listen carefully to their views and reflect them to the relevant Mainland authorities when necessary.

MR FREDERICK FUNG (in Cantonese): Deputy President, the Under Secretary has not answered my supplementary question. Just now I asked whether the changes, especially the changes made since the era of TUNG Chee-hwa, are state policies, and whether the Administration has considered what Hong Kong people's ideal Hong Kong should be under the principle of "one country, two systems".

DEPUTY PRESIDENT (in Cantonese): Mr FUNG, you have raised your follow-up question. Under Secretary, do you have anything to add?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, the basic policies of the Country regarding the HKSAR has all along remained unchanged. Since the reunification, we have been playing our respective roles strictly in accordance with the policies of "one country, two systems", "Hong Kong people administering Hong Kong" and "a high degree of autonomy".

MS EMILY LAU (in Cantonese): Deputy President, the main question mentioned the political, social and economic systems of Hong Kong after 2047, did the reply of the Under Secretary imply that there is no need for discussion and all existing arrangements under "one country, two systems" will continue to apply after 2047?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, I have, in my main response, quoted extensively the speech made by Chairman ZHANG Dejiang in Hong Kong. He said that the implementation of "one country, two systems" would not, should not and need not be changed, and this applies both to the present and the future. Therefore, I fail to see any need to change after 2047. Chairman ZHANG has already made a clear statement on this.
MR CHRISTOPHER CHEUNG (in Cantonese): Deputy President, we have seen in recent years that the implementation of the Basic Law has encountered certain problems, which include pan-democratic Members putting too much emphasis on "Hong Kong people ruling Hong Kong" and "a high degree of autonomy"; some radical young people burnt the Basic Law and advocated "Hong Kong independence", and some people have even blatantly established political parties to promote "Hong Kong independence". All these have clearly reflected the insufficient and ineffective promotion of the Basic Law.

Deputy President, I would like to ask the Administration if it has ever evaluated the effectiveness of the promotion of the Basic Law. If it has, what is the detail? If not, what are the reasons? If the full mark given to the promotion of the Basic Law is 100, what score the Administration thinks it would get? Has it planned to adopt some new promotional and marketing methods or measures, especially online approaches which are more acceptable to young people, with a view to enhancing the knowledge of members of the public and young people about the Basic Law and "one country, two systems"?

UNDER SECRETARY FOR CONSTITUTIONAL AND MAINLAND AFFAIRS (in Cantonese): Deputy President, we strongly agree that the promotion of the Basic Law is very important to the implementation of "one country, two systems". Thus, we have all along organized various promotional activities to enhance the public's knowledge of the Basic Law, hoping that they could have a more comprehensive and accurate understanding about "one country, two systems" and the Basic Law.

The fact that the Basic Law Promotion Steering Committee, a high level committee, is chaired by the Chief Secretary for Administration well demonstrates the importance attached by the SAR Government to the promotion of the Basic Law. The Chief Secretary would co-ordinate different Policy Bureaux and departments to jointly promote the Basic Law, hoping that the promotion activities can be more effective and people can have a more accurate understanding of the details and implementation of "one country, two systems".

We have all along been listening to the views of different sectors of society on the promotion of the Basic Law, and many activities have been refined, improved or enhanced accordingly. We will continue to work hard in this regard in the future, and if Members have any other new proposal to effectively
enhance people's understanding of the Basic Law, we would be very happy to listen and adopt them.

DEPUTY PRESIDENT (in Cantonese): Fifth question.

Sharing of Fruits of Economic Prosperity

(Dr LEUNG Ka-lau stood up)

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): Deputy President, a point of order. I request a headcount.

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

(While the summoning bell was ringing, a number of Members returned to the Chamber but some Members had not returned to their seats)

DEPUTY PRESIDENT (in Cantonese): Will Members please return to their seats.

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

DEPUTY PRESIDENT (in Cantonese): Miss CHAN Yuen-han, please raise your main question.

5. MISS CHAN YUEN-HAN (in Cantonese): The gross domestic product per capita of Hong Kong rose by 60% from about $190,000 in 2004 to $310,000 in 2015. However, the real wage index in the same period showed a meagre
increase of 0.5% in 11 years after hitting its bottom point in March 2004. This reflects that wage earners have not been able to share the fruits of economic prosperity. Moreover, there are comments that as the cumulative inflation rate between 2009 and 2015 was about 23%, wage earners, in a situation of stagnant income, need to face the predicament of ever increasing living expenses, which results in their quality of life deteriorating. In addition, there are comments that the Government favours the interests of the business sector without regard to labour rights and interests when formulating policies. Also, the high land premium policy has resulted in high levels of shop and office rentals, which is not conducive to the development of various trades and industries, and throttled the room for survival of small enterprises. In this connection, will the Government inform this Council:

(1) whether it has studied if the comments that the Government favours the business sector but not wage earners are justified; if it has studied and the outcome is in the affirmative, how the Government will reverse such a situation, such as whether it will introduce progressive profits tax, capital gains tax, etc., so as to achieve wealth re-distribution and enable wage earners and grassroots families to have a share of the fruits of economic prosperity;

(2) whether it will comprehensively review the legislation related to labour rights and interests and enact labour laws such as legislation on standard working hours, so as to enable wage earners to enjoy the labour rights, interests and protection that they deserve; and

(3) whether it has explored ways to create more job opportunities and expand the room for survival of small enterprises, with a view to creating opportunities for wage earners and small enterprise owners to move upward?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy President, in regard to the Miss CHAN Yuen-han's question, a reply consolidated in consultation with the Labour and Welfare Bureau, the Financial Services and the Treasury Bureau and the Economic Analysis and Business Facilitation Unit is as follows:
(1) The Government has been implementing policies and measures to support the development of various trades and industries and encourage business start-ups. By offering appropriate support to the relevant trades and industries, the Government strives to diversify and broaden the economic base of Hong Kong, with a view to achieving long-term sustainable development. With the diversified and vibrant development of enterprises in our economy, employment opportunities will be created, thus benefiting the working class at large.

Moreover, the Government is committed to safeguarding labour interests. There is no such case where the Government favours the business sector but not wage earners. According to some relevant figures, the nominal wage index increased by around 44% in cumulative terms from 2004 to 2015. After discounting the effect of inflation, the real wage index increased by around 2% in cumulative terms over the same period.

Since the implementation of the Statutory Minimum Wage (SMW) in May 2011, the employment earnings of grass-roots workers saw more notable improvement. The average monthly employment earnings of full-time grass-roots employees, that is, those with earnings in the lowest decile, excluding foreign domestic workers, increased by around 7% annually from 2010, this is, prior to the implementation of SMW, to 2015. In cumulative terms, the increases were around 42% in nominal terms and 12% in real terms after discounting inflation, which were higher than the cumulative growth for the overall full-time employees at around 29% in nominal terms and 5% in real terms over the same period.

As regards tax collection, in Year of Assessment 2014-2015, of the 3.77 million working population in Hong Kong, about 1.98 million or 52% of the working population need not pay any salaries tax. Moreover, the 2016-2017 Budget has put forward a set of tax and short-term relief measures, which cost $38.8 billion in total. These measures can help ease the burden of citizens.
(2) The Government has been reviewing labour legislation from time to time so as to improve employees' rights and benefits progressively, having regard to Hong Kong's social changes and pace of economic development, and taking into account the need to strike a reasonable balance between the interests of employers and employees. Over the past few years, the Government has implemented the Statutory Minimum Wage, criminalized defaults on payment of awards of the Labour Tribunal or Minor Employment Claims Adjudication Board, implemented statutory paternity leave, and increased the levels of compensation relating to injury at work or prescribed occupational diseases. The Government will continue to conduct timely reviews of labour legislation to improve employees' rights and benefits.

On standard working hours, the Standard Working Hours Committee (SWHC) is conducting a three-month second-stage consultation on the working hours policy directions under exploration to collect public views to facilitate its preparation of the report to the Government. The Government will, upon receipt of the report, holistically consider the views of the SWHC as well as those of other stakeholders in formulating the working hours policy that suits Hong Kong.

(3) The Government attaches great importance to economic development, with a view to increasing the employment and business start-up opportunities and choices for Hong Kong people so that they can join different industries according to their interests and abilities. The Economic Development Commission (EDC), led personally by the Chief Executive, has been providing visionary direction and advice to the Government on the overall strategy and policy to broaden the economic base and enhance long-term economic development. The EDC has submitted specific recommendations on measures for supporting the development of various industries to the Government, and these measures are being progressively implemented. The EDC will continue to explore and identify sectors which present opportunities for Hong Kong's further economic growth, and recommend possible support policies and measures as appropriate.
Small and medium enterprises (SMEs) are the mainstay of the economy of Hong Kong. The Government attaches much importance to the development of SMEs and provides them with appropriate support through its departments and public organizations. For instance, the Financial Secretary announced in the 2016-2017 Budget that the Government would extend the application period of the special concessionary measures under the SME Financing Guarantee Scheme to 28 February 2017, reduce the annual guarantee fee rate for loan guarantee applications approved under the measures by 10%, and remove the requirement of a minimum guarantee fee rate of 0.5% for loan guarantee applications.

To demonstrate its support to SMEs, the Hong Kong Export Credit Insurance Corporation (ECIC) introduced, on 1 March 2013, the "Small Business Policy" (SBP) which caters for exporting companies with an annual turnover of less than $50 million. With effect from 1 March 2016, the ECIC has permanently waived the full annual policy fee and offered 20% premium discount for all SBPs.

The Government will also continue to implement various SME Funding Schemes. Of these, the SME Export Marketing Fund provides financial assistance to SMEs for participation in export promotion activities, while the SME Development Fund provides financial support to non-profit-distributing organizations to implement projects which may enhance the competitiveness of Hong Kong's SMEs in general or in specific sectors. In the 2015-2016 financial year, the Government injected $1.5 billion into the above-mentioned Funds and implemented enhancement measures to strengthen the support provided for SMEs under the two Funds.

Besides, through the $1 billion Dedicated Fund on Branding, Upgrading and Domestic Sales, the Government provides support for enterprises in branding, upgrading and domestic sales to facilitate their business development in the Mainland.

The Government will continue to expand the scope of development for SMEs by providing them with support through various schemes. We will also review our measures in the light of economic changes to provide enterprises with appropriate support.
MISS CHAN YUEN-HAN (in Cantonese): Deputy President, I have been engaged in the work of this Council for more than 20 years, to my regret, the Government is still adopting window-dressing measures. It often distorts the problems that need to be addressed squarely, and the figures cited are inconsistent.

Deputy President, on 18 June this year, Mr KWOK Wai-keung asked Secretary Prof K C CHAN a question on real wages and nominal wages, and Secretary Prof K C CHAN provided us with these figures. A comparison of the figures in March 2004 and 2015 showed an increase of 5%. This is the information provided to us by the Government, not the information provided by the Secretary today.

In fact, in 2004, a year after the SARS outbreak, wages in Hong Kong were at the lowest level. When compared with 2004, there is at present a 5% increase in wages, should we be proud of such an increase?

The SMW has not increased significantly. Wage earners should really thank the Government for providing SMW protection to grass-roots workers. How much did they earn at that time? A worker who worked 12 hours a day in the New Territories only earned some $3,000 a month. Wages have now increased but should we be proud of that? In fact, other wage earners who are not protected by the SMW have been affected. The authorities should not cite some distorted figures to say that disparity between the rich and the poor does not exist in Hong Kong and wage earners are doing fine. I just want to give an explanation and I do not intend to get mad, Deputy President.

DEPUTY PRESIDENT (in Cantonese): Miss CHAN Yuen-han, what is your question?

MISS CHAN YUEN-HAN (in Cantonese): I would like to ask the Secretary: Since he has made such imposing comments, how can he improve the situation of the working poor? In addition to workers receiving the SMW, there are white-collar workers; how can the authorities create more jobs?
Originally, I wanted to put the question to Secretary for Labour and Welfare Matthew CHEUNG, but since the Secretary has boldly made a reply, I would like to ask him how he could improve the situation of the working poor and provide them with upward mobility opportunities.

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I mentioned in the main reply that, in respect of economic development, the Commerce and Economic Development Bureau provides a range of funds to help SMEs explore overseas markets. If SMEs have problems in operation, we can provide assistance through loan guarantee funds.

MISS CHAN YUEN-HAN (in Cantonese): Deputy President, the Secretary has not answered my supplementary question. I asked him how he could reverse the downward wage adjustment of wage earners in all strata. He has not answered my question, and he simply gave an irrelevant answer …

DEPUTY PRESIDENT (in Cantonese): Miss CHAN, you have asked a follow-up question. Secretary, do you have anything to add?

(The Secretary for Labour and Welfare indicated that he wished to reply)

DEPUTY PRESIDENT (in Cantonese): Secretary for Labour and Welfare, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I can provide some additional information. On labour and welfare, first of all, I would like to thank Miss CHAN Yuen-han for striving for wage earners' benefits over the years, and I recognize her efforts. We all understand her concerns and the current-term Government has made efforts in this regard. In the previous term of the Legislative Council, the Government introduced the Minimum Wage Bill
and implemented the SMW since 2011. Apart from meeting social changes and the pace of economic development in Hong Kong, the Government has constantly reviewed and improved labour rights, as well as introduced a number of measures to help wage earners, such as the Work Incentive Transport Subsidy (WITS) Scheme. At present, among over 100,000 wage earners who receive WITS, many of them are white-collar employees, and under the "dual track" approach (applicants have the choice of applying for the subsidy on a household or an individual basis), about half the recipient, that is, over 50,000 wage earners receive WITS on an individual basis.

On 3 May this year, right after the Labour Day, we introduced the Low-income Working Family Allowance. To date, we have received 26,000 applications. Our targets not only include grass-roots workers or workers with the lowest income level, but also four-member households living in public housing. The monthly income limit of these households is $19,110; for households with two children, an allowance of $2,600 will be provided; if the monthly income exceeds $22,000 but not higher than 60% of the median monthly income of domestic households, half of the allowance will be provided. We will be more lenient in processing the applications of single-parent families. So long as they work 72 hours a month, they can receive $1,000 plus $800 for each child. There is no change in this respect. I would like to tell Miss CHAN Yuen-han that we also encourage employment through other methods. Besides implementing initiatives to unleash labour force, we also help wage earners increase incomes to improve their financial situation.

MR VINCENT FANG (in Cantonese): Deputy President …

(Dr LEUNG Ka-lau stood up)

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): Deputy President, a point of order. I request a headcount.
DEPUTY 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)

DEPUTY PRESIDENT (in Cantonese): Mr Vincent FANG, please state your supplementary question.

MR VINCENT FANG (in Cantonese): Deputy President, having heard the Secretary's reply, though I rarely share the views of Madam Han, I also endorse her view that the Government is really adopting a window-dressing measure now. Over the years, the Government has introduced various measures, including SMW, criminalization of wage arrears, paternity leave for male employees, and so on, thereby increasing the operation costs of SMEs. I think the Government is adopting a window-dressing tactic. The Secretary has just mentioned the availability of some funds with a large capital ranging from $1 billion to $1.5 billion, but I have recently learnt that some banks refused to lend money to SMEs that engage in retail business. May I ask the Government the amount of loans taken out under such funds with a capital of $1 billion to $1.5 billion? Does the Government have any measures to deal with the situation of banks refusing to provide loans?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): Deputy President, the Secretary for Commerce and Economic Development has written to banks earlier, advising them to adopt, as far as possible, a lenient approach in handling loan applications of SMEs in light of their situations. Regarding the several loan guarantee schemes, the Government emphasizes that guarantee will be provided through market operation. Since such schemes are financed by public funds, the Government has the responsibility to ensure that public money is well spent. We have always maintained contacts with banks, hoping that they will adopt, as far as possible, a lenient approach so that SMEs can obtain loans easier.
MR VINCENT FANG (in Cantonese): I just asked the total amount of loans taken out under these funds with a capital of $1 billion to $1.5 billion; are there any relevant figures?

DEPUTY PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Cantonese): I do not have the specific figures in hand; I can provide Mr FANG with the relevant information after the meeting. (Appendix I)

MR TOMMY CHEUNG (in Cantonese): Deputy President, in my view, the replies of the Secretary for Commerce and Economic Development and the Secretary for Labour and Welfare just now are rubbing salt into the wounds of SMEs and micro-enterprises. In fact, Matthew CHEUNG also served as a Secretary in the Government of the last term and he implemented the SMW. The current-term Government keeps increasing the SMW and introduces paternity leave, it also proposes to abolish the mechanism for offsetting long service payments by benefits in employees' Mandatory Provident Fund (MPF) accounts. In addition, labour unions keep requesting to increase the number of paid leave to 17 days, as well as legislating on standard working hours; thus, SMEs and micro-enterprises are really desperate.

Just now, Mr Vincent FANG asked if the Government has the relevant figures, but the Secretary answered in the negative. I would like to tell Honourable colleagues, business is bleak for the retail sector and the situation of the catering sector is even worse. A number of listed companies have already issued profit warnings. My supplementary question is very simple. At present, investors in restaurants have to ask their family members to help washing dishes, there is simply a serious shortage of workers. As our competitiveness is lagging far behind our neighbouring regions, I would like to ask the two Secretaries when they would dare consider the importation of labour.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Deputy President, I thank Mr Tommy CHEUNG for his question and concerns. All along, in the course of improving labour rights, we have to balance the interests
of employers and employees. In particular, we will take into account the affordability of SMEs and the protection of employees, so as to strike a balance, which is very important. Therefore, we are often under the pressures from both sides as employers and workers tend to criticize me; yet, this precisely reflects that we are committed to striking a balance.

In response to the supplementary question, I would like to point out that we have an established policy on the importation of labour. The Supplementary Labour Scheme has been implemented for a fairly long time since 1996. If there are practical needs for certain posts, such as cooks, we will normally approve the applications. However, applications for higher positions under the Quality Migrant Admission Scheme will be approved by the Immigration Department. As regards applications for workers at technician level or below, such as No 2 cook or Thai cook, approval will be given under the Supplementary Labour Scheme. Therefore, employers can apply in accordance with the established mechanism. If employers cannot recruit suitable staff locally to fill job vacancies after advertising for four weeks, and if the salary has at least reached the monthly median wage, and the relevant requirements and approval criteria under the Supplementary Labour Scheme have been complied with, I believe the Labour Advisory Board will not oppose the importation of labour.

MR TOMMY CHEUNG (in Cantonese): The Secretary has not answered my supplementary question. I am not asking the authorities about the minor patchy measures taken in the past; I mentioned earlier that investors had to ask family members to help washing dishes. Will the Government consider the importation of a large number of workers to solve the labour shortage problem? I have not asked what efforts the authorities have made.

DEPUTY PRESIDENT (in Cantonese): Secretary, do you have anything to add?

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): Concerning Mr Tommy CHEUNG's question, our long-standing policy is to ensure that local workers are given priority in employment. I think some grass-roots workers still have difficulties in seeking employment. So, we will try our best to make use of the surplus manpower or unleash labour force to take up these jobs. For example, we hope employers can adopt more flexible measures such as a
half-shift system, so that employees do not have to work 12 hours a day. Many housewives may be able to work five to six hours a day; they are willing to take up the work if employers can implement family-friendly employment measures. Will this help solve the manpower shortage problem? If employers really cannot recruit additional staff, we are willing to consider if there is room for importation of labour but we must do so on the premise of ensuring that local workers are given priority in employment.

MR WONG KWOK-KIN (in Cantonese): Deputy President, I am keen to know if Mr Tommy CHEUNG's family members have helped washing dishes.

Just now, the Government has mentioned SMEs a couple of times. In fact, SMEs have the features of unstable operation and being susceptible to economic cycles. This is undesirable for employees for unstable operation implies job instability and income instability, which is not good for the labour sector. At present, most SMEs are engaged in consumer service sectors, such as retail and catering, or other small-scale services as mentioned just now. These service sectors are highly impacted by the economic cycles. We have recently asked the Financial Secretary and he was not optimistic about the economic outlook. Therefore, in the face of the present economic cycle which is not optimistic, what measures does the Government have for alleviating the plight of wage earners?

DEPUTY PRESIDENT (in Cantonese): Which Secretary will reply? Secretary for Labour and Welfare, please reply.

SECRETARY FOR LABOUR AND WELFARE (in Cantonese): I thank Mr WONG for his question. Earlier, I have mentioned that if the wage level of wage earners is below the income limits of the Low-income Working Family Allowance Scheme, the Government will provide them with cash allowance, which can also be described as a kind of wage subsidy. As I said just now, under the Scheme, the monthly household income ceiling for a four-member family is $19,110, which is the income level of many families living in public housing. If a family has two children, they can receive $2,600 a month, which is nearly 15% of their wages. Furthermore, we will make flexible arrangements so that the required working hours for single-parent families will be shorter but the basic mechanism is to give workers more pay for more work.
Second, the WITS arrangement mentioned by me previously is flexible and the merit is that applicants can file application on an individual basis. At present, the requirements have been relaxed: if the applicant's monthly income (including MPF contribution) is below $10,526, and if he meets other requirements, he is eligible to apply for WITS of $600 per month on an individual basis. I hope these cash allowances can really relieve his financial pressure.

DEPUTY PRESIDENT (in Cantonese): Last oral question.

Traffic Accidents Involving Road Works

6. MR MICHAEL TIEN (in Cantonese): Deputy President, on the 28th and 29th of last month, two serious traffic accidents involving works vehicles occurred on Tsing Kwai Highway and Tsing Long Highway respectively, killing three road repair workers and injuring three others in total. In addition, vehicles carrying out road maintenance and repair works on highways in late hours are referred to as "highway killers" by some drivers, as traffic accidents may occur if drivers are not attentive enough. In this connection, will the Government inform this Council:

   (1) of the number of traffic accidents involving works vehicles in the past 10 years, together with the details of each accident (including the date and time of occurrence, the casualties, etc.);

   (2) of the details of the existing legislation and guidelines for monitoring road works contractors' operations on highways; whether the relevant government departments regularly conduct inspections to see if the contractors have strictly complied with such legislation and guidelines, and what penalties will be imposed on the contractors for non-compliance; and
(3) given that a number of traffic accidents involving road maintenance and repair works have occurred in recent years, whether the authorities will consider, with reference to overseas legislation and experience, conducting a comprehensive review of the legislation and guidelines for monitoring such works, so as to safeguard the safety of road repair workers and drivers; if they will, of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, traffic accidents involving road works occurred on Tsing Kwai Highway and Tsing Long Highway on the 28th and 29th of last month respectively. The accident on Tsing Kwai Highway killed three maintenance workers. I feel extremely sorry and understand the grief of families whose loved ones lost their lives at work. The Police are now investigating the two accidents to ascertain their causes.

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

Statistics of traffic accidents in the past 10 years involving works vehicles engaged in road maintenance works and resulted in casualties are set out in Annex 1.

Most of the accidents involving deaths or serious injuries occurred on expressways. The vehicles concerned travelled near road sections where maintenance works were being undertaken in late night or during the small hours and crashed into the works vehicles which were either parked at the maintenance works area or moving slowly. In the fatal accidents of 2011, 2013 and 2014, all fatalities were drivers of the concerned vehicles. In the accident happened on the 28th of last month, three maintenance workers were killed. As the speed of vehicles on expressways is relatively high, any accident may cause serious consequences. As such, the Government considers it necessary to conduct a comprehensive review, focusing on road safety as well as the protection of road maintenance workers.

According to the Road Traffic Ordinance (Cap. 374), the Highways Department (the HyD) has prescribed a "Code of Practice for the Lighting,
Signing and Guarding of Road Works" (the Code)\(^{(1)}\). The Code was prescribed with reference to standards of the United States, Europe, and so on, and based on local past experience, which will be updated when necessary. When carrying out road maintenance works, contractors should follow the requirements of the Code. Furthermore, pursuant to regulation 20 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) (the Regulations), contractors shall, in accordance with Schedule 5 of the Regulations, erect signs, road markings, barriers and road hazard warning lanterns with positions in compliance with the Code, or otherwise constitutes an offence. Non-compliance with other requirements of the Code may in any civil or criminal proceedings …

(Dr LEUNG Ka-lau stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): President, a point of order. Please do a headcount.

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): Secretary, please continue with you reply.

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\(^{(1)}\) Taking into account the vehicle speed of different roads and road closure requirements for maintenance works, the Code specifies the detailed requirements for different types of devices (for example, size, colour, materials, conditions necessitating the use of the devices, quantity to be placed, spacing and height, and so on) to ensure that signs will be clearly visible to road users from the anticipated distance to achieve the desired warning and guarding effect.
SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, I will continue.

Non-compliance with other requirements of the Code may in any civil or criminal proceedings be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question in those proceedings.

On the other hand, when conducting maintenance works on expressways, contractors shall first apply to the HyD for an expressway works permit under the Road Traffic (Expressway) Regulations (Cap. 374Q), and shall comply with the conditions of the permit, or otherwise it would constitute an offence (2).

In 2007, the HyD included the requirement of using shadow vehicles when conducting mobile operations (such as setting up lane closure, removing lane closure, gully emptying, sweeping/watering, or emergency road surface repairs, and so on) on expressways in the Code in order to strengthen protection within the works area (Annex 2). The works vehicle and the shadow vehicle shall be equipped with warning lanterns and signing to provide early warning to other motorists. The Code also stipulates that, when carrying out maintenance works on expressways with lane closure, advance warning signs shall be displayed at least 600 m in advance of the works area. Flashing arrow signs shall also be displayed where temporary diversion begins (Annex 3).

Under its road maintenance contracts, the HyD has required the contractors to formulate safety plans and implement safety management systems to strictly ensure that works procedures are conducted safely. The foremen and safety officers/safety supervisors of contractors shall conduct site inspections to monitor safety at operations. The HyD will also conduct regular random and surprise inspections. If any irregularities are found, the HyD would deduct payment according to contract mechanism. Serious non-compliance cases will be reflected in the contractor's performance reports. The past performance of contractors is one of the factors in considering their future tenders for public works contracts.

(2) Pursuant to regulation 20 of Cap. 374Q, the permit holder who carries out works on expressways shall comply with any condition contained in the expressway works permit. Pursuant to regulation 26 of Cap. 374Q, any person who contravenes regulation 20 commits an offence and is liable on first conviction to a fine of $5,000 and imprisonment for three months.
A working group jointly set up by the HyD, the Transport Department (the TD) and the Police is currently reviewing the Code, in order to make reference to the latest relevant technological developments, local experiences and latest standards and practice of other countries. The preliminary proposed amendments include:

(i) for pavement maintenance works to be carried out on an expressway, guarding measures should be enhanced where temporary diversion begins, and a safe zone of appropriate length should be added as a buffer area; and

(ii) a minimum weight of a shadow vehicle should be specified, and the specification requirement of retroreflectivity on the rear of a truck mounted attenuator on a shadow vehicle should be enhanced.

Now, in view of the traffic accidents on the 28th and 29th of last month and the situation in recent years, the working group will further comprehensively review the need to improve the lighting, signing and guarding measures relating to road works. The Government will consider amending the relevant legislation to strengthen the monitoring of traffic control and safety for road works, including the statutory requirement of using shadow vehicles for road works on expressways.

Apart from focusing on the safety of road works operation, it is also necessary to enhance the publicity and education for motorists, and to strengthen enforcement. Before approaching road sections with road maintenance works, motorists should be well prepared, abide by the temporary traffic signs and lights and reduce vehicle speed. The Police will step up their enforcement actions against drink and drug driving, speeding and other dangerous driving behaviours, particularly during the night time and during the small hours of a day. Stepped-up enforcement actions have been included in the Police's Selected Traffic Enforcement Priorities 2016.

In addition, we will consider requiring contractors conducting road maintenance works in late night or during the small hours to alert the TD in advance, such that the TD can better disseminate information about the areas of road maintenance works and traffic arrangements to motorists through various channels.
Annex 1

Traffic accidents resulting in casualties involving works vehicle engaged in road maintenance works 2006 to 2016 (until June)

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Notes:

(3) The figures are compiled by TD according to the record and classification of the Police. "Killed" means a person who died within 30 days of the accident; "seriously injured" means a person who sustained injury in an accident and was detained in hospital for more than 12 hours; and "slightly injured" means a person who sustained injury in an accident and needed not be admitted to the hospital or was detained in hospital for less than 12 hours.

(4) Figures of 2016 are provisional.
The use of shadow vehicle for mobile operations on expressways

When conducting mobile operations on expressways, it is necessary to use shadow vehicles. Shadow vehicles must be equipped with truck mounted attenuator, amber flashing beacon, flashing arrow sign and barricade sign. Please refer to Figure 1 for the equipment of a shadow vehicle. According to the speed limit of the road and mode of operation, the works vehicle and shadow vehicle need to maintain a proper buffer distance (Figure 2). The relevant requirement on buffer distance can be found in the Code.

Figure 1: A Shadow vehicle

Figure 2: Works vehicle shall be escorted by a shadow vehicle
Arrangements for lane closure on an expressway

The following figure shows the typical signs (including advance warning signs, cones and flashing arrow signs, and so on) used during lane closure on an expressway (see Figure). The Code stipulates that, when carrying out maintenance works on expressways with lane closure, advance warning signs shall be displayed at least 600 m in advance of the works area. Flashing arrow signs shall also be displayed where temporary diversion begins. The detailed display requirements of advance warning signs and cones can be found in the Code. A flashing arrow sign has a matrix of individual lights that can flash on and off in a predetermined manner to show signs such as "arrow to the right" or "arrow to the left". When there are stationary or slowly-moving works vehicles on an expressway, it must be used to warn drivers to take special care. The mounting height of flashing arrow sign should not be less than 3.3 m in order to provide advance warning.

MR MICHAEL TIEN (in Cantonese): President, in the main reply, the Secretary said that contractors "shall comply with the conditions of the permit, or otherwise it would constitute an offence" and he further pointed out that should
irregularities be found, if they were not serious, fines would be imposed while serious non-compliance cases would be reflected in the contractor's performance reports. It seems that no prosecution has ever been instigated over the years; otherwise how come the most deterrent sanction is not stipulated in the legislation? President, in the past four years, five persons were killed and 13 seriously injured, has the Government prosecuted any licensees?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, certainly, every time after the occurrence of a serious traffic accident, the Police will …

(Dr LEUNG Ka-lau stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): President, a point of order. Is a quorum present in the Chamber?

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): Secretary, please continue to answer Mr Michael TIEN's supplementary question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, every time after the occurrence of a serious traffic accident, the Police will investigate if the driver or any other person has violated the law. Accidents do not always involve the contractors and sometimes drivers may be involved. Of course whether the contractor has taken sufficient safety measures on the road
is a matter of concern. The Police will certainly follow up. I do not have the number of prosecutions instigated by the Police in hand, but I will provide such information after the meeting. (Appendix II)

I wish to talk about the Code mentioned in the main reply. The Code is not a law, but as I have pointed out in the main reply, the law provides that the positions of road barriers, lanterns and signing must be in compliance with the Code, otherwise it constitutes an offence. However, non-compliance with other requirements of the Code may not necessarily carry a criminal liability. As I have said in the main reply, in any civil or criminal proceedings, non-compliance with the Code may be relied upon by any party to the proceedings as tending to establish or negative any liability which is in question.

PRESIDENT (in Cantonese): Mr TIEN, has your supplementary question not been answered?

MR MICHAEL TIEN (in Cantonese): My supplementary question is very clear. According to the Secretary, for minor irregularities, fines would be imposed while serious non-compliance cases would be reflected in reports. He has not mentioned about prosecutions against the perpetuators, but earlier he said that non-compliance with the Code might constitute an offence. I think his answers to these two points were contradictory. Can he explain?

PRESIDENT (in Cantonese): Secretary, is there any self-contradiction?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, there is no contradiction. I may not have explained clearly. If a contractor does not comply with the Code, the HyD may issue warnings, verbal advice or serious warnings. For non-compliance with legal requirements, prosecution may be instigated. The HyD does not have the statistics concerning the number of prosecutions, but each time a serious accident happens, the Police will investigate and institute prosecution if necessary. But as I said earlier, I can only provide the data concerning the number of police prosecutions after the meeting.
MR POON SIU-PING (in Cantonese): President, we hate to see any road maintenance workers injured or killed. The Secretary has mentioned that a working group jointly set up by the HyD, the TD and the Police has reviewed the Code and made some preliminary recommendations. He has also said that in view of the traffic accidents on the 28th and 29th of last month and the recent situation, the working group will further comprehensively review the need to improve the lighting and guarding measures relating to road works, and the Government will also consider amending the relevant legislation.

I would like to know when the working group will complete the review and whether the Government has a timetable for the legislative amendment work.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, we attach great importance to the above-mentioned issues after the occurrence of traffic accidents on the 28th and 29th of last month. I have met with the Director of Highways and other colleagues twice to comprehensively review the existing arrangements regarding the guarding measures and other matters.

In my reply to Mr TIEN's questions, I said that we impose regulations in two ways, first, through the Road Traffic (Traffic Control) Regulations; and second through the Code which covers an even wider scope. However, as I said in the main reply, since the requirements of the Code do not have legal effect, it is necessary to incorporate some requirements into the law to provide them with legal effect. As I said in the main reply, it is thus necessary to amend the relevant legislation, and we will conduct a study accordingly.

Initially, I opine that we need to consider imposing a legal requirement on contractors to use shadow vehicles in road works on expressways, which is vital to protecting the safety of road repair workers. Hence, we will consider incorporating this requirement of the Code into the legislation to guarantee its legal effect.

MR IP KWOK-HIM (in Cantonese): President, with my 30-odd years of driving experience, I know that if temporary measures are taken during maintenance works on a highway, motorists are subject to great risks, and road repair workers are also exposed to great danger.
The Secretary mentioned in the main reply about enhancing the guarding measures through legislation, to which I do agree. However, practically speaking, can the safety measures for emergency maintenance works, such as the design of the attenuator, be further enhanced? Will further reviews be conducted? Will the authorities make greater efforts in this direction as better precautionary measures are the best protection for both motorists and road repair workers?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese):
President, the Member is perfectly right. We place great emphasis on road safety, be they expressways and others, and we must prevent motorists' dangerous driving behaviour. This is certainly vital. Once an accident occurs, it is most important to minimize the impact and casualties, especially the harm inflicted on those who carry out works on the road. Hence, the present Code requires that during certain routine operations, works vehicles must be escorted by a shadow vehicle equipped with an attenuator at its rear end, so that if any vehicle suddenly comes crashing into the works site for whatever reason, the attenuator can act as a cushion that can minimize the impact and protect the workers working in the front.

Of course, whether the distance and area of the buffer zone is sufficient is another issue that we are reviewing. But Members must not forget that in certain road sections, owing to the traffic or physical limitations, it is not possible to have a large buffer zone. But we will conduct a comprehensive review on all conditions, particularly the buffer zone of expressway.

MR ANDREW LEUNG (in Cantonese): President, I very often drive on expressway during the early hours on weekends. If there are road works, the road conditions are quite treacherous. Of course, in safeguarding workers, we also have to ensure the safety of motorists. Even with the presence of shadow vehicles, motorists may also be seriously injured should an accident occur.

Will the Government consider requiring the delineation of road closure area for maintenance works be carried out by professionally trained safety officers? At present, the delineation work is casually carried out by the driver of shadow vehicle, instead of by someone who is familiar with the Code and has
the required professional knowledge. This practice will not only jeopardize the safety of workers but also that of motorists. Will the Government consider introducing such a requirement?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, at present there are two major kinds of regular maintenance works under the HyD. For operations that involve a large number of workers and large volume of works, we require contractors to employ safety officers and foremen to monitor the safety of the operation.

In view of the recent accidents, the HyD has required workers to receive relevant training again. The Code also stipulates in detail the requirements concerning, in their jargon, the setting up of lane closure and the minimum distance between the closed lane and other lanes during the works. If these requirements are not strictly followed, a higher risk will be resulted. How can we ensure that workers will strictly follow these guidelines? Mr LEUNG is right in saying that this is the contractors' responsibility. Besides, the HyD also conducts regular surprise and random inspections in the hope of maintaining workers' risk awareness.

MR TANG KA-PIU (in Cantonese): Working on the roadside is highly risky. Last month's accident was a tragedy. Many fatal accidents had happened in tunnels and on the Lantau Link. Moreover, as I have noticed, when arboricultural workers are at work on the roadside, the contractor has not deployed any shadow vehicle, and only cones are placed as a sort of protection. Will the Secretary meet with the relevant unions of road repair workers, tunnel workers and arboricultural workers to conduct an in-depth discussion on how to safeguard the safety of these workers at work?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, in the main reply I only talked about the shadowing measures taken on expressways, but I believe Mr TANG talked about the safety of workers working on ordinary roads, such as carrying out the cleaning and leaf-sweeping work. It is very difficult for us to require all road works to be accompanied by shadow vehicles because in reality, the width of the road and the environment may not
allow the presence of shadow vehicles. A shadow vehicle occupies certain space and there must be some distance between the works vehicle and the shadow vehicle. We must consider the practical conditions specifically.

Our aim is to ensure the safety of workers at work as far as possible. Concerning the recent accident in the Tsing Ma Control Area mentioned by Mr TANG, we have also conducted a study. At present, all contractors have purchased the newest shadow vehicles and as I have just said, these vehicles are equipped with a truck mounted attenuator and sufficient flashing arrow signs. However, accidents are accidents. We can only review what can be done better each time after an accident. Given that accidents involving workers engaging in road works have occurred one after another, the HyD will conduct a comprehensive study through the working group and will also listen to the views of trade unions.

MR WONG KWOK-HING (in Cantonese): President, recently three road repair workers lost their lives at work. I would like to know what the Government has done for the deceased workers. Has it offered condolence to their family members and provided compensation? Or will the Government pay no attention as the works have been contracted out and all responsibilities should be borne by the contractors? If the Government has done nothing, will the Secretary follow up immediately after the meeting?

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): President, the Government …

(Dr LEUNG Ka-lau stood up)

PRESIDENT (in Cantonese): Secretary, please hold on. Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): A point of order. I request a headcount.
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): Secretary, please answer Mr WONG Kwok-hing's supplementary question.

SECRETARY FOR TRANSPORT AND HOUSING (in Cantonese): Yes, President. Relevant government departments have put in place a system to provide immediate relief and condolences in case of accidents resulted from works. As regards the accident on 28 June, as soon as I heard the news, I instructed the HyD to contact the contractor concerned as soon as possible to provide death gratuity to the families of the victims. The contractors also provided death gratuities in connection with the three accidents on 28, 29 and 30 June. Owing to the confidentiality agreement with the families, I will not disclose the amounts of death gratuities.

Furthermore, the Development Bureau has also contacted the persons in charge of the Construction Charity Fund to arrange for the provision of emergency assistance funds. Colleagues from the HyD have met with the families of the workers last week. Secretary for Labour and Welfare Mathew CHEUNG has also met with some members of these families to find out their need in other areas. I am also trying to meet with these families. I hope that I can meet with them soon to see if they have any other needs for government assistance.

Of course, lives lost are lost forever. We can only do our best to provide assistance in the aftermath. Hence, these incidents have urged us to review if the protection for the personal safety of road repair workers is sufficient. We must fully re-examine this subject. For me, I attach great importance to the impact of accidents on these workers.

WRITTEN ANSWERS TO QUESTIONS

Installation of Windows at Balconies of Public Housing Flats

7. **MR ALAN LEONG** (in Chinese): President, the flats in some old public rental housing (PRH) estates in Hong Kong (e.g. Kai Yip Estate, Kowloon Bay) are equipped with open-fronted balconies. In the past, quite a number of residents of those housing estates installed aluminium windows on their own initiatives to keep wind and rain out of the balconies and kitchens in which cooking utensils and electrical appliances were placed. Upon the full implementation of the Minor Works Control System under the Buildings Ordinance (Cap. 123) in 2010, PRH residents must first obtain an "approval-in-principle letter" from the Housing Department (HD) before they may carry out window installation works, and the relevant works must comply with the requirements under the relevant legislation regarding natural lighting and ventilation for rooms. HD indicated in 2014 that 60 000-odd flats in those old PRH estates would not meet the aforesaid legal requirements after installation of windows at the balconies (affected PRH flats). As such, HD would not grant approval to residents for installing windows at the balconies of such flats. HD has suggested the residents concerned using mobile wind shutters, watertight shutters or PVC screens at the balconies. However, some residents have pointed out that those installations are ineffective in keeping out wind, rain and cold currents, and the wet and slippery balconies could easily cause fire due to short circuit in electrical appliances as well as slip and trip accidents resulting in injuries to the residents. In this connection, will the Government inform this Council:

(1) of the legislative intent of the legal requirements regarding natural lighting and ventilation; whether it has conducted any reviews to see if those requirements still suit the present circumstances; if such reviews have been conducted, of the outcome;

(2) of the current number of affected PRH flats, together with a breakdown by housing estate;

(3) given that HD indicated in reply to my enquiry in 2014 that HD and the Buildings Department would continue to hold discussions on whether or not tenants could install windows at balconies of PRH flats, of the latest progress of such discussions; and
(4) whether HD will suggest better ways, apart from the use of installations such as wind shutters, for residents to keep out wind and rain; if HD 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 Mr Alan LEONG is as below.

The requirements for natural lighting and ventilation under the Buildings Ordinance (BO) (Cap. 123) are stipulated in regulations 30 and 31 of the Building (Planning) Regulations (Cap. 123F). These regulations require every room for habitation or for the purpose as a kitchen should be provided with windows of specified minimum glazing and openable areas. The objective of the requirements is to ensure adequate natural sun light and air ventilation to the indoor area in order to enhance public hygiene and to reduce the risk of disease spreading. Generally speaking, the above requirements are applicable to all privately-owned buildings in Hong Kong.

Despite the fact that not all public rental housing (PRH) units are subject to BO(1), the Independent Checking Unit (ICU) of the Transport and Housing Bureau imposes building control over new housing development projects and completed buildings developed by the Hong Kong Housing Authority (HA) either as required by the Ordinance or under a similar approach according to the respective building categories. Some of the units in older PRH building blocks under the HA are equipped with balconies and anti-burglary grilles. In the past, a large number of PRH tenants installed their windows at the balconies on their own initiatives. From time to time, PRH tenants reflected that the balcony floor had become less slippery as a result of the installation of windows, which helped keep out wind and rain. Having taken into account the situation, the HA allowed the installation of windows by PRH tenants at their own expenses upon application to the HA.

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(1) By virtue of section 41(1) of BO and section 18(2) of the Housing Ordinance (Cap. 283), buildings to be or is being constructed by the HA, upon any land vested in or under the control and management of the HA, or upon any land vested in the HA and no part of which has been sold or otherwise disposed of shall be exempt from the provisions of BO. These include the buildings of a part of the existing PRH estates. Home Ownership Scheme buildings, Tenants Purchase Scheme buildings and buildings in the HA’s PRH estates with divested retail and carparking facilities are subject to the control under BO.
Since the provisions under the BO regarding the Minor Works Control System came into effect in 2010, the HA requires PRH tenants who intend to install windows on their own initiatives to make a submission to ICU regardless of whether their units are subject to statutory regulation. However, as a result of the constraints in the building design of some older PRH block types, proposals for the installation of windows in some PRH units failed to pass the vetting of ICU on account of non-compliance with the requirement on natural lighting stipulated under the Building (Planning) Regulations. Hence, those proposals were not approved by the HA in its capacity as the landlord.

Taking into account the views of tenants of the units concerned, the HA has been discussing with ICU on the technical issues regarding the installation of balcony windows in PRH units in those older block types with a view to arriving at a probable solution. After extensive in-depth deliberations and given the minimal impact on natural lighting arising from the installation of additional windows in these units, the HA formulated a prescribed window design applicable to these units which served to strike a balance between the statutory requirements and the constraints of the actual circumstances. The HA made an application to ICU in 2014 requesting minor modification of the implementation of the above regulations in accordance with the mechanism set out in section 42 of BO. Since the HA provided justifications to prove that the prescribed window design would not reduce the natural lighting and ventilation as provided in the original flat design, ICU granted the modification and agreed to the installation of balcony windows of the prescribed design in these older PRH units on the basis of the advice from the Buildings Department.

The HA subsequently formulated a new set of application procedures for and design guidelines on the installation of balcony windows in end 2014. Tenants can make reference to such guidelines at their estate management offices. Currently, tenants of all PRH units can arrange for the installation of balcony windows on their own initiatives in accordance with the HA's design guidelines.

Rateable Values of Properties

8. MR SIN CHUNG-KAI (in Chinese): President, will the Government inform this Council of the respective numbers, percentages and cumulative percentages of assessed properties broken down by their monthly rateable values
as at (i) 1 April 2014, (ii) 1 April 2015 and (iii) 1 April 2016 (set out by year in tables of the same format as the table below)?

**As at 1 April**

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**SECRETARY FOR FINANCIAL SERVICES AND THE TREASURY** (in Chinese): President, information on the rateable values of assessed tenements for the years referred to in the question is tabulated in the Annex.

Annex

(i) Assessed Tenements by Rateable Value Range as at 1 April 2014

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<td>20,001 to 30,000</td>
<td>125 388</td>
<td>5.2%</td>
<td>92.5%</td>
</tr>
</tbody>
</table>
### Assessed Tenements by Rateable Value Range as at 1 April 2015

<table>
<thead>
<tr>
<th>Monthly Rateable Value Range ($)</th>
<th>Number of Assessments</th>
<th>Percentage</th>
<th>Cumulative Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5,000</td>
<td>552 915</td>
<td>22.7%</td>
<td>22.7%</td>
</tr>
<tr>
<td>5,000 to 10,000</td>
<td>912 861</td>
<td>37.5%</td>
<td>60.2%</td>
</tr>
<tr>
<td>10,001 to 20,000</td>
<td>633 701</td>
<td>26.0%</td>
<td>86.2%</td>
</tr>
<tr>
<td>20,001 to 30,000</td>
<td>140 558</td>
<td>5.8%</td>
<td>92.0%</td>
</tr>
<tr>
<td>30,001 to 40,000</td>
<td>59 589</td>
<td>2.4%</td>
<td>94.5%</td>
</tr>
<tr>
<td>40,001 to 50,000</td>
<td>32 945</td>
<td>1.4%</td>
<td>95.8%</td>
</tr>
<tr>
<td>50,001 to 60,000</td>
<td>19 916</td>
<td>0.8%</td>
<td>96.6%</td>
</tr>
<tr>
<td>60,001 to 70,000</td>
<td>14 254</td>
<td>0.6%</td>
<td>97.2%</td>
</tr>
<tr>
<td>70,001 to 80,000</td>
<td>10 132</td>
<td>0.4%</td>
<td>97.6%</td>
</tr>
<tr>
<td>80,001 to 90,000</td>
<td>7 606</td>
<td>0.3%</td>
<td>97.9%</td>
</tr>
<tr>
<td>90,001 to 100,000</td>
<td>6 068</td>
<td>0.2%</td>
<td>98.2%</td>
</tr>
<tr>
<td>100,001 to 120,000</td>
<td>8 479</td>
<td>0.3%</td>
<td>98.5%</td>
</tr>
<tr>
<td>120,001 to 140,000</td>
<td>5 652</td>
<td>0.2%</td>
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</tr>
<tr>
<td>140,001 to 160,000</td>
<td>3 936</td>
<td>0.2%</td>
<td>98.9%</td>
</tr>
<tr>
<td>160,001 to 180,000</td>
<td>2 958</td>
<td>0.1%</td>
<td>99.1%</td>
</tr>
<tr>
<td>180,001 to 200,000</td>
<td>2 350</td>
<td>0.1%</td>
<td>99.1%</td>
</tr>
<tr>
<td>200,001 or above</td>
<td>20 706</td>
<td>0.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>2 434 626</td>
<td></td>
<td>100.0%</td>
</tr>
</tbody>
</table>
(iii) Assessed Tenements by Rateable Value Range as at 1 April 2016

<table>
<thead>
<tr>
<th>Monthly Rateable Value Range ($)</th>
<th>Number of Assessments</th>
<th>Percentage</th>
<th>Cumulative Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Less than 5,000</td>
<td>510 032</td>
<td>20.8%</td>
<td>20.8%</td>
</tr>
<tr>
<td>5,000 to 10,000</td>
<td>867 395</td>
<td>35.3%</td>
<td>56.1%</td>
</tr>
<tr>
<td>10,001 to 20,000</td>
<td>714 399</td>
<td>29.1%</td>
<td>85.2%</td>
</tr>
<tr>
<td>20,001 to 30,000</td>
<td>156 094</td>
<td>6.4%</td>
<td>91.6%</td>
</tr>
<tr>
<td>30,001 to 40,000</td>
<td>63 323</td>
<td>2.6%</td>
<td>94.2%</td>
</tr>
<tr>
<td>40,001 to 50,000</td>
<td>35 650</td>
<td>1.5%</td>
<td>95.6%</td>
</tr>
<tr>
<td>50,001 to 60,000</td>
<td>21 310</td>
<td>0.9%</td>
<td>96.5%</td>
</tr>
<tr>
<td>60,001 to 70,000</td>
<td>14 926</td>
<td>0.6%</td>
<td>97.1%</td>
</tr>
<tr>
<td>70,001 to 80,000</td>
<td>10 465</td>
<td>0.4%</td>
<td>97.5%</td>
</tr>
<tr>
<td>80,001 to 90,000</td>
<td>7 953</td>
<td>0.3%</td>
<td>97.8%</td>
</tr>
<tr>
<td>90,001 to 100,000</td>
<td>6 391</td>
<td>0.3%</td>
<td>98.1%</td>
</tr>
<tr>
<td>100,001 to 120,000</td>
<td>8 915</td>
<td>0.4%</td>
<td>98.5%</td>
</tr>
<tr>
<td>120,001 to 140,000</td>
<td>5 931</td>
<td>0.2%</td>
<td>98.7%</td>
</tr>
<tr>
<td>140,001 to 160,000</td>
<td>4 256</td>
<td>0.2%</td>
<td>98.9%</td>
</tr>
<tr>
<td>160,001 to 180,000</td>
<td>3 241</td>
<td>0.1%</td>
<td>99.0%</td>
</tr>
<tr>
<td>180,001 to 200,000</td>
<td>2 365</td>
<td>0.1%</td>
<td>99.1%</td>
</tr>
<tr>
<td>200,001 or above</td>
<td>21 804</td>
<td>0.9%</td>
<td>100.0%</td>
</tr>
<tr>
<td>Total</td>
<td>2 454 450</td>
<td>100.0%</td>
<td></td>
</tr>
</tbody>
</table>

An Incident of Mainland Officials Allegedly Enforcing Laws in Hong Kong

9. **MR LEE CHEUK-YAN** (in Chinese): President, Mr LAM Wing-kee, the manager of Causeway Bay Books, returned to Hong Kong on the 14th of last month after having gone missing for nearly eight months, and held a press conference two days later to make public the details of his being detained by the Mainland authorities on the Mainland. Mr LAM also disclosed that two Mainland officials from a central special investigation task force had escorted him back to Hong Kong and requested him to bring back to the Mainland the computer harddisk containing the book-selling records of the bookstore as well as report regularly to them his whereabouts in Hong Kong using instant messaging applications. On the other hand, the Chief Executive (CE) indicated on the 20th of last month that he would relay in writing to the Central Authorities Hong Kong people's concerns and worries about the incident of five shareholders or employees of Causeway Bay Books reported missing, as well as review and improve the existing Arrangements on the Establishment of a Reciprocal
Notification Mechanism between the Mainland Public Security Authorities and the Hong Kong Police, and that he would dispatch officials to the Mainland to follow up the matters concerned if necessary. In this connection, will the Government inform this Council:

(1) whether it knows the identity of the two aforesaid Mainland officials who escorted Mr LAM back to Hong Kong, and the types of endorsements on which they entered the territory;

(2) whether it has assessed if Mainland officials' conducting surveillance on Hong Kong people suspected of having breached Mainland laws and gathering evidence for such cases in Hong Kong are tantamount to enforcing laws across the boundary, discharging duties across the boundary or contravening conditions of stay; if it has assessed and the outcome is in the affirmative, of the ways in which the authorities will follow up and pursue the matter; and

(3) as some members of the public are gravely concerned about this incident of Mainland law enforcement officers allegedly enforcing laws across the boundary in Hong Kong and they comment that the incident, if substantiated, suggests that the Mainland authorities have destroyed "one country, two systems", whether CE will consider going to Beijing in person to follow up the matter direct with the Central Authorities; if he will, of the details; if not, the reasons for that?

SECRETARY FOR SECURITY (in Chinese): President, the consolidated reply to Mr LEE Cheuk-yan's question is as follows:

In respect of the incident concerning a bookstore in Causeway Bay, the Police have been proactively conducting investigation and taken the initiative to make enquiries with and seek assistance from the Mainland authorities.

In June and July this year, the Police have met with Mr LAM Wing-kee a number of times and recorded statements. During the meetings, Mr LAM gave an account of his situation in the Mainland and after returning to Hong Kong. The Police have assessed the situation of Mr LAM. At this stage there is no substantive evidence suggesting that Mr LAM's personal safety is at risk. However, in view of his worries and the serious public concern over the incident,
the Police have decided to provide Mr LAM with personal protection. Mr LAM has agreed with the arrangements. The Police will continue to follow up and investigate the stalking as claimed by Mr LAM.

Since Hong Kong's return to China, the HKSAR Government has all along been dealing with matters relating to the HKSAR strictly in accordance with the principle of "one country, two systems" and the Basic Law. The Basic Law only authorizes law-enforcement agencies of Hong Kong to enforce laws in Hong Kong. Law-enforcement agencies outside of Hong Kong, including law-enforcement agencies of the Mainland and overseas, do not have the authority to enforce laws in Hong Kong. If law-enforcement officers of non-Hong Kong jurisdictions take law-enforcement actions in Hong Kong, this will contravene Hong Kong laws and is unacceptable. Every person in Hong Kong must abide by the laws of Hong Kong. If there is any illegal act, the Police will handle in accordance with the law. In respect of the incident concerning a bookstore in Causeway Bay, the Police's investigation is still ongoing. At this stage the Police have not discovered any evidence indicating that there was "law enforcement across the boundary".

Any person, wherever they go, should abide by local rules so as to avoid contravening the law. Any person who is in the Mainland must abide by the laws of the Mainland.

Regarding the incident concerning a bookstore in Causeway Bay, the Chief Executive, while meeting reporters on 20 June, clearly stated that he attached great importance to the incident and understood the concern of the community. He stated that he had made three decisions: Firstly, he would write to the Central Authorities on 20 June to reflect the concern of the people in Hong Kong. Secondly, Hong Kong people should observe the local laws when they are in the Mainland or other places. If a person from Hong Kong contravenes the laws of the Mainland in the Mainland, a notification mechanism is in place between the HKSAR Government and the Mainland. The HKSAR Government will review the arrangements under the notification mechanism with a view to improving the notification time frame and its transparency, so as to facilitate the HKSAR Government's early understanding of the situation of the Hong Kong person concerned, so that the HKSAR Government could inform his family as soon as possible, ensure his personal safety, protect his rights under the law, and provide practicable assistance. Thirdly, as necessary, the Chief Executive would dispatch HKSAR Government officials to the Mainland to follow up on the above decisions.
On 5 July, the Secretary for Justice, the Secretary for Security, the Acting Commissioner of Police, the Director of Immigration and the Commissioner of Customs and Excise went to Beijing and met with the Mainland authorities including the Ministry of Public Security and the Hong Kong and Macao Affairs Office of the State Council, and so on, for a first-round discussion on further perfecting the notification mechanism. Both sides agreed to focus on revising and perfecting various aspects of the notification mechanism, including the time frame, content, scope and channel, and so on, so as to better protect the lawful rights of residents of both sides. At the meeting, the HKSAR Government officials also listened to notifications by the relevant Mainland authorities on the circumstances of the case of LAM Wing-kee as well as the arrest in the Mainland of the suspect of the homicide and robbery case in a money exchange shop in Tai Po on 14 March this year.

The Central Authorities attaches great importance to the HKSAR Government's recommendation of improving the notification mechanism. In the above-mentioned meeting, both sides had proactive and interactive discussion, obtaining achievements at this stage. Both sides have also agreed to carry out the second-round discussion around the end of July. At the same time, the Police will continue to proactively conduct investigation in respect of the incident concerning a bookstore in Causeway Bay.

Appointment of Representatives from Trade Unions or Employee Bodies to Advisory and Statutory Bodies

10. **MR WONG KWOK-HING** (in Chinese): President, regarding the appointment of representatives of trade unions or employee bodies as non-official members of advisory and statutory bodies (ASBs), will the Government inform this Council:

   (1) of the current respective numbers and proportions of representatives of trade unions or employee bodies in the non-official members of various ASBs (set out in the table below);
(2) of the details of the invitations extended in the past five years by the authorities to representatives of the relevant trade unions or employee bodies to join various ASBs (set out in the table below); and

<table>
<thead>
<tr>
<th>Name of ASB</th>
<th>Name of trade union or employee body</th>
<th>Number of persons accepting invitation</th>
<th>Number of persons declining invitation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(3) whether it has stipulated any criteria for appointing representatives of the relevant trade unions or employee bodies to ASBs; if it has, of the details; if not, the reasons for that; for those ASBs whose non-official members do not include representatives of such type, how they gauge the views of the employees in the relevant industries when performing their functions; whether it will require that among the non-official members of various ASBs, a certain number and proportion of the members must be representatives of such type; if it will, of the details; if not, the reasons for that?

SECRETARY FOR HOME AFFAIRS (in Chinese): President, a consolidated reply to Mr WONG Kwok-hing's question is provided below.

Advisory and statutory bodies (ASBs) are an integral part of public administration and play an important role in assisting the Government in the formulation of policy objectives and performance of statutory functions. Through these bodies, various sectors of the community and relevant organizations may express their views at various stages in the formulation of policies and planning of public services by the Government and participate in public affairs.

At present, there are about 470 ASBs in Hong Kong. The system of ASBs is multi-faceted, including various advisory boards and committees, public bodies, appeal boards, regulatory bodies. Based on the information provided by various bureaux, the particulars of those ASBs which have appointed representatives of trade unions or employee bodies as members are at Annex. We do not keep statistics on the number of invitations extended to representatives
of trade unions or employee bodies to join ASBs and their responses to such invitations.

Appointments of individuals by the Government as non-official members of ASBs are based on merits. When appointing a member to serve on an ASB, the relevant bureau or department takes into account the candidate's ability, expertise, experience, integrity and commitment to public service. Taking account of the functions and nature of business of ASBs, the authorities concerned may appoint persons from certain sectors or of certain professional background, such as representatives of trade unions or employee bodies, professionals, academics, businessmen and representatives from districts or related sectors as members to cater for the needs of the relevant ASBs.

Government bureau and departments will consider the membership size and composition of ASBs in accordance with their functions and operational needs. As there are different functions and nature among ASBs, it would not be appropriate for us to mandate the appointment of representatives of trade unions or employee bodies as ASB members.

Annex

<table>
<thead>
<tr>
<th>Name of ASB</th>
<th>Representatives of trade unions or employee bodies</th>
<th>Number</th>
<th>Proportion among non-official members</th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal Board Panel under Lifts and Escalators Ordinance</td>
<td></td>
<td>5</td>
<td>13.51%</td>
</tr>
<tr>
<td>Disciplinary Board Panel under Lifts and Escalators Ordinance</td>
<td></td>
<td>5</td>
<td>13.51%</td>
</tr>
<tr>
<td>Appeal Board Panel (Electricity)</td>
<td></td>
<td>5</td>
<td>13.16%</td>
</tr>
<tr>
<td>Appeal Board Panel (under Construction Workers Registration Ordinance)</td>
<td></td>
<td>15</td>
<td>26.32%</td>
</tr>
<tr>
<td>Appeal Board Panel (Builders' Lifts and Tower Working Platforms (Safety))</td>
<td></td>
<td>1</td>
<td>3.70%</td>
</tr>
<tr>
<td>Lantau Development Advisory Committee</td>
<td></td>
<td>1</td>
<td>4.55%</td>
</tr>
<tr>
<td>Minor Works Contractors Registration Committee Panel</td>
<td></td>
<td>2</td>
<td>3.13%</td>
</tr>
<tr>
<td>Name of ASB</td>
<td>Number</td>
<td>Proportion among non-official members</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------------------------</td>
<td>--------</td>
<td>---------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Public Service Commission</td>
<td>3</td>
<td>33.33%</td>
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</tr>
<tr>
<td>Standing Commission on Civil Service Salaries and Conditions of Service</td>
<td>4</td>
<td>36.36%</td>
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</tr>
<tr>
<td>Lift and Escalator Safety Advisory Committee</td>
<td>1</td>
<td>6.25%</td>
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<tr>
<td>Vehicle Maintenance Technical Advisory Committee</td>
<td>4</td>
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</tr>
<tr>
<td>Board of Directors of the Widows and Orphans Pension Scheme</td>
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</tr>
<tr>
<td>Advisory Committee on Social Work Training and Manpower Planning</td>
<td>1</td>
<td>6.25%</td>
<td></td>
</tr>
<tr>
<td>Social Welfare Advisory Committee</td>
<td>1</td>
<td>4.55%</td>
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</tr>
<tr>
<td>Construction Industry Council</td>
<td>3</td>
<td>13.64%</td>
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<tr>
<td>Standing Committee on Disciplined Services Salaries and Conditions of Service</td>
<td>6</td>
<td>60.00%</td>
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</tr>
<tr>
<td>Disciplinary Tribunal Panel (Electricity)</td>
<td>5</td>
<td>20.83%</td>
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<td>Disciplinary Tribunal Panel (Builders' Lifts and Tower Working Platforms (Safety))</td>
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<td>23.81%</td>
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<tr>
<td>Standing Committee on Directorate Salaries and Conditions of Service</td>
<td>5</td>
<td>83.33%</td>
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<td>Hong Kong Productivity Council</td>
<td>3</td>
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<td>Advisory Management Committee of the Hong Kong Teachers' Centre</td>
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<td>Seafarers' Advisory Board</td>
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<td>50.00%</td>
<td></td>
</tr>
<tr>
<td>Pensions Appeal Panel</td>
<td>2</td>
<td>66.67%</td>
<td></td>
</tr>
<tr>
<td>High Speed Craft Consultative Committee</td>
<td>2</td>
<td>18.18%</td>
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<tr>
<td>Council on Professional Conduct in Education</td>
<td>2</td>
<td>7.41%</td>
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<tr>
<td>Consultative Committee, Ship Personnel Management</td>
<td>2</td>
<td>25.00%</td>
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<tr>
<td>Steering Committee on Qualifications Framework (QF) Fund</td>
<td>2</td>
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<tr>
<td>Labour Advisory Board</td>
<td>5</td>
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<tr>
<td>Port Welfare Committee</td>
<td>2</td>
<td>40.00%</td>
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</tr>
<tr>
<td>Commission on Strategic Development</td>
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<td>3.13%</td>
<td></td>
</tr>
<tr>
<td>Steering Committee on Qualifications Framework (QF) Fund</td>
<td>2</td>
<td>18.18%</td>
<td></td>
</tr>
<tr>
<td>Name of ASB</td>
<td>Number</td>
<td>Proportion among non-official members</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------</td>
<td>--------</td>
<td>--------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Electrical Safety Advisory Committee</td>
<td>1</td>
<td>5.88%</td>
<td></td>
</tr>
<tr>
<td>Kadoorie Agricultural Aid Loan Fund Committee</td>
<td>2</td>
<td>40.00%</td>
<td></td>
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<tr>
<td>Clothing Industry Training Authority</td>
<td>1</td>
<td>6.67%</td>
<td></td>
</tr>
<tr>
<td>Standard Working Hours Committee</td>
<td>5</td>
<td>23.81%</td>
<td></td>
</tr>
<tr>
<td>Lump Sum Grant Steering Committee</td>
<td>4</td>
<td>23.53%</td>
<td></td>
</tr>
<tr>
<td>Pressure Equipment Advisory Committee</td>
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<td>16.67%</td>
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</tr>
<tr>
<td>Vocational Training Council</td>
<td>1</td>
<td>5.56%</td>
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</tr>
</tbody>
</table>

**Relief Measures to Support Local Enterprises and Safeguard Employment**

11. **MR WONG KWOK-KIN** (in Chinese): President, recently, the global economy has been plagued with quite a number of negative news. For example, the result of the referendum in the United Kingdom was in favour of leaving the European Union, the debt levels in Eurozone remain high, the United States has entered an interest rate up-cycle, the growth of the Mainland's economy has continued to slow down, etc. There are comments that in the face of such unfavourable external factors, it is difficult for Hong Kong, being an open and externally oriented economy, to be spared of those crises. The local economy has already shown signs of a downward trend, thus pointing to an unpromising employment outlook. In delivering the Budget speech this year, the Financial Secretary has pointed out that as the local economy is laden with considerable risks in the year ahead, the authorities "need to take timely and appropriate measures to stimulate the economy, support local enterprises and safeguard employment". In this connection, will the Government inform this Council:

(1) of the industries the unemployment rates of which over the past four quarters were higher than the overall unemployment rate; the measures taken last year by the authorities targeting such industries to offer them relief and stabilize their employment rates;

(2) of the data the authorities have mainly made reference to in assessing the downward risks of the local economy; the circumstances under which the authorities will decide to take
measures to stimulate the economy, as well as the details of such measures; and

(3) whether, in the face of the current uncertain economic outlook, the authorities will shortly introduce new measures to help local enterprises tide over the financial difficulties and safeguard employment?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, having consulted the Financial Services and Treasury Bureau, the Economic Analysis and Business Facilitation Unit as well as the Labour Department, our consolidated reply to the three parts of the question is as follows:

The Government has always kept a close watch over the global economic situation and latest developments, and their possible impact on the Hong Kong economy. When assessing the outlook for the Hong Kong economy and the downside risks, the Government will consider all relevant factors, including the economic performance of major economies and their monetary policy directions, global financial conditions, Asia's economic and trade developments and geopolitical situations. The Government also studies the analyses made by such organizations as the International Monetary Fund and the World Bank. Moreover, the Government monitors the performance of Hong Kong's GDP, trade, retail sales, inbound tourism, labour market and other segments, so as to produce a comprehensive assessment.

With the deterioration in the external environment, Hong Kong's economic growth slowed to 0.8% in the first quarter of 2016. On entering the second quarter, the year-on-year decline in Hong Kong's merchandise exports narrowed. Meanwhile, although retail sales and tourist arrivals remained weak, they fell at slower paces in April and May combined when compared with the first quarter. The labour market in overall terms has stayed broadly stable so far. The unemployment rates by sector for the past four quarters and the latest period (March to May 2016) are tabulated in the Annex. In March to May 2016, the seasonally adjusted unemployment rate was 3.4%. The unemployment rates of the retail, accommodation and food services, manufacturing, and construction sectors were relatively higher. On a year-on-year comparison to net out seasonal influences, the unemployment rates of the retail, and accommodation
and food services sectors rose by 1.0 and 0.2 percentage point respectively, reflecting the drag from sustained weakness in inbound tourism and a slackened local consumption market. The unemployment rate of the manufacturing sector also rose, by 1.3 percentage points from a year ago, while that of the construction sector remained unchanged.

The near-term employment outlook remains clouded by the challenging external and internal economic environment. The Government will stay vigilant and monitor the employment situation closely. The Labour Department (LD) will continue to provide free and comprehensive employment services for job seekers, and implement various employment programmes for job seekers who may have special needs or employment difficulties such as the youth, the middle-aged, mature persons and persons with disabilities. The LD will also continue to canvass various vacancies for job seekers, and organize large-scale, district-based and thematic job fairs regularly in collaboration with employers from different sectors and through the recruitment centres for the retail, catering and construction industries. The Government will also continue to closely monitor the situation of the retail industry, and press ahead with measures for developing retail manpower, namely the Earn and Learn Pilot Scheme for the Retail Industry, the Retail Technology Adoption Assistance Scheme for Manpower Demand Management, and the retail industry promotion campaign, so as to promote the healthy development of the industry.

In face of a challenging macroeconomic environment, the 2016-2017 Budget proposed a series of measures to stimulate the economy, support local enterprise, and protect employment, for example reducing profits tax for 2015-2016 by 75%, subject to a ceiling of $20,000; waiving business registration fees for 2016-2017; waiving one-year licence fees for 1,800 travel agents, 2,000 hotels and guesthouses, as well as around 27,000 restaurants and business operators, and so on. These measures would ease the burden on enterprises. In addition, to help small and medium enterprises (SMEs) secure loans in the commercial lending market and lower their loan cost, the 2016-2017 Budget also announced that the Government would extend the application period of the special concessionary measures under the SME Financing Guarantee Scheme to 28 February 2017, reduce the annual guarantee fee rate for loan guarantee applications approved under the measures by 10%, and remove the requirement of a minimum guarantee fee rate of 0.5% for loan guarantee applications.
The Government will continue to implement various SME Funding Schemes to assist SMEs in obtaining financing, opening up markets and enhancing competitiveness. Among them, the SME Export Marketing Fund (EMF) provides financial support to SMEs in participating in export promotion activities; while the SME Development Fund (SDF) provides financial support to non-profit-distributing organizations to carry out projects which enhance the competitiveness of SMEs in general or in specific sectors in Hong Kong. The Government injected $1.5 billion into the above-mentioned Funds in 2015-2016 and implemented enhancement measures, including increasing the maximum amount of funding support for each project under SDF from $2 million to $5 million and expanding the funding scope of EMF, so as to enhance the support of the two Funds to SMEs. Besides, through the $1 billion Dedicated Fund on Branding, Upgrading and Domestic Sales (BUD Fund), the Government provides support for enterprises in branding, upgrading and domestic sales to facilitate their business development in the Mainland. BUD Fund effectively assists enterprises in enhancing their competitiveness and developing in the Mainland market. As for the Enterprise Support Scheme, our survey results showed that, around 97% of the enterprises which received funding to complete their projects considered that BUD Fund facilitated the development of enterprises; and generally helped to increase brand awareness, improve product quality, develop new products, establish domestic sales networks and enhance the overall competitiveness of the enterprise, and so on. To provide more appropriate support to enterprises, especially SMEs, the Government launched the "ESP Easy — Simplified Application Track" (ESP Easy) under the Enterprise Support Programme of the BUD Fund in late August 2015. ESP Easy adopts a set of simplified application procedures to assist enterprises in implementing specified measures. ESP Easy received enthusiastic response from the industry, 293 applications were received as at the end of June 2016.

On the other hand, the Government will continue to implement policies and measures to fortify and expand the economic base of Hong Kong, with a view to sustaining our long-term development. Specifically, apart from continuing to expand and strengthen the four pillar industries (namely trading and logistics, tourism, financial services, and business and professional services) where Hong Kong enjoys an advantage, the Government will actively identify emerging industries with potential in order to promote diversified development of our economy, so that Hong Kong can better respond to the world's ever-changing economic environment. The Economic Development Commission (EDC), led personally by the Chief Executive, and the four Working Groups set up
thereunder (namely the Working Group on Transportation; the Working Group on Convention and Exhibition Industries and Tourism; the Working Group on Manufacturing Industries, Innovative Technology, and Cultural and Creative Industries; and the Working Group on Professional Services) have submitted a number of specific recommendations on promoting the development of the relevant industries, which were accepted by the Government. Examples include refining the Innovation and Technology Fund, developing diversified and high value-added tourism, enhancing support for the post-production sector of the film industry, and promoting the development of the fashion industry. The Government is progressively implementing the recommendations. EDC and its four Working Groups will continue to identify industries which present opportunities for Hong Kong's further economic growth, with a view to recommending policies and other support measures to facilitate the sustained development of the industries concerned.

Looking ahead, the global economy continues to face considerable challenges, with increased uncertainty following United Kingdom's vote in favour of leaving the EU. Asian economies will likewise be affected by the subdued external environment. Amidst the uncertainties, the Government will continue to closely monitor future developments.

Annex

Unemployment rates by sector

<table>
<thead>
<tr>
<th></th>
<th>2015 Q2</th>
<th>2015 Q3</th>
<th>2015 Q4</th>
<th>2015 Q1</th>
<th>2016 Mar to May</th>
</tr>
</thead>
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<tr>
<td>Import/export trade and wholesale</td>
<td>3.0</td>
<td>2.6</td>
<td>2.4</td>
<td>2.9</td>
<td>3.0</td>
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<tr>
<td>Retail</td>
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<td></td>
<td></td>
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<tr>
<td>Accommodation and food services</td>
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<td>4.5</td>
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<td>2.7</td>
<td>2.5</td>
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<td>courier services</td>
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<tr>
<td>Information and communications</td>
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<td>2.0</td>
<td>3.1</td>
<td>2.4</td>
<td>2.6</td>
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<tr>
<td>Financing, insurance, real estate,</td>
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<td>2.2</td>
<td>2.8</td>
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<tr>
<td>professional and business services</td>
<td></td>
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</tbody>
</table>
Public administration, social and personal services | 2015 | 2016 Mar to May#
--- | --- | --- | --- | --- | ---
Q2 | Q3 | Q4 | Q1 | Mar to May#
Public administration, social and personal services | 1.6 | 1.9 | 1.4 | 1.5 | 1.6
Manufacturing | 3.4 | 3.9 | 3.2 | 4.1 | 4.3
Construction | 4.2 | 3.5 | 3.4 | 4.9 | 5.4
Seasonally adjusted overall unemployment rate | 3.2 | 3.3 | 3.3 | 3.4 | 3.4

Notes:

# Provisional figures.
Unemployment rates for individual sectors are not seasonally adjusted.

Source: General Household Survey, Census and Statistics Department

**Promoting Education on Three-dimensional Printing Technology**

12. **DR CHIANG LAI-WAN** (in Chinese): President, with the growing popularity of emerging three-dimensional (3D) printing technology in recent years, there is a keen demand for talents who have mastered such technology. In this connection, will the Government inform this Council:

1. whether it will consider setting up a dedicated funding scheme on 3D printing technology under the Quality Education Fund to enable schools to obtain funding through simple application procedures for purchasing relevant equipment and training teachers, etc., so as to offer relevant courses to students; if it will, of the details; if not, the reasons for that;

2. whether it will consider offering continuing education courses to help serving teachers master the expertise and teaching skills in 3D printing technology; if it will, of the details; if not, the reasons for that; and

3. whether it will consider organizing extra-curricular activities such as talks, workshops and inter-school competitions in collaboration with the relevant trades to enhance the motivation of students to
learn 3D printing technology, with a view to integrating 3D printing technology into the formal school curriculum in future; if it will, of the details; if not, the reasons for that?

SECRETARY FOR EDUCATION (in Chinese): President, it was proposed in the 2015 Policy Address to strengthen Science, Technology, Engineering and Mathematics (STEM) education to strengthen students' ability in integration and application of knowledge and skills learnt in different learning areas, and enhance their creativity. Learning and application of 3D printing technology provides a typical example of STEM education.

The reply to Dr CHIANG Lai-wan's question is as follows:

(1) The Quality Education Fund (QEF) is established to fund worthwhile initiatives which align with the educational policies of Hong Kong in order to raise the quality of school education and to promote quality school education. Priority themes, such as "Enhancing Learning and Teaching, and Assessment Literacy with a view to Enhancing Student Learning Outcomes in Primary General Studies, Key Learning Areas/Subject Curricula, and Liberal Studies" and "Using e-Learning (IT) for Effective Learning", and so on, are launched under the QEF. Since 2015-2016, STEM education is covered in the contents under the priority themes of QEF to encourage the education sector to apply for funding for STEM education, including the learning and application of the skills in 3D printing, with a view to enhancing students' creativity and problem solving skills as well as nurturing more talents in the field of science and technology. Schools can submit proposals related to 3D printing technology according to their needs. In addition, the QEF has introduced simplified application arrangement for applications with grant sought not exceeding $150,000 since 2014. Such arrangement facilitates the education sector to submit applications. Project proposals will be assessed in accordance with a set of criteria, such as the rationale of the proposed project, the teachers' involvement, cost-effectiveness, whether the facilities or IT equipment to be purchased meet the needs of curriculum development. In the past three years, 14 applications related to 3D printing have been approved.
(2) In recent years, the Education Bureau has organized workshops and seminars on 3D printing technology for teachers to keep them abreast of the latest development and application of the technology, and also understand how to apply 3D printing technology in learning and teaching as part of the curriculum. We have strengthened the provision of teacher professional development programmes in STEM education in the coming year, including programmes and number of places on the teaching of 3D printing technology. We will liaise with the professional bodies to strengthen our collaboration. We will also identify good practices on teaching and learning of 3D printing technology from schools and share the relevant experiences through teacher network activities in order to enhance teachers' professional competence in applying 3D printing technology in teaching.

(3) The Science Education, Technology Education and Mathematics Education curricula in Hong Kong provide a broad and balanced curriculum framework, which include the learning elements of 3D printing technology. For example, in Technology Education, students will understand and apply 3D printing technology, its basic concepts and working principles and also its application in production and manufacturing processes. In Mathematics Education, 3D printing provides teachers with flexibility to make their own complicated 3D models so that students will master the more complex nature of solid geometry, and be able to make abstract mathematical concepts more concrete. In Science Education, students may apply the technology in making 3D models so as to master the related subject knowledge. In senior secondary "Applied Learning" courses, some courses have incorporated the basic knowledge about 3D printing technology. In future, the understanding and application of related knowledge and technology will be incorporated to match the latest development in related fields. Besides, all STEM related curricula are being updated. With the development of innovative technology, we will further strengthen the learning and application of 3D printing by providing more concrete and feasible exemplars of teaching activities for schools and teachers' reference. Through the process of design and making of the tools, components or 3D models for investigative
experiments/activities, students will be able to integrate and apply knowledge and skills learnt from different learning contexts. In addition to consolidating the learning of subject knowledge and develop related processing skills, it helps enhance students learning interests, inspire their creativity and innovation.

Concurrently, we will continue to support schools to conduct 3D printing technology learning activities and competitions so that students can have more opportunities to practise and to nurture creativity. At present, tertiary institutions, professional bodies and industry sector have organized competitions on 3D printing. Further to our continuous support for various competitions, we will continue to support and collaborate with our partners such as the Hong Kong Productivity Council and the Vocational Training Council to co-organize related activities. We will incorporate more related local, Mainland and international experiences to deepen students' understanding of the applications of 3D printing technology and to broaden their horizons.

Improving Marine Fire-fighting Equipment and Berthing Facilities for Fishing Vessels

13. **MR STEVEN HO** (in Chinese): President, some fishermen have relayed to me that in recent years, they have been facing a number of problems (e.g. insufficient marine fire-fighting equipment and berthing spaces at typhoon shelters), which have caused them financial losses and endangered their lives and properties, with the development of the fisheries industry also being affected as a result. For instance, the authorities have failed to conduct a dedicated review of the incident in which the Fire Services Department (FSD) took quite a long time to dispatch fireboats to fight fire at the Shau Kei Wan Typhoon Shelter last year. On the other hand, while the review of the planning of typhoon shelters conducted by the Marine Department is expected to be completed by the middle of this year, neither has the outcome been published nor have the relevant details been provided so far. In this connection, will the Government inform this Council:

(1) as the authorities have indicated that, due to the wide sea areas as well as the broad and highly mobile distribution of vessels, together
with a lack of risk index references similar to those available for land areas, it is therefore difficult to set an appropriate target response time for fireboats to arrive at individual areas of waters, whether the authorities will examine setting target response times for typhoon shelters and marine facilities which are in fixed locations; if they will, of the details; if not, the reasons for that; how FSD, the Marine Police, and the Marine Department cooperate and coordinate in their fire-fighting and rescue operations at present;

(2) given that incidents involving the malfunctioning of fire-fighting equipment installed for marine fire-fighting have occurred from time to time (e.g. the past incidents in which a fireboat berthed at Central was required to be dispatched to Cheung Chau for fire-fighting as Fireboat 3 berthed there malfunctioned, as well as water pumps on fireboats were found damaged), of the details of the routine inspections of such fire-fighting equipment carried out by the authorities; whether the authorities will deploy additional resources for enhancing the relevant inspection and maintenance work; if they will, of the details; if not, the reasons for that;

(3) given that following the implementation of the legislation banning trawling in Hong Kong waters (commonly known as "trawl ban"), quite a number of fishermen have converted their fishing vessels into larger ones for distant-water fishing, but such vessels are not allowed to enter certain typhoon shelters because of their excessive length and are forced to berth at faraway typhoon shelters, resulting in an increase in unnecessary expenses and time, and such fishing vessels can only apply for the Entering Typhoon Shelter Permit (commonly known as "overlength endorsement") in order to enter the relevant typhoon shelters for unloading of catch and replenishment for their fishing vessels but the application procedure for overlength endorsement is cumbersome, whether the authorities have, in conducting the aforesaid review, explored ways to help resolve the berthing problem encountered by overlength fishing vessels, and considered streamlining the application procedure for overlength endorsement;
given that the surge in the numbers of yachts and other vessels in recent years has aggravated the problem of insufficient berthing spaces at typhoon shelters, with quarrels arising from berthing of vessels often heard of, and that the narrow fairway inside typhoon shelters caused by the densely berthed vessels has increased the occurrence of accidents and hindered rescue operations, whether the authorities have, in conducting the aforesaid review, studied measures for tackling the problem of insufficient berthing spaces at typhoon shelters; if they have studied, of the outcome; and

given that at present, quite a number of small fishing vessels, due to the problems such as licence restrictions and susceptibility to collision with other vessels, cannot berth at typhoon shelters and have to berth at places such as the outer area of the Cheung Chau Typhoon Shelter, the breakwater in Castle Peak Bay, where the fishermen concerned can only embark on or disembark from their vessels by dangerous means (e.g. climbing the boulders along the shore or making use of hand-pulled ferries or rafts made by themselves), whether the authorities will consider providing embarking and disembarking facilities at piers for small fishing vessels; if they will; of the details; if not, the reasons for that?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, my reply to the various parts of the question raised by Mr Steven HO is as follows:

In general, upon receipt of a fire call relating to vessels in Hong Kong waters, the Fire Services Communications Centre will, having regard to the circumstances, first deploy the fire vessel nearest the incident scene to fight the fire. At the same time, other fire vessels, police launches and Marine Department (MD) vessels will also be deployed to carry firemen from nearby onshore fire stations to the scene for support.

To fight fire at typhoon shelters, the Fire Services Department (FSD), the Hong Kong Police Force (HKPF) and the MD have drawn up a contingency plan for joint operations. For typhoon shelters located at urban coastal areas, firemen deployed from nearby
fire stations can reach coastal locations direct within six minutes. Land-based firemen may promptly bring portable fire-fighting equipment and board police launches or MD vessels to arrive at the scene promptly for fire-fighting and rescue operations. Furthermore, the FSD, the HKPF and the MD conduct fire drills in typhoon shelters prior to the fishing moratorium and the Lunar New Year every year to enhance the efficiency in fire-fighting and rescue operations, and to strengthen the co-ordination among relevant departments in response to marine fires.

In the wake of the fire at the Shau Kei Wan Typhoon Shelter last September, a working group set up by the FSD has reviewed the arrangements under the contingency plan for typhoon shelters, including the operational procedures, fire-fighting resources and co-operation among various government departments. Upon review, the FSD has decided to procure new light portable pumps, which are lighter, to enhance the operational efficiency of land-based firemen in fighting vessel fire at typhoon shelters.

As for setting out target response times, there is no standard response time for marine fire calls in Hong Kong, nor any internationally prescribed standard response time. The berthing of vessels at sea is not the same as the distribution of buildings on land. For example, vessels in larger sea areas are more widely spread and of higher mobility. Unlike the land area, there is no risk category for the marine area as reference for making regular specific risk assessments. Besides, different fire vessels have different capabilities and maximum speeds. Their actual speed also depends on external environmental factors such as sea conditions, wind direction, wind speed, visibility and inshore traffic conditions. Therefore, the FSD considers it difficult to set a specific response time for each typhoon shelter or marine facility. That said, the FSD will assess potential fire risks from time to time and flexibly deploy existing resources to strategic positions according to the overall risk of different areas of waters and inshore installations, and will put in place appropriate operational arrangements to meet the demand of individual areas or during special periods so as to respond to potential emergency incidents.
(2) The duty officers of fire vessels, similar to those of fire appliances, inspect and test all equipment on board including fire-fighting and rescue appliances every day. The FSD has also drawn up a specific schedule to require fire officers to adopt different testing procedures on a daily/weekly/monthly/quarterly basis to ensure that all equipment and appliances are in normal operation. Firemen will promptly report any problems identified during inspections, testing or operations, and will arrange for relevant staff to carry out repairs.

Regarding vessel maintenance, the MD arranges routine inspections, maintenance and repairs for fire vessels. Enhancement works or installation of new equipment are carried out for fire vessels according to their operational needs. The FSD and the MD also hold working meetings to review the operation, maintenance and repairs of the vessel fleet.

(3) As regards the entry of large fishing vessels into typhoon shelters, the Merchant Shipping (Local Vessels) (Typhoon Shelters) Regulation (Cap. 548E) provides that except with the permission of the Director of Marine, a local vessel with length overall exceeding the "permitted length overall" of a typhoon shelter shall not enter or remain in that typhoon shelter. When processing applications for the relevant permits (commonly known as "overlength endorsement"), the MD will consider the operational and practical needs of fishermen. The application procedures for "overlength endorsement" have been simplified as far as possible to facilitate fishermen. An applicant is only required to provide basic information, including applicant's personal particulars, details of the vessel, the typhoon shelter to be used, the reason for entering that shelter and the duration of stay, as well as the necessary documentary proof. Approval for an application is normally granted within one day. Given that fishermen need to use typhoon shelters during the Lunar New Year (between the 15th day of the twelfth month and the 15th day of the first month of the lunar calendar) and the fishing moratorium in the South China Sea (around the 16th of May to the first of August every year), overlength fishing vessels do not have to spell out the reasons for entering the typhoon shelters when applying for "special overlength endorsements" for a longer stay at the designated typhoon shelters during these periods.
(4) In collaboration with relevant government departments, the MD is conducting a review on the provision of sheltered space for local vessels, and is comprehensively assessing the demand and supply of berthing and sheltered space for such vessels. The review has examined the current arrangements with a view to identifying feasible improvement measures such as enhancement of the existing typhoon shelter facilities, review of the maximum length of vessels permitted for each typhoon shelter, possibility of demarcating berthing space according to vessel type, expansion of the existing sheltered anchorages and provision of additional ones, and so on. In considering the feasibility of various improvement measures, the MD will fully consult stakeholders, including the Local Vessels Advisory Committee. The review is expected to be completed by end 2016.

(5) The Government provides landing facilities, including public piers and landing steps, along the coastlines of Hong Kong for embarkation and disembarkation of passengers. In general, vessels anchored at sea use shuttle vessels for the embarkation or disembarkation of personnel aboard. When considering the expansion or addition of such facilities, various factors will be taken into account, including the feasibility of the works involved, the utilization rate of such facilities, the area to be served, and availability of similar facilities in the waters nearby.

Currently, small fishing vessels may enter or stay in the Cheung Chau Typhoon Shelter, and may use the seven sets of landing steps and one public pier in the Shelter. As for fishing vessels anchored in the waters around Castle Peak Bay, they may in accordance with their licence conditions or by engaging shuttle vessels, use the two sets of landing steps located within the Tuen Mun Typhoon Shelter near Sam Shing Estate, or the Kadoorie Public Pier located about 300 m to 400 m (sea distance) to the south of the Shelter's breakwater for embarkation and disembarkation. Survey results indicate that the capacity of these three landing facilities can cope with more vessels and meet existing and projected demands.
Planting of Trees

14. **MR ALBERT CHAN** (in Chinese): President, I have learnt that the Government has planted quite many trees of native species in the countryside in recent years, but a number of them died shortly after planting. In this connection, will the Government inform this Council:

(1) of the total number of trees planted by the Government in each of the past three years and, among them, the respective numbers of trees belonging to exotic and native species;

(2) among the trees mentioned in (1), how many of them are already dead at present (and set out a breakdown by species and cause of death of trees); and

(3) whether it will consider changing the method of planting trees of native species, so as to enhance their survival rate; if it will, of the details; if not, the reasons for that?

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

(1) The total number of trees planted by the Government in 2013, 2014 and 2015 are about 800 000, 800 000 and 400 000 respectively. Native species accounted for about 80% of these trees. Most of them were planted as seedlings by the Agriculture, Fisheries and Conservation Department (AFCD) in country parks to enhance their ecological value and biodiversity.

(2) We do not keep statistics on the number of trees planted in the past three years that do not survive. Generally, the survival rate of newly planted trees is quite high. According to the AFCD, the overall survival rate of tree seedlings planted in the country parks across the territory over the past three years is about 80%. The growth and survival of plants are subject to a host of environmental factors (including soil types, precipitation rates, humidity and temperature) and specific growth requirements of individual species. Adverse weather conditions, such as typhoons, will also cause severe and irreversible damage to trees.
(3) We have always advocated the basic planting design principles of "right species at the right place". In this connection, the Greening, Landscape and Tree Management Section under the Development Bureau has compiled a series of guidelines on "proper planting practices", such as "Provide Adequate Growing Space For Future Growth Of Canopy", for reference of other departments. During construction works, the relevant departments will monitor the contractors to assure quality of planting works. Contractors are also required to provide maintenance services during the 12-month establishment period for newly planted trees to ensure that they receive proper care. Selection of suitable tree species that can adapt to the countryside and proper tree conservation work for raising tree (particularly at their early stage of growth) are also critical to the afforestation works in country parks. The AFCD will continue to endeavour to ensure that the tree seedlings planted in country parks will grow and thrive.

Child Protection

15. MR CHEUNG KWOK-CHE: President, a child abuse case heard by the Coroner's Court recently in which a five-year old boy with mental disability died after ingesting methamphetamine has aroused wide public concern. Regarding child protection, will the Government inform this Council of:

(1) the details of cases of parental substance abuse, including:

(i) the number of pregnant women found to be substance abusers in the past five years;

(ii) among the cases handled by the Comprehensive Child Development Service (CCDS) in the past five years, the number of those in which the parent(s) of the children concerned was/were suspected substance abuser(s); the follow-up actions taken on such cases and the latest situation of them;

(iii) the number of children currently under the care of CCDS whose parent(s) has/have been confirmed to be substance abuser(s);
(iv) among the multi-disciplinary case conferences (MDCCs) held last year on protection of children whose parent(s) was/were suspected substance abuser(s), the respective numbers of them attended and not attended by medical practitioners, psychiatrists or psychologists;

(v) where the parent(s)/carer(s) of a child has/have been found to be substance abuser(s), whether such a case is defined as child abuse case under the existing legislation; the policies and systems currently in place to protect children living under such circumstances; how the authorities define and assess the level of risk to which a child whose parent(s) has/have been found to be substance abuser(s) is exposed; the implications of the relevant assessment outcome on the follow-up actions to be taken by the authorities;

(vi) as the Law Reform Commission of Hong Kong is currently considering the reference on causing and allowing the death of a child, whether the Commission will consider giving a legal definition to "child abuse" when carrying out the relevant work;

(vii) whether the Government will conduct a full and independent case review of the aforesaid child abuse case, apart from taking follow-up action on it under the existing child fatality review mechanism;

(viii) as the "Guidelines for the Psychosocially Assisted Pharmacological Treatment of Opioid Dependence", released by the World Health Organization in 2009, points out that when a person's substance abuse poses a risk to others, such a consideration may override his/her freedom of choosing whether to participate in treatment, whether the Government has plans to explore the implementation of mandatory detoxification for parents and pregnant women who have been found to be substance abusers; and
(ix) how the Government coordinates the efforts of various
government departments and non-governmental organizations
in addressing the problem of parental substance abuse at
present;

(2) the details of MDCCs, including:

(i) the respective numbers of telephone calls, written referrals
and internal referrals with respect to child abuse concerns
received respectively by Social Welfare Department, social
services organizations and public hospitals in each month
since January this year and in each of the past five years (with
a tabulated breakdown by the subject of concern); and

(ii) the numbers of referrals received by case managers of
MDCCs and the numbers of MDCCs conducted in the first
quarter of this year and in the past five years;

(3) the details of care or protection (COP) order, including:

(i) the number of occasions in the past five years on which
MDCCs recommended the Director of Social Welfare (DSW)
apply to the court for a COP order;

(ii) the respective numbers of applications for COP orders made
by DSW in the past five years upon MDCC's recommendations
and otherwise; and

(iii) whether the Government will consider the introduction of
mandatory treatment for parents with substance abuse as a
pre-requisite for returning their children to them; and

(4) the details of residential child care services (RCCS) (both
institutional and non-institutional care), including:

(i) the current number of children, for whom COP orders have
been made and a consensus on the removal of whom from
their parents who have been found to be substance abusers
has been reached by the relevant MDCCs, are still living with
their parents because of a lack of placement options;
(ii) the respective current numbers of places in various types of care centres for children to receive RCCS, including emergency residential care, small group homes, emergency foster care, foster care, boys'/girls' homes, boys'/girls' hostels, children's homes, residential child care centres and other types of care, and the numbers of children currently occupying such places (with a tabulated breakdown by special needs, health conditions and age group (i.e. 0-5, 6-12 and 13-18) of such children);

(iii) the conditions under which the authorities will draw up permanency plans for children currently receiving RCCS, and the current number of such children for whom permanency plans have been drawn up;

(iv) the current number of children whose permanency plans include the options of family reunion and adoption;

(v) among the children who received RCCS in the past five years, the respective numbers of those children who remained in care until they reached 18 years of age, were adopted, transferred to other types of care services and returned to their families;

(vi) the current average length of time for which children wait for places of various care centres (with a tabulated breakdown by age group (i.e. 0-5, 6-12 and 13-18));

(vii) the number of children under five years old who are currently in institutional care and for how long they have been receiving such care;

(viii) the current number of children who are waiting for institutional care (both emergency and non-emergency care) and for how long they have been on the waiting list; and

(ix) the respective percentages of parents having (a) regular, (b) irregular and (c) no contacts with their children who are currently receiving RCCS and whose permanency plans suggest family reunion?
SECRETARY FOR LABOUR AND WELFARE: President, having consulted the relevant Bureaux/Departments, my reply to the four parts of the question raised by Mr CHEUNG Kwok-che is provided below:

(1)  

(i) The Government does not have information on the number of pregnant women found to be substance abusers.

(ii) and (iii)

The Comprehensive Child Development Service (CCDS), jointly implemented by the Labour and Welfare Bureau, Education Bureau, Department of Health (DH), Hospital Authority (HA) and Social Welfare Department (SWD), aims to identify at an early stage various health and social needs of children (aged 0 to 5) and those of their families and to provide the necessary services to foster the healthy development of children. Through the Maternal and Child Health Centres of the DH, hospitals of the HA and other relevant service units, such as Integrated Family Service Centres, Integrated Services Centres and pre-primary institutions, CCDS identifies at-risk pregnant women (including those parent(s) who was/were suspected to be substance abuser(s)), mothers with postnatal depression, families with psychosocial needs, and pre-primary children with health, developmental and behavioural problems.

Needy children and families identified will be referred to relevant service units for appropriate health and/or social services with a view to strengthening family's capability in caring for children and offering assistance to those parents and carers who have difficulties in taking care of and parenting children for improving the care quality.

The Government does not have information on the number of cases under CCDS where the parents of the children concerned were suspected substance abusers.

(iv) In 2015, the total number of newly reported child abuse cases was 874, out of which 821 multi-disciplinary case conferences on protection of child with suspected abuse (MDCCs) were held. More than one MDCC might be held for some of the
cases as appropriate. The social worker responsible for handling the case and other relevant personnel will attend MDCC. Depending on the circumstances of each case, the MDCC will be attended by, among others, medical professionals, psychiatrists and clinical psychologists, as appropriate.

(v) and (ix)

According to the "Procedural Guide for Handling Child Abuse Cases (Revised 2015)" (Procedural Guide), child abuse is defined as any act of commission or omission that endangers or impairs the physical/psychological health and development of an individual under the age of 18.

When encountering suspected cases of child abuse (including those cases where the parents of the children concerned were suspected substance/drug abusers), different professionals, including the personnel engaged in social services, health services, education services and law enforcement, and those whose duties bring them into close contact with children, will carry out the necessary immediate assessments and intervention, social enquiries, convene the MDCC and follow-up welfare plans according to the Procedural Guide. When conducting a detailed social enquiry, the case manager will conduct risk assessments on related factors according to the Procedural Guide. The assessments will include the physical, mental and psychosocial conditions of the child and those of the carer, the attitude of the abuser, any undesirable habits of the abuser (for example, substance/alcohol abuse), the growth and developmental needs of the child, the family's ability to take care of the child, the parent-child relationship, the child care arrangements, and the availability of support in the family network. If the case involves a criminal offence, social workers or other professionals will refer the case to the Police for investigation.

If the MDCC considers that the family is not suitable for taking care of the abused child for the time being, the case manager will place the child under the care of relatives as far
as possible. If care by relatives is not feasible, suitable residential care service will be arranged according to the child's welfare needs. The MDCC may, taking into account the actual situation, set out targets and implementation plans to help the drug-abusing parents refrain from drug abuse and facilitate reunion of the child with his/her family.

If the case is classified as child abuse or the child concerned has a high risk of being abused, social worker from the SWD's Family and Child Protective Services Unit (FCPSU) will provide comprehensive follow-up services. The social worker will provide appropriate services to the affected child and to other family members (including the abuser), including regular visits, counselling services (such as emotional control and counselling, parenting skills, parent-child relationship), financial assistance, referrals for psychological counselling services, residential care services, and so on, to protect the well-being of children. In addition to the casework counselling services, social worker of the SWD's FCPSU will also provide group counselling and developmental programmes for the affected child and the family to help them overcome the negative impacts of the incident, enhance personal resilience, build up self-confidence and develop positive attitudes towards interpersonal and family relationships.

(vi) The scope of the Law Reform Commission's study on causing or allowing the death of a child is to review the law, both substantive and procedural, relating to the criminal liability of parents or carers of children and vulnerable adults when the victim dies or is seriously injured as a result of unlawful conduct while within their care, and to recommend such changes in the law as may be thought appropriate. As part of this review, the sub-committee set up to undertake the study is considering a range of legal concepts and definitions which may be relevant in this area (having particular regard to reforms in other jurisdictions) and will endeavour to issue a consultation paper on its proposals for reform within this year.
(vii) A coroner has already heard the fatal case of the five-year-old boy and given the verdict in accordance with the legal procedures. The coroner has recommended that if any carer is suspected of having a condition of substance/drug abuse, consideration should be given to the way the substance/drug abuse is carried out: whether it takes place at home, where the carer stores the substance/drug and whether the place of storage is easily accessible by children, and the appropriate measures should be included in the risk factors and assessment matrix set out in the Procedural Guide. The Child Fatality Review Panel (the Review Panel) will also review the case. Priority will be given to this case and the review will be conducted once the findings of the Coroner's Court and other information are available.

The Review Panel is independent of the Government. Its members come from various fields, including medical, social welfare, psychology, legal, education, academia and parents. As the Coroner's Court has inquired into the case and the Review Panel will also review the handling of the case and the system concerned, the SWD considers that there is no need to conduct yet another review of this case.

(viii) Possession and consumption of dangerous drugs constitute offences under the Dangerous Drugs Ordinance (Cap. 134). If considered suitable by the Court, convicted persons who are drug abusers may be required to undergo the compulsory treatment programme at the Drug Addiction Treatment Centres run by the Correctional Services Department. The Court may also order convicted persons who are drug abusers to be placed under probation supervision by the SWD and to be referred to suitable drug residential treatment and rehabilitation services provided by non-governmental organizations.

To cater for the varying needs of different drug abusers, Hong Kong adopts a multi-modality approach in the provision of drug treatment and rehabilitation services. The Government helps drug abusers/suspected drug abusers to refrain from drug
abuse through various channels, for example, methadone clinics, substance abuse clinics, drug treatment and rehabilitation centres and counselling centres for psychotropic substance abusers (CCPSAs). The SWD also provides subvention for 11 CCPSAs and two centres for drug counselling run by non-governmental organizations to provide drug counselling services for drug abusers/suspected drug abusers in the community. Social workers of the centres will assess their family circumstances and needs and, after obtaining their consent, refer them and their family members (including their children) to appropriate service units for follow-up.

(2) (i) and (ii)

The SWD has set up the "Child Protection Registry" (CPR) to collect statistics on the relevant child victims and abusers in the cases of child abuse and child at risk of abuse. Since not all referral cases of suspected child abuse will be defined as child abuse after thorough investigation, such information will not be registered in the CPR.

The total number of newly reported child abuse cases in the CPR and the respective number of MDCC held are provided below:

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Number of Newly Reported Child Abuse Cases</th>
<th>Number of MDCC Held*</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>877</td>
<td>793</td>
</tr>
<tr>
<td>2012</td>
<td>894</td>
<td>810</td>
</tr>
<tr>
<td>2013</td>
<td>963</td>
<td>855</td>
</tr>
<tr>
<td>2014</td>
<td>856</td>
<td>802</td>
</tr>
<tr>
<td>2015</td>
<td>874</td>
<td>821</td>
</tr>
<tr>
<td>Q1 of 2016</td>
<td>185</td>
<td>172</td>
</tr>
</tbody>
</table>

Note:

* More than one MDCC may have been held for certain cases.
(3) (i) and (ii)

The Director of Social Welfare fully considers all relevant factors, including the views of MDCC, in deciding to apply to the Court for care or protection orders.

(iii) Before returning the child concerned to the carer who has the habit of drug abuse, the SWD conducts comprehensive assessment of the ability of the carer in taking care of the child, including his/her drug abuse habit and the progress of drug treatment. Upon conducting the comprehensive assessment, if the carer is considered not suitable for taking care of the child due to drug abuse and/other problem, the SWD will continue to follow up on the child care arrangements and monitor the progress of the case, in order to protect the best interests of the child.

(4) (i) The SWD does not have the relevant information.

(ii) Generally speaking, children admitted to residential child care services must be medically fit to receive such services. The number of places of various types of residential child care services and the number of children receiving such services, as at 31 March 2016, are as follows:

<table>
<thead>
<tr>
<th>Types of services</th>
<th>Number of places</th>
<th>Number of children receiving residential child care services</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Aged from 0 to 5</td>
</tr>
<tr>
<td>Residential child care centres (aged below 6)</td>
<td>192</td>
<td>166</td>
</tr>
<tr>
<td>Foster care</td>
<td>975</td>
<td>352</td>
</tr>
<tr>
<td>Small group homes</td>
<td>864</td>
<td>10</td>
</tr>
<tr>
<td>Children's homes</td>
<td>413</td>
<td>0</td>
</tr>
<tr>
<td>Boys'/girls' homes and boys'/girls' hostels</td>
<td>983</td>
<td>0</td>
</tr>
</tbody>
</table>
Types of services | Number of places | Number of children receiving residential child care services | Total
---|---|---|---
Emergency residential care services (including children's reception centre, foster care (emergency), emergency/short-term care in small group homes, and other residential homes for children) | 249 | 131 | 89 | 13 | 233
Total | 3 676 | 659 | 1 258 | 1 264 | 3 181

According to the information collected through the applications for services, the number of children with special needs (for example, attention deficit/hyperactivity disorders, autism, specific learning difficulties, limited intelligence and mildly mentally handicap, and so on) who were receiving residential child care services as at 31 March 2016 is as follows:

Types of services | Number of children with special needs | Total
---|---|---
| Aged from 0 to 5 | Aged from 6 to 12 | Aged from 13 to 18 or above | Total
Residential child care centres (aged below 6) | 2 | 4 | 0 | 6
Foster care | 31 | 148 | 36 | 215
Small group homes | 1 | 98 | 38 | 137
Children's homes | 0 | 25 | 37 | 62
### Types of services

<table>
<thead>
<tr>
<th>Types of services</th>
<th>Number of children with special needs</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aged from 0 to 5</td>
</tr>
<tr>
<td>Boys'/girls' homes and boys'/girls' hostels (excluding those boys'/girls' homes with school for social development on site)</td>
<td>0</td>
</tr>
<tr>
<td>Emergency residential care services (including children's reception centre, foster care (emergency), emergency/short-term care in small group homes, and other residential homes for children)</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>36</td>
</tr>
</tbody>
</table>

The number of children with behavioural/emotional problems who were receiving the services of boys'/girls' homes with school for social development on site (some might be children with special needs) as at 31 March 2016 is as follows:

<table>
<thead>
<tr>
<th>Type of services</th>
<th>Number of children with behavioural/emotional problems</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aged from 0 to 5</td>
</tr>
<tr>
<td>Boys'/girls' homes with school for social development on site</td>
<td>0</td>
</tr>
</tbody>
</table>

(iii) Having regard to the circumstances of individual cases and with reference to the long-term well-being of the children concerned, caseworkers work out appropriate care arrangements and a permanency plan for each child receiving
residential child care services, including the arrangement of an appropriate type of residential care service and the duration of service, as well as formulating other long-term arrangements (for example, family reunion, adoption, independent living), and so on. Caseworkers strive to facilitate the reunion of the children concerned with their families or other relatives, when it is feasible and is in the best interests of the children.

Caseworkers regularly follow up on the condition of the children concerned from the perspective of their welfare needs. Caseworkers conduct case review meetings with the children, their families and the social workers of the relevant residential child care services to assess and discuss the welfare needs so as to refine and adjust their permanency plans in accordance with the children's best interests.

Besides, according to the existing mechanism, caseworkers and the management officers concerned will review the welfare cases of the children receiving residential child care services every three to six months from the case management perspective, including the implementation schedules of permanency plans, progress, as well as the direction of handling cases, and adjust the children's permanency plans based on the circumstances of individual cases.

(iv) The SWD does not have the relevant breakdown of the information.

(v) The breakdown of the numbers of the children concerned in the past five years is as follows:

<table>
<thead>
<tr>
<th></th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>Remained in care until 18 years of age or above</td>
<td>51</td>
<td>48</td>
<td>31</td>
<td>27</td>
<td>16</td>
</tr>
<tr>
<td>Adopted</td>
<td>47</td>
<td>54</td>
<td>53</td>
<td>54</td>
<td>53</td>
</tr>
<tr>
<td>Transferred to other types of care services</td>
<td>427</td>
<td>509</td>
<td>496</td>
<td>530</td>
<td>504</td>
</tr>
<tr>
<td>Returned to their families</td>
<td>1 127</td>
<td>1 112</td>
<td>1 003</td>
<td>973</td>
<td>881</td>
</tr>
</tbody>
</table>
(vi) The average waiting time for various types of residential child care services in 2015-2016 is as follows:

<table>
<thead>
<tr>
<th>Types of services</th>
<th>The average waiting time for residential care services (number of months)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Aged from 0 to 5</td>
</tr>
<tr>
<td>Residential child care centres (aged below 6)</td>
<td>2.8</td>
</tr>
<tr>
<td>Foster care</td>
<td>1.6</td>
</tr>
<tr>
<td>Small group homes</td>
<td>4.0</td>
</tr>
<tr>
<td>Children's homes</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Boys'/girls' homes and boys'/girls' hostels</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

Note:

In 2015-2016, there was no new admission of children aged from 13 to 18 or above to foster homes.

(vii) As at 31 March 2016, there were 201 children aged under 5 staying in general residential child care centres that provide institutional care services. Their average duration of stay in residential care was 15.4 months.

(viii) As at 31 March 2016, there were 621 applications for various types of residential child care services, including residential child care centres, foster care, small group homes, children's homes, boys'/girls' homes and boys'/girls' hostels.

In 2015-2016, the average waiting time for residential child care services was about three months.

The mechanism of the central waiting list does not apply to emergency residential care services. Based on the urgency of individual cases, caseworkers may directly approach the
service providers of emergency residential child care services for enquiries and referrals so that the children concerned can be admitted to the relevant facilities as soon as possible.

(ix) The SWD does not have the relevant information.

Provision of Grants for Kindergartens Admitting Non-Chinese Speaking Students

16. DR FERNANDO CHEUNG (in Chinese): President, the Chief Executive has indicated in this year's Policy Address that the Government will implement a free quality kindergarten (KG) education policy from the 2017-2018 school year to improve the quality of KG education in various aspects. The relevant measures include providing an additional grant comparable to the recommended salary of one KG teacher (about $25,000 per month) for KGs admitting eight or more non-Chinese speaking (NCS) students, so that "KGs can provide teachers with more manpower support and professional training to develop effective strategies to help NCS students learn through the Chinese medium so as to lay a foundation for their study in local primary schools". In this connection, will the Government inform this Council:

(1) of the procedures and timetable for application for the aforesaid additional grant by KGs; whether it is for KGs to decide whether or not to submit such applications;

(2) how the Education Bureau (EDB) assesses whether each KG provided with the additional grant has made good use of the grant, so as to ensure that the objective of effectively improving the pre-primary education for NCS students has been achieved;

(3) of the channels through which members of the public can know (i) whether various KGs have been provided with additional grants, (ii) how KGs provided with additional grants make use of the grants, and (iii) the effectiveness of the measure to provide additional grants; and
(4) **given that KGs are required under the current Quality Assurance Framework to undergo Quality Review (QR), whether EDB has plans to provide an English version of QR Reports of various KGs for parents of NCS students to peruse the relevant QR results, with a view to achieving the purposes of "promoting sustainable school development and accountability to parents and the community"?**

**SECRETARY FOR EDUCATION (in Chinese):** President, my reply to Dr Fernando CHEUNG's question is as follows:

(1) Under the free quality kindergarten (KG) education policy to be implemented from the 2017-2018 school year, a grant comparable to the salary of one KG teacher will be provided for KGs admitting eight or more non-Chinese speaking (NCS) students to help KGs enhance the support for these students. We are devising the implementation details of the new policy including, among others, the application procedures and ambit/usage of various grants (including the afore-mentioned grant for support to NCS students). In this regard, we have been collecting views of stakeholders with a view to developing user-friendly application procedures (such as provision of templates) so as to minimize the administrative work of KGs. Implementation details will be released in the third quarter of 2016. Administrative guidelines on usage of individual grants will also be issued in due course. We expect that all eligible KGs will apply for the grant concerned. In any event, we will require all eligible KGs to ensure appropriate support for NCS students and will request KGs to provide the information concerned as appropriate.

(2) and (4)

Under the Quality Assurance Framework, KGs are required to conduct school self-evaluation based on the Performance Indicators (Pre-primary Institutions) for reviewing their overall performance, identifying areas for improvement, devising development plans and compiling School Reports for continuous enhancement of the quality of education. To facilitate sustainable development of KGs, review teams of the Education Bureau conduct on-site quality review (QR) for KGs on a regular basis to validate findings from their school self-evaluation and identify their strengths and areas for
development. To strengthen the accountability to parents and the community, the QR Reports are uploaded onto the Education Bureau website. We are also studying the feasibility of reporting QR findings in English. In any event, while QR Reports may serve as one of the references for parents when choosing KGs for their children, the Profile of Kindergartens and Kindergarten-cum-Child Care Centres (KG Profile) also provides information on each KG. Starting from the 2016-2017 school year, Education Bureau will publish the KG Profile in Chinese and English to cater for the needs of local and NCS parents.

Under the free quality KG education policy, the existing quality assurance framework will be enhanced. We will invite an external independent member to serve as an external observer in each QR team. We will also refine the afore-mentioned Performance Indicators to enhance the quality of KG education including, among others, catering for the diverse needs of students (including NCS students). Besides, we will encourage more researches to keep the sector well-informed of the latest trends in child development, children's learning needs and the development of KG education. The impact of the new policy on the quality of KG education (including the support for NCS students) will also be studied.

(3) To enhance transparency and facilitate home-school co-operation, Education Bureau encourages KGs to make use of various channels such as school websites and the KG Profile to keep parents and members of the public informed of their operation, development and support services for students. As regards additional resources allocated to schools on a need basis, including the additional grant for NCS students, it is our established practice not to disclose the names and situation of individual schools to avoid unnecessary misconception and possible labelling on individual schools.

As regards the effectiveness of various measures implemented by KGs, including support measures for NCS students, as mentioned above, KGs and Education Bureau will keep continuous review through the Quality Assurance Framework.
Measures to Reduce Fire Hazards in Buildings and Mini-storages

17. **DR LAM TAI-FAI** (in Chinese): President, last month, a No. 4 alarm fire broke out on several storeys of an industrial building in Kowloon Bay, which had been sub-divided into mini-storages. The fire has caused two firemen to die on duty, and has once again, aroused concerns among various sectors about the fire safety hazards in three types of buildings (namely, old industrial buildings, commercial buildings, residential buildings) and mini-storages. The inter-departmental working group led by the Security Bureau has rolled out follow-up actions, including inspections conducted by the Fire Services Department (FSD), the Buildings Department (BD), the Lands Department (LandsD) and the Labour Department (LD) on all mini-storages and similar premises in Hong Kong for any breach of the provisions under existing legislation. These departments will inspect in the first month the 154 mini-storage units located in 86 industrial buildings without automatic sprinkler systems, and then inspect in the subsequent month the 487 mini-storage units located in 259 other industrial buildings. It has been reported that the mini-storage units in which the fire broke out has previous records of breaching the Buildings Ordinance (Cap. 123) and fire safety requirements. Moreover, the media have uncovered that there are people living in mini-storages installed with separate electricity meters in industrial buildings, but such premises are full of fire hazard traps including locked escape doors, the absence of automatic sprinkler systems and narrow corridors, etc. There are comments that stepping up inspections alone cannot resolve the fire safety problems relating to mini-storages located in old industrial buildings. Unless cooperation of mini-storage tenants has been secured, fire personnel basically cannot inspect the locked mini-storages. As such, mini-storages may have already become dangerous goods stores. However, the authorities have no counter-measures at this moment and therefore it is impossible to eliminate potential fire safety hazards. In addition, some Members of this Council have opined that the inter-departmental working group should consider amending the Fire Safety (Buildings) Ordinance (Cap. 572) to bring old industrial buildings aged over 30 years within the ambit of the Ordinance directly, or consider enacting a Mini-storages Ordinance, etc. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the current number of the aforesaid three types of buildings in Hong Kong which are without automatic sprinkler systems; if it has, of the details, together with a
breakdown of the number by District Council (DC) district and use of building; if not, the reasons for that;

(2) whether it will introduce legislation to make it mandatory for the aforesaid three types of buildings to be installed with automatic sprinkler systems; if it will, of the details (including the legislative timetable); if not, the reasons for that;

(3) whether it knows, among the buildings mentioned in (1), the number of those the rooftops of which cannot bear the weights of fire services water tanks necessary for automatic sprinkler systems, together with a breakdown by DC district; whether it has studied if it is technically feasible to install such water tanks at other parts of the buildings (e.g. underground); if it has studied, of the outcome;

(4) whether it knows the reasons, apart from the problem of insufficient load-bearing capability of the rooftops, for the buildings mentioned in (1) not being installed with automatic sprinkler systems;

(5) how the authorities will follow up buildings in which automatic sprinkler systems cannot be installed due to technical problems and provide assistance to the owners concerned to ensure the fire safety of such buildings;

(6) whether it will introduce legislation to require the installation and purchase of other fire prevention equipment (e.g. dry sprinkler systems, fixed fire-fighting installations, fixed fire pumps, portable fire-fighting equipment, etc.) for those buildings in which automatic sprinkler systems cannot be installed; if it will, of the details (including the legislative timetable); if not, the reasons for that;

(7) whether it has compiled statistics on the respective numbers of operators, among those of the existing mini-storages in Hong Kong, who have been warned, prosecuted or imposed an encumbrance (i.e. with the warning letters issued to them being registered at the Land Registry) because their premises failed to meet fire safety requirements; if it has, of the details, together with a breakdown of the numbers by DC district; if not, the reasons for that;
(8) whether it has compiled statistics on the respective numbers of operators, among those of the existing mini-storages in Hong Kong, who have been warned, prosecuted or imposed an encumbrance because their premises have breached the Buildings Ordinance; if it has, of the details, together with a breakdown of the numbers by DC district; if not, the reasons for that;

(9) among the cases mentioned in (8), of the number of cases in which the operators concerned had completed the rectification works within the deadline and had received confirmation by BD that the works had been completed; the number of cases in which the rectification works had not been completed within the deadline, and whether it knows the reasons for that; whether and how further follow-up actions were pursued in respect of such cases;

(10) given that most mini-storages are currently locked up by the tenants, how the authorities know during inspections whether inflammable and dangerous goods are stored in the mini-storages;

(11) apart from requiring mini-storage operators to take measures to prevent their tenants from storing dangerous goods in the mini-storages, of the authorities' other means to prevent mini-storages from being used as dangerous goods stores; whether they know the places in Hong Kong where members of the public can store dangerous goods legally;

(12) how the authorities will take law enforcement actions upon uncovering during inspections that someone is residing in a mini-storage; whether they uncovered such cases in the past five years; if they did, whether they have instituted prosecutions against the operators concerned; if they have, of the details and the number of such cases; if not, the reasons for that;

(13) of the respective numbers of regular and surprise inspections conducted by the relevant government departments on mini-storages in the past five years, together with a breakdown by DC district; whether non-compliant cases were uncovered during the aforesaid inspections;
(14) if it has reviewed whether FSD and BD currently have sufficient manpower to cope with the additional work of conducting inspections and taking follow-up actions on mini-storages; if it has reviewed and the outcome is in the negative, whether it will increase the manpower concerned; if it has not, of the reasons for that;

(15) of the workflow for the inspections being conducted by FSD, BD, the LandsD and LD on mini-storages and similar premises in Hong Kong, and how these departments coordinate their work among themselves;

(16) regarding cases of non-compliance involving mini-storages uncovered during inspections, how the authorities will impose punishments on the operators concerned; whether they will increase the penalties stipulated in the existing provisions to enhance the deterrent effects; if they will, of the details; if not, the reasons for that;

(17) when it will submit to this Council concrete proposals for regulating mini-storages, and whether there is a legislative timetable; if there is not, of the reasons for that; and

(18) whether it will consider setting up a "subsidy scheme for the maintenance of fire safety facilities for buildings" to provide subsidies to owners/owners' corporations for the installation and maintenance of fire safety facilities for their buildings; if it will, of the details, if not the reasons for that?

SECRETARY FOR SECURITY (in Chinese): President, consolidated replies to various parts of the question are as follows:

(1) to (6)

Buildings of all types shall comply with the fire and building safety requirements applicable at the time they were completed, as well as other applicable statutory requirements. The Fire Services Department (FSD) will examine the plans of building works of the relevant buildings or premises according to the requirements of the
Buildings Ordinance (Cap. 123), and require the provision of necessary fire service installations and equipment in the building or premises according to the Code of Practice for Minimum Fire Service Installations and Equipment. Prior to March 1973, the Code of Practice did not mandate the installation of sprinkler systems in industrial, commercial, composite and domestic buildings.

As revealed by the territory-wide industrial building survey conducted by the FSD in Hong Kong in 2010, a total of 358 industrial buildings have not installed any automatic sprinkler systems in Hong Kong. These industrial buildings are mainly located in Kwun Tong, Sham Shui Po, Wong Tai Sin, Kwai Tsing and Tsuen Wan districts.

According to the records of the Buildings Department (BD), there are around 1,870 old commercial buildings constructed or with their plans of building works submitted to the Building Authority for approval before March 1987, and about 13,000 old composite or domestic buildings in the territory. The FSD does not keep separate statistics on the numbers of such old commercial and composite buildings equipped with automatic sprinkler systems.

The FSD and the BD do not have any breakdown information on whether the rooftops of individual old buildings could bear the loading of the fire services water tanks for automatic sprinkler systems. From their experience in enforcing the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and the Fire Safety (Buildings) Ordinance (Cap. 572), the FSD and the BD understand that owners or occupiers of the buildings concerned may not be able to fully comply with the requirements stipulated by the Departments, for example, installation of water tanks, due to difficulties in co-ordinating among owners the fire safety improvement works, or the structural or spatial constraints of their buildings. The FSD and the BD will, without compromising basic fire safety, adopt a flexible and pragmatic approach in handling individual cases. For example, the FSD and the BD will, having regard to the circumstances of individual buildings and information provided by authorized persons such as the height and spatial constraints of the buildings, consider
enforcing certain requirements with flexibility or accepting alternative proposals put forward by the owners.

(7) to (9), (13)

Upon receipt of complaints or referral cases about mini-storages suspected of breaching fire or building safety requirements, the FSD and the BD will conduct inspections and follow up on the non-compliance cases. Nonetheless, the two Departments do not keep separate statistics on irregularities identified in mini-storages.

On another front, in general, when the Lands Department (LandsD) receives complaints or referrals, or suspects breaches of land leases, it will conduct site inspections and, in light of the actual circumstances of the cases and the terms and conditions of the leases concerned, determine whether there are any breaches of land leases. If breaches are confirmed, the LandsD will take appropriate lease enforcement actions. Whether individual mini-storages are in breach of lease conditions cannot be generalized and depends on the actual operation of the mini-storages concerned and the terms and conditions of the relevant leases of the lots. If the relevant land leases specify that only "industrial" use is permitted on the lot, the operation of any godown, including min-storage, is in general in breach of the land leases. For industrial buildings whose land leases specify that "industrial and/or godown" use or "godown" use is permitted on the lot, mini-storages are in compliance with the use stipulated in the land leases. According to records, from January 2014 to 22 June 2016, the LandsD issued warning letters to the owners of six industrial building units regarding the operation of mini-storages in breach of land leases. The industrial buildings concerned are located in Kwun Tong (one), Yau Tsim Mong (three) and Tsuen Wan (two). In three of the cases (one in Kwun Tong, and two in Tsuen Wan), as the owners failed to rectify the breaches before the deadlines, warning letters were sent to the Land Registry for registration, commonly known as "imposing an encumbrance". In the other three cases, the unit owners applied to the District Lands Offices concerned for short-term waivers to temporarily relax the restrictions in the land leases. The applications concerned are being processed.
The Labour Department (LD) conducted over 350 regular and surprise occupational safety and health (OSH) inspections of mini-storages in the past five years. The LD does not keep breakdown of these inspections by District Council districts. Besides, the LD took out two prosecutions in the past five years for contravention of OSH legislation by mini-storages located in Kowloon City and Tai Po.

(10), (11), (14) to (16)

Any person who stores dangerous goods in excess of the quantities exempted by the Dangerous Goods (General) Regulations (Cap. 295B) is obliged to obtain a dangerous goods licence from the FSD, or to store the goods in a store already granted with a dangerous goods licence.

Upon receipt of complaints about over-storage of dangerous goods, the FSD will send its personnel to conduct an investigation. The FSD may, with reasonable suspicion, enter the premises for inspection under the Fire Services Ordinance (Cap. 95). The FSD will continue to combat illegal activities regarding over-storage of dangerous goods through enforcement actions. In order to enhance public awareness of safe storage of dangerous goods, the FSD will from time to time remind operators of different industries about the importance of safety management of dangerous goods.

On the other hand, the FSD, in collaboration with the relevant departments including the BD, the LandsD and the LD, has begun inspecting mini-storages in the territory to check if there is any breach of the existing statutory requirements. The inspections will first target mini-storages located in industrial buildings without automatic sprinkler systems, before covering other mini-storages. It is expected the whole inspection operation would take around two months.

During the inspections, the FSD personnel will pay attention to whether any dangerous goods are stored, and will obtain relevant information from the operators. For any breaches of the Fire Services Ordinance or the Dangerous Goods Ordinance identified
during inspection, the FSD will institute prosecution against or issue a Fire Hazard Abatement Notice (FHAN) to the person(s) concerned under the relevant provisions. Any person who stores dangerous goods in excess of the exempt quantity under the Dangerous Goods Ordinance is liable to a fine of $25,000 and imprisonment for six months. In addition, if a person whom a FHAN is served fails to comply with a requirement of the notice within the period specified in the notice, he could be liable to a fine of $100,000, and to a further fine of $10,000 for each day during which the offence continues.

On identification of unauthorized building works, the BD will issue orders for removal of such works under the Buildings Ordinance. If the removal orders are not complied with without reasonable excuse, the owners could be liable to a fine of $200,000 and imprisonment for one year, and to a further fine of $20,000 for each day during which it is proved to the satisfaction of the Court that the offence has continued. For any breach of OSH legislation identified, the LD will handle the case in accordance with the laws, and any breach of OSH legislation is liable to a fine of up to $500,000 and imprisonment for up to 12 months.

The FSD and the relevant departments have also met with major operators of mini-storages in the territory, asking them to take all possible management measures as soon as possible to improve fire safety of mini-storages.

Currently, the FSD and the BD take up the extra workload arising from inspections and follow-up actions on mini-storages through internal deployment of manpower. The two departments will review the need of additional manpower in a timely manner and apply for additional resources required under the existing mechanism.

(12) From the commencement of the territory wide inspection of mini-storages on 28 June to 10 July 2016, the BD has not found any cases of inhabitance in the mini-storages. If inhabitance or other irregularities are identified, the BD will take follow-up actions in accordance with the Buildings Ordinance and the prevailing enforcement policy, including issuing removal and/or
discontinuation orders to the owners. In case of non-compliance with the orders, the BD will instigate prosecution against the owners concerned, as well as consider applying to the Court for a closure order to close down the premises and arranging for government contractors to carry out the necessary rectification works, and recover the cost of the works, supervision charge and surcharge from the owners upon completion.

From the perspective of land lease, it is generally stipulated in the leases of industrial buildings that the lots concerned shall only be used for "industrial" purpose or "industrial and/or godown" purpose. If the industrial buildings are used for other purposes (such as residential purposes), such uses are not in compliance with the relevant lease conditions. The LandsD will take appropriate lease enforcement actions in conjunction with the enforcement actions taken by the BD under the Buildings Ordinance.

(17) The inter-departmental working group led by the Security Bureau will consider how to amend the law in order to strengthen the regulation of fire safety of mini-storages. The working group will consider various legislative approaches, and upon resumption of the Legislative Council, report progress to the relevant Panels as soon as practicable, with a view to putting forward legislative amendment proposals within the next Legislative Council session.

(18) In order to assist owners of private buildings in conducting maintenance and repair of their buildings, the Urban Renewal Authority, the Hong Kong Housing Society and the BD have been operating various financial assistance schemes for owners in need. Those schemes include the Building Safety Loan Scheme, the Integrated Building Maintenance Assistance Scheme and the Building Maintenance Grant Scheme for Elderly Owners. Fire safety improvement works have been incorporated into the list of works eligible for subsidies or loans under these schemes. The application procedures of these schemes have also been streamlined, such that the owners may apply for multiple schemes by completing a set of application forms under the "Integrated Building Maintenance Assistance Scheme".
Assisting Enterprises in Participating in "Belt and Road" Initiative

18. **MR TONY TSE** (in Chinese): *President, the Silk Road Economic Belt and 21st Century Maritime Silk Road (the Belt and Road Initiative) is a concept of multinational economic cooperation proposed by our country in the recent two years. The Chief Executive has announced in his Policy Address this year that a steering committee for the Belt and Road as well as a Belt and Road Office will be set up for formulating strategies and policies for Hong Kong's participation in the Belt and Road Initiative and taking forward related studies respectively. Some heads of enterprises have relayed to me that as Hong Kong is an international financial, trading and maritime centre, and enjoys the unique leverage of "one country, two systems", the Government should proactively encourage various sectors to bring local advantages into play and capitalize on the opportunities offered by the Belt and Road Initiative. In this connection, will the Government inform this Council:

(1) as the Belt and Road Initiative involves more than 60 countries and regions and quite a number of them are emerging countries, whether the authorities have conducted studies on the background of such economies, including their business environment, market potential, investment risks, etc., and provided enterprises intended to develop emerging markets, especially small and medium enterprises (SMEs), with the relevant study findings for their reference, so as to boost their confidence in making investments; of the measures in place to proactively assist SMEs in capitalizing the opportunities offered by the Belt and Road Initiative and facilitate the development of the relevant trades and industries so as to achieve the result of "making the pie bigger" as said by the Government;

(2) whether it will formulate standing measures to provide appropriate support to local enterprises which are embroiled in commercial or legal disputes in the Belt and Road economies; if it will, of the details; if not, the reasons for that; and

(3) as there are views that infrastructure is an integral part of the development opportunities presented by the Belt and Road Initiative and will hence drive up the demands for relevant professional services, and that a number of Belt and Road economies are in desperate need of improvement in terms of infrastructural facilities
(such as road networks), housing and town planning while our local construction companies, consultant firms and contractors have been downsizing and cutting pay recently due to the economic downturn, whether the Government will take the initiative to help local professional sectors engage in the development of the Belt and Road Initiative and the relevant industries to enable local professionals who have reached international standards to give full play to their expertise; if it will, of the details; if not, the reasons for that?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, my consolidated reply to the question raised by Mr TSE, after consulting relevant Policy Bureaux and departments, is as follows:

(1) To help the trade, including small and medium-sized enterprises (SMEs), better understand the Belt and Road Initiative and follow closely its development, the Hong Kong Trade Development Council (TDC) launched a Belt and Road Portal in December 2015. This Portal provides enterprises interested in developing new markets along the Belt and Road with up-to-date and comprehensive market intelligence, as well as information on Hong Kong professional services providers and investment projects of economies along the Belt and Road, so as to help businesses seize opportunities arising from the Belt and Road Initiative and to identify suitable business partners by making use of the platform and services of Hong Kong. The TDC will continue to enhance the content of this Portal, and will expand the scope of business covered by the services providers.

Moreover, the TDC also introduces to the trade, including SMEs, business opportunities and networking events under the Belt and Road Initiative through outreach missions, seminars, industry associations and reference information from the TDC SME Centre, and encourages Hong Kong companies to enhance their connections with businesses in the Mainland or overseas and to expand their business networks.

The TDC also introduces Belt and Road-themed sessions in relevant large-scale international conferences and exhibitions held or to be held in Hong Kong, such as the Asian Logistics and Maritime
Conference, Asian Financial Forum and Hong Kong International Film & TV Market, and organized the inaugural Belt and Road Summit in association with the Government in May this year, to encourage the business sector to explore opportunities arising from the Initiative.

Through departments and public organizations, the Government provides local enterprises with various support measures, including the launch of the SME Funding Schemes, provision of latest market information and rendering of technical support and consultation services, with a view to enhancing the competitiveness of the enterprises.

(2) One of the principles of the Belt and Road Initiative is to follow market rules and let the market decide on the allocation of resources. While seeking reasonable returns, enterprises should manage risks prudently. The main role of the Government is to promote and protect trade and investment.

The Government has been actively strengthening economic and trade ties with the emerging markets along the Belt and Road, promoting visits by senior officials, and forging bilateral agreements such as Free Trade Agreements (FTAs) and Investment Promotion and Protection Agreements (IPPAs), with a view to expanding business opportunities and providing institutional protection for the trade.

(3) The Development Bureau and the Mainland authorities have jointly built an effective communication channel to facilitate the construction-related sectors of Hong Kong and the Mainland to enhance mutual understanding and strengthen co-operation, with a view to capturing the opportunities from the Belt and Road Initiative. Indeed, Hong Kong construction-related sectors have participated in various development projects and provided professional services for some pilot projects (including two Mainland's foreign aid construction projects at Nepal and Cambodia as well as development projects invested by Hong Kong enterprises in Qianhai Shenzhen-Hong Kong Co-operation Zone). Their work in these projects has been well received. Moreover, we are discussing with the Mainland authorities on expanding the scope of involvement of
Hong Kong enterprises in these projects. For instance, the scope may be extended from supervision work to include a full range of services from design, project management, tendering, site supervision to commissioning and testing of works. We also understand that the industry looks for continual support from the Government for enterprises and professionals to conduct overseas visits, including to countries along the Belt and Road. In this connection, the Development Bureau organized together with the TDC a visit to Myanmar by a delegation of professionals last year. The Development Bureau will continue to organize similar visits in second half of this year.

The Government has been promoting the development of the professional services sector through efforts on various fronts, including improving market access of our local service sectors to economies around the world, and promoting our service providers in places outside Hong Kong through the proactive organization of promotion programmes. We also provide funding support for external promotion projects undertaken by the professional services sector, so as to assist the industry in tapping opportunities outside Hong Kong.

Unscrupulous Sales Practices of Fitness Centres

19. **MR CHAN KIN-POR** (in Chinese): President, it has been reported that the authorities have received from time to time complaints from members of the public against fitness centres, including their promotion of memberships and long-term fitness services contracts through high-pressure tactics. As revealed in the findings of a survey conducted earlier on, over 40% of the respondents indicated that they had been persuaded by staff members of fitness centres to purchase memberships, and among them, nearly 65% had been pressured by such staff members and thus felt unhappy, embarrassed or even frightened. In this connection, will the Government inform this Council:

(1) of the number of complaints, received by the authorities since the commencement of the Trade Descriptions Ordinance (TDO) (Cap. 362), about fitness centres using unscrupulous sales practices to promote their services, together with the number of prosecutions
instituted against fitness centres or the persons concerned and the relevant offence provisions invoked; whether the authorities have carried out promotional and educational work to explain to staff members of fitness centres the contents of TDO and the criminal liabilities for illegal practices; if they have, of the number of talks or activities held; if not, the reasons for that;

(2) whether it has reviewed if TDO can effectively eradicate the adoption of the unscrupulous sales practices by staff members of fitness centre and reduce their opportunities of committing offences; if it has, of the details; if not, whether it will consider stepping up the regulation of fitness centres, such as, by establishing a regulatory body to implement a licensing regime for fitness centres and fitness coaches as well as to regulate the sales practices used by them, with a view to enhancing the transparency, professionalism and reputation of the services provided by fitness centres; if it will, of the details; if not, the reasons for that; and

(3) whether it has plans to step up publicity efforts to advise members of the public on how to deal with situations in which staff members of fitness centres use unscrupulous sales practices in persuading them to purchase services; whether it will step up its efforts in promoting to members of the public the fitness rooms under the management of the Leisure and Cultural Services Department, and procure additional fitness equipment for such fitness rooms to attract people to use them; if it will, of the details; if not, the reasons for that?

SECRETARY FOR COMMERCE AND ECONOMIC DEVELOPMENT (in Chinese): President, the Trade Descriptions (Unfair Trade Practices) (Amendment) Ordinance 2012 was passed by the Legislative Council in July 2012. The amended Trade Descriptions Ordinance (Cap. 362) (the Ordinance) prohibits some commonly seen unfair trade practices, including false trade descriptions of services, misleading omissions, aggressive commercial practices, bait-and-switch, bait advertising and wrongly accepting payment. Convicted traders are liable to a maximum penalty of imprisonment for five years and a fine of $500,000. Since the amended Ordinance came into operation in July 2013, the Customs and Excise Department (C&ED) has been adopting a three-pronged approach to implement the Ordinance, including promoting compliance among
traders, actively handling complaints and taking enforcement actions, as well as conducting consumer education and publicity.

Having consulted the Home Affairs Bureau and the C&ED, my reply to the three parts of the question is as follows:

(1) Since July 2013, the C&ED has received, as at end of June this year, 519 complaints that involve "fitness and yoga services". Together with the cases the C&ED proactively developed, the C&ED has conducted or has been conducting investigation on a total of 58 cases, leading to the arrest of 35 persons in relation to six cases suspected of "aggressive commercial practices" (offence under section 13F of the Ordinance). Apart from these ongoing arrest cases, the C&ED issued advisory letters to traders in another 24 cases. The remaining 28 cases have been closed after investigation due to insufficient evidence. Separately, in recent days, the C&ED received over 200 complaints which involve a chain of fitness centres that has suspended operation. The C&ED is actively processing these complaint cases. If any of these is suspected of contravention of the Ordinance, the C&ED would take appropriate enforcement actions. In connection with this case, on 11 July, the C&ED arrested two persons of this chain of fitness centres. The arrested persons are now on bail awaiting investigation.

Meanwhile, the C&ED is committed to promoting compliance among the fitness industry. In July 2013 and November 2015, the C&ED conducted seminars for about 600 participants from the industry. In May this year, the C&ED also convened a meeting with the management of several large-scale fitness centres to remind traders to comply with the law. Moreover, the C&ED has arranged to hold another seminar in end July this year for the fitness industry, with a view to strengthening understanding of the Ordinance by front-line staff and management of the industry.

(2) The amended Ordinance combats unscrupulous traders (including those in the fitness industry) at source. Law-enforcement agencies continued to make efforts in implementing the Ordinance through the three-pronged approach of compliance promotion, law enforcement and public education. These efforts will, on one hand, achieve a warning and deterrent effect against unscrupulous traders.
On the other hand, consumers will be made much more aware of the need to protect themselves. The Government will continue to keep a close watch on the effectiveness of the Ordinance in combating unfair trade practices and continue to communicate with the business sector to encourage good trade practices.

As regards fitness coaches, the national sports association — the Physical Fitness Association of Hong Kong, China — promotes physical fitness and trains instructors in Hong Kong. The association organizes various training courses for fitness coaches, covering aerobic dance, resistance training, hydro-fitness, elderly fitness and stretching training, with a view to enhancing their professional standards. At present, there are over 1,000 coaches who are qualified with the relevant professional certification. The association also maintains a list of coaches for reference by interested members of the public.

(3) The purchase of club memberships from traders is often in a form of pre-payment, and traders are usually willing to offer price advantages or discounts to consumers who make pre-payment. As in the case of other transactions, consumers should not only take into account the discounts offered by the trader, they should also carefully consider their own needs, the terms and conditions of the purchase and the risks involved. The Consumer Council will continue to promote "smart consumption" through its publicity and public education efforts. Consumers who have doubts about the transactions should ask for more details from traders or refuse the transactions. Consumers who feel aggrieved after their transactions may seek help from relevant agencies.

The Leisure and Cultural Services Department (LCSD) currently manages 73 fitness rooms across the territory. Qualified individuals aged 15 or above may register as a user of the LCSD fitness rooms and hire fitness equipment. The Government has been publicizing the fitness rooms, which are widely popular with over 4.47 million visits received in 2015. Facilities in fitness rooms are renewed from time to time to meet the needs of fitness room users.
Waiting Time for Road Tests of Driving Tests

20. **MR FRANKIE YICK** (in Chinese): President, it has been reported that the waiting time for the road tests of driving tests has become increasingly long recently. For example, the waiting time for taking road tests for private cars on Hong Kong Island is 92 calendar days, and that in Kowloon and the New Territories is 231 calendar days. Such waiting times are much longer than the target (i.e. 82 calendar days) set in the performance pledge of the Transport Department. On the other hand, it is learnt that there is an acute shortage of drivers of commercial vehicles (including taxis, public light buses, non-franchised buses and goods vehicles) and the succession problem of such drivers is very serious. To alleviate such problems, the Transport Department is conducting a review on the relaxation of the requirement that an applicant for a driving licence to drive commercial vehicles must have held a private car driving licence for at least three years. However, some members of the transport trade have pointed out that if the situation of increasingly long waiting time for road tests persists, the effectiveness of such relaxation measure is questionable. In this connection, will the Government inform this Council:

1) with respect to each driving test centre, of (i) the respective numbers of road tests for various classes of vehicles handled and the respective average waiting times for such tests, in the past three years, (ii) the current number of Driving Examiners, and (iii) the daily average number of road tests arranged at present (set out in a table);

2) of the reasons why there is a difference of almost five months between the waiting time for taking road tests on Hong Kong Island and that in Kowloon and the New Territories at present, and what measures are in place to narrow such difference; whether the authorities will consider introducing measures (e.g. offering concessions on the fees for driving tests to candidates taking road tests on Hong Kong Island) to encourage candidates to choose taking road tests on Hong Kong Island; if they will, of the details; if not, the reasons for that; and

3) whether it will consider providing additional driving test centres, employing additional Driving Examiners and extending the service hours of driving test centres, so as to boost the road test capacity; if
it will, of the details (including the expected (i) increase in the number of road tests, and (ii) extent to which the waiting time for road tests may be shortened, after the implementation of such measures); if not, the reasons for that, and what measures are in place to alleviate the situation of increasingly long waiting time at present?

SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the reply to the various parts of Mr Frankie YICK’s question is as follows:

(1) The numbers of driving tests for various classes of vehicles handled by the driving test centres (DTCs) and the average waiting time for such tests (by test district, that is, Hong Kong Island, and Kowloon and the New Territories) in each of the past three years are set out in the Annex. The Transport Department (TD) does not maintain a breakdown for each DTC.

Currently, there are altogether 17 DTCs on Hong Kong Island, as well as in Kowloon and the New Territories, and around 70 Driving Examiners (DEs) in the TD. The daily deployment of DEs to these DTCs depends on the number and type of driving tests arranged for the DTCs on the day. Since the number of driving tests conducted in these DTCs varies from day to day, the number of DEs deployed to these centres also varies accordingly. The TD is therefore unable to provide a breakdown of DEs for each DTC.

As regards the current daily average number of road tests arranged, the TD arranges around 150 road tests at DTCs on Hong Kong Island, and around 570 in Kowloon and the New Territories every day. The TD does not maintain a breakdown for each DTC.

(2) The waiting time of DTCs varies with the number of candidates. As demand for driving tests from candidates in Kowloon and the New Territories (accounting for about 80% of the overall demand) is far higher than that from candidates on Hong Kong Island (accounting for the remaining 20%), the waiting time for the former group is longer. In this connection, the TD has allocated its existing DE resources in proportion to the demand in the two test
districts. This means deploying additional DEs to DTCs in Kowloon and the New Territories as far as possible so that test centre facilities in the district will be optimally utilized to handle a greater number of driving tests in response to demand from candidates. The TD has no plan to offer concessions on the driving test fees to encourage candidates to opt for a road test on Hong Kong Island.

(3) The TD has been monitoring the public's demand for driving tests, and deploying available resources for the provision of driving test service. Between 2010 and 2015, the total number of applications for driving tests recorded an average year-on-year increase of more than 10%, with a cumulative increase of 70% over the five-year period.

To meet increasing demand, the TD has deployed additional resources to recruit staff for service enhancement. It also launched a service in late 2013 to allow repeaters to apply for early test appointment online. The service aims to better utilize test slots released as a result of applications for postponement of driving tests by some candidates or temporary cancellation of test appointments. Since 2016, the TD has been employing retired DEs through the Post-retirement Service Contract Scheme to flexibly and expeditiously fill in manpower gaps arising from natural wastage. As for the extension of operating hours of DTCs, it involves additional manpower resources. The TD considers it more efficient to shorten driving test waiting time by allocating any additional manpower resources to increasing the number of driving tests conducted within existing operating hours.

With the relevant measures and arrangements in place, the number of road tests arranged by the TD each year has increased by 65% from approximately 100,000 in 2010 to nearly 170,000 in 2015. The TD understands the importance of commercial vehicles to the Hong Kong economy and has prioritized the allocation of resources accordingly. As a result, the waiting time for commercial driving test has been able to be maintained at less than 82 calendar days since 2015.
In view of the ever-increasing demand for driving tests, the TD has been deploying additional resources and manpower to this area of work. Nevertheless, the capacity for the TD to provide driving test services is limited by other factors as well, especially the number of DTCs in which driving tests may be held. The TD will continue to actively identify sites for new DTCs. However, the relevant work proved to be highly challenging. For example, the TD has encountered many difficulties in identifying suitable sites and soliciting community support for new DTCs, such as a lack of suitable sites and opposition from members of the local community. Despite that, the TD will continue to endeavour to identify suitable sites for additional DTCs, solicit local community support, and utilize existing resources as far as possible to shorten waiting time for driving tests (especially those for commercial vehicles).

Annex

Table 1: Numbers of driving tests arranged on Hong Kong Island, and in Kowloon and the New Territories

<table>
<thead>
<tr>
<th>Vehicle class</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hong Kong Island(1)</td>
<td>Kowloon and the New Territories(2)</td>
<td>Hong Kong Island(1)</td>
</tr>
<tr>
<td>Private car</td>
<td>9 653</td>
<td>27 607</td>
<td>12 788</td>
</tr>
<tr>
<td>Light goods vehicle</td>
<td>9 120</td>
<td>49 202</td>
<td>11 824</td>
</tr>
<tr>
<td>Motorcycle</td>
<td>2 964</td>
<td>13 895</td>
<td>3 334</td>
</tr>
<tr>
<td>Medium goods vehicle</td>
<td>1 202</td>
<td>4 336</td>
<td>1 044</td>
</tr>
<tr>
<td>Heavy goods vehicle(3)</td>
<td>-</td>
<td>2 850</td>
<td>-</td>
</tr>
<tr>
<td>Public bus</td>
<td>1 203</td>
<td>3 842</td>
<td>1 040</td>
</tr>
<tr>
<td>Public light bus</td>
<td>70</td>
<td>590</td>
<td>57</td>
</tr>
</tbody>
</table>
### Table 2: Average waiting time (in terms of calendar days) for a driving test on Hong Kong Island, and in Kowloon and the New Territories

<table>
<thead>
<tr>
<th>Vehicle class</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hong Kong Island&lt;sup&gt;(1)&lt;/sup&gt;</td>
<td>Kowloon and the New Territories&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td>Hong Kong Island&lt;sup&gt;(1)&lt;/sup&gt;</td>
</tr>
<tr>
<td>Articulated vehicle&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td>-</td>
<td>1 772</td>
<td>-</td>
</tr>
</tbody>
</table>

Notes:

1. There are four DTCs on Hong Kong Island.
2. There are 13 DTCs in Kowloon and the New Territories.
3. No heavy goods vehicle and articulated vehicle driving tests were arranged on Hong Kong Island.
Premium Taxi Trial Scheme

21. **DR PRISCILLA LEUNG** (in Chinese): President, the Government is examining the introduction of the premium taxi trial scheme to be operated under a franchise model, which aims to provide members of the public with a service choice other than ordinary taxis, and to address the needs of those passengers whose demand for service quality and affordability are both higher. However, the taxi trade is dissatisfied with the Government's introduction of the trial scheme, as it will not only affect the livelihood of taxi drivers, but also create division in the trade. Some members of the taxi trade have proposed the conversion of some ordinary taxi licences into franchises for premium taxis on a trial basis. However, the Secretary for Transport and Housing has indicated that as the relevant proposal involves complicated legal, financial issues, etc., the feasibility of the proposal has yet to be explored. In this connection, will the Government inform this Council:

(1) whether it has studied if the number of ordinary taxis at present is sufficient to cope with the service demand; if it has, of the details; whether it has assessed if the introduction of premium taxis will have impact on the room for survival of ordinary taxis and create unfair competition; if it has, of the details;

(2) given that the authorities have indicated that the proposal to convert ordinary taxi licences into franchises for premium taxis involves complicated legal, financial issues, etc., whether they have discussed such issues with members of the taxi trade; if they have, of the views collected; if not, the reasons for that; and

(3) given that some members of the taxi trade have relayed to me that ordinary taxis may also cater for the needs of those passengers demanding taxi service of a higher quality provided that the Government provides support for the taxi trade, e.g. designating special locations in places such as hospitals, etc. for picking up and dropping off passengers with impaired mobility, so as to allow taxi drivers sufficient time to assist such passengers, as well as providing relevant training for taxi drivers, etc., whether the authorities will consider such views; if they will, of the details; if not, the reasons for that?
SECRETARY FOR TRANSPORT AND HOUSING (in Chinese): President, the policy objectives of introducing premium taxis by the Government are to provide passengers with an additional choice other than ordinary taxis and address the needs of passenger groups with higher disposable income. It is thus basically a move to expand the customer base. Ordinary taxis will remain the major source of supply of personalized and point-to-point public transport service. Having different clientele, premium taxis will not and cannot replace ordinary taxis. As premium taxis are a new type of service, we propose to introduce premium taxis on a trial basis. The preliminary proposals mainly include:

(i) around three franchises will be granted to maintain healthy competition;

(ii) the fleet of a franchise comprises about 150 to 200 vehicles, adding up to a total of about 450 to 600 premium taxis, which is about 3% of the 18 000-odd taxis in Hong Kong at present. In this regard, we have taken into account the demand for this new type of service, the overall supply and demand of taxis in the territory, the operating environment of taxi trade and the impact on traffic management. The fleet size of each franchise should not be too small to maintain operation efficiency;

(iii) the franchise will be time-limited lasting for about four to six years. This period has taken into account the financial viability;

(iv) as it is anticipated that the operating cost of premium taxis is higher, its fare will be higher. The Government has engaged a consultancy earlier to conduct a telephone survey to canvass public views on the introduction of premium taxis. The survey findings indicate that over 3% of the respondents will definitely consider using premium taxis even if the fare of premium taxis will be 60% to 100% higher than that of ordinary taxis. However, the Government has not yet decided on the fare of premium taxis; and

(v) basic service standards and vehicle price requirements in respect of vehicle types will be set under the franchise to ensure that the role and positioning of premium taxis will be different from those of ordinary taxis. The aim is to address the needs of passengers whose demand for better service quality and having higher requirements on
vehicle types. For instance, franchisees will be encouraged to provide wheelchair-accessible taxis. A requirement will be set on the minimum number of such vehicles to be provided.

The above recommendations are only preliminary proposals which have not yet been finalized for implementation. We will continue to liaise with the taxi trade and canvass the views of various stakeholders.

My reply to the various parts of Dr Priscilla LEUNG's question is as follows:

(1) At present, there are 15,250 licences for urban taxis, 2,838 for New Territories (NT) taxis and 75 for Lantau taxis. The Transport Department (TD) conducts surveys on the overall taxi service level annually. The surveys collect various data including passenger waiting time and occupancy rate of taxis. The survey for 2016 is in progress. According to the survey results of 2015, the service level of urban and NT taxis remained stable. In respect of average waiting time, the average waiting time for urban taxis at taxi stands and roadside were about one minute. As for NT taxis, given the larger geographical coverage of the region, NT taxis are more inclined to wait at taxi stands with higher service demand, such as at the centre of new towns, the Airport, railway stations and boundary control points. In 2015, the average waiting time at taxi stands and roadside were about one minute and four minutes respectively. During peak hours, the proportions of passengers having to wait at taxi stands for more than 10 minutes were 5% for urban taxis and 1.2% for NT taxis. As for Lantau taxis, the average waiting time at taxi stands and roadside remained stable (one minute at taxi stands on weekdays and three minutes on weekends, and 14 minutes at roadside on both weekdays and weekends) in 2015. Nevertheless, the proportions of passengers having to wait at taxi stands of more than 10 minutes were 18% on weekdays during peak hours and 30% on weekends. Such proportions are higher than those of urban taxis and NT taxis. In the second quarter this year, the TD issued 25 new Lantau taxi licences, bringing the number of licences from 50 to 75, to increase supply. The TD will continue to monitor the overall service level of taxis through regular surveys, field observations, public opinions as well as maintaining close communication with the trade.
Ordinary taxis and premium taxis have different clientele, fulfilling their different functions. Ordinary taxis will continue to provide the major source of supply of point-to-point personalized public transport service so as to suit the needs of the general public. Premium taxis will primarily meet the needs of a new group of passengers who have higher disposable income. Introducing premium taxis is not to replace ordinary taxis. It enables ordinary taxis and premium taxis to perform their own distinct roles to meet the needs of different passenger groups. In fact, according to the preliminary proposal, the trial scheme will introduce a maximum of 600 premium taxis, accounting for only about 3% of the total of 18 000-odd taxis in the territory. This ratio matches the percentage of respondents (3%) in the above-mentioned survey who indicate that they will definitely use premium taxis. Moreover, according to the findings of the survey, over 40% of the respondents indicate that they will use both premium taxis and ordinary taxis (albeit unsure about whether they will reduce the use of ordinary taxis) after the launch of premium taxis; more than 30% of the respondents indicate that they will not reduce the use of ordinary taxis if they use premium taxis; only less than 20% of the respondents indicate that they will reduce the use of ordinary taxis if they use premium taxis.

(2) In the course of the study for introducing premium taxis, the Government has been maintaining close liaison with the taxi trade. The trade has proposed converting certain number of ordinary taxi licences to the operating right of premium taxis. This is not a simple issue. From the theoretical and operational perspectives, complicated issues on legal, financial and passenger demand, and so on, are involved. For example:

(i) the trade mentioned that ordinary taxi licences can be converted to the operating right of premium taxis. Two types of taxis are subject to different regulatory regime. Ordinary taxi licences are issued under the Road Traffic Ordinance. The licences carry a price. They are permanent and freely transferable. On the other hand, premium taxis will be operated under a franchise which is time-limited, non-transferable and revocable. It requires a new legal framework for implementation. Legally speaking, whether ordinary taxi licences can be converted to operating right for
franchised taxis should be subject to further deliberation and in-depth study;

(ii) on the financial front, ordinary taxi licences are issued through an open tender and awarded to those who offer the highest prices. As such, the taxi licences carry a price. Moreover, as the licences can be traded freely, a market price also exists. As the taxi owners bought their taxi licences at different prices, the costs of each ordinary taxi to operate under the premium taxi model are different. Meanwhile, franchises will be time-limited and non-transferable. We are still studying if a fee will be charged for the franchise. Financially, the feasibility of converting the ordinary taxi licences to the operating right of premium taxis requires in-depth study; and

(iii) regarding passenger needs, ordinary taxis, charging a lower rates, will remain the major supply source of personalized and point-to-point public transport service, while premium taxis will mainly serve the passenger groups that have a demand for personalized and point-to-point public transport service of higher service quality and fare. Premium taxis will not replace ordinary taxis. The trade proposal involves issues on the role and positioning of ordinary taxis and premium taxis, demand and supply, and so on. These issues should be carefully handled and subject to further study.

Prior to the meeting of 21 June 2016 of the Panel on Transport of the Legislative Council (the Panel), the Government has closely liaised with trade as mentioned in paragraph 29 of the relevant paper to the Panel. After the Panel meeting, we have met with various taxi associations to canvass their views on the initial proposals. We have also explained to them the complicated issues involved with their proposal for converting ordinary taxi licences to the operating right of premium taxis which require further examination on the feasibility and reasonableness. If the trade comes up with specific proposals regarding the complicated issues involved, we would be happy to study further.
In the course of the study in future, we will continue to maintain liaison with the trade through various channels. After the policy framework and implementation details for premium taxis have been finalized, legislative amendments will be required for implementation. As such, there will be ample time for discussion between the Government and the trade.

(3) The Government has all along been assisting the taxi trade in improving service quality. We note that some members of the trade have been actively considering how to improve the service quality of ordinary taxis. Measures in the pipeline include the launch of a smartphone application for hailing taxis which also allows passengers to rate drivers' performance, the implementation of reward and penalty mechanisms for drivers, and discussions with a training institution for organizing retraining programmes for taxi drivers. In addition, some operators are providing pre-booked, hire-as-a-whole service and the fare will be agreed between the parties providing and receiving the service. The Government welcomes the efforts of the trade to improve service and will continue to work closely with the trade. Meanwhile, as we have mentioned at the Panel on Transport on 21 June 2016, the Government is considering the following measures conducive to improving the operating environment of taxis and the long-term, healthy development of the trade:

(i) at present, the TD will issue permits to the trade on a regular basis to exempt taxis from peak hours and "7 am to 7 or 8 pm" no-stopping restrictions on roads with speed limits less than 70 km per hour. As the existing arrangement has not caused traffic obstruction on the whole and can enable taxis to provide better point-to-point service to passengers, the Government will study whether the no-stopping restrictions at the above restricted zones for taxis should be relaxed permanently;

(ii) at present, the law requires that a taxi driver identity plate shall bear the driver's photograph taken not earlier than 12 months before the day of display. This in effect means that a driver needs to renew his/her identity plate annually. Taking into account feedback from the trade, the Government will study whether the validity period of a driver identity plate
should be extended so that renewal can take place less frequently; and

(iii) at present, applicants for taxi driving licence must hold a valid driving licence for driving a private car or light goods vehicle for three years and above. The trade opines that the requirement should be relaxed so as to ease the problem of driver shortage. The Government is reviewing the matter.

Moreover, the Government will process fare increase applications submitted by the trade in accordance with the established policy and, in the course of doing so, will take into account a series of factors. In addition to public acceptability on the proposed fares, we will be mindful of the impact of a fare increase on the financial viability of the operation, including the impact on income of drivers. The Government is now processing the revised fare increase applications submitted by the trade to the TD in April this year.

Meanwhile, in response to public needs and requests from taxi trade, the TD has been arranging taxi pick-up/drop-off facilities at appropriate locations where traffic conditions permit. At present, there are about 280 taxi pick-up/drop-off points and about 470 taxi stands in Hong Kong. Subject to the circumstances of individual locations, some of these facilities are located near hospital buildings (for example, Kwong Wah Hospital) or within areas managed by hospitals (for example, Pamela Youde Nethersole Eastern Hospital). The Government stands ready to continue to liaise with the trade to consider any proposal which can further improve the operating environment of taxis.

Regulation of Sale of Sub-divided Commercial Units

22. MISS ALICE MAK (in Chinese): President, in recent years, some owners of commercial units have sub-divided their units into smaller ones (commonly known as "sub-divided shops") for sale. Over the past few months, quite a number of minority property owners who purchased such sub-divided shops have complained to me, claiming that earlier on, they had been misled by estate agents into purchasing sub-divided shops. After they had taken vacant possession of those sub-divided shops, they discovered that the shopping malls in which their shops were located had problems in various aspects such as fireman's access and
emergency lighting. In this connection, will the Government inform this Council, over the past five years:

(1) of (i) the respective numbers of applications, received, approved and rejected by the Buildings Department (BD), from owners of commercial units for sub-dividing their units, and (ii) the total number of sub-divided shops involved in the approved applications, with a breakdown by area (20 square feet (sq. ft.) or below, 21 to 40 sq. ft., 41 to 60 sq. ft. and over 60 sq. ft.) (and set out a breakdown of the aforesaid information by the District Council (DC) district in which the sub-divided shops were located);

(2) of the respective numbers of inspections on sub-divided shops conducted by officers of BD and the Fire Services Department as well as the respective numbers of prosecutions instituted under the Fire Safety (Commercial Premises) Ordinance (Cap. 502) and the Buildings Ordinance (Cap. 123) (and set out a breakdown of the aforesaid information by the DC district in which the sub-divided shops were located);

(3) of (i) the number of complaints received by the Estate Agents Authority (EAA) about the sale of commercial units by estate agents using unscrupulous sales practices, (ii) the respective numbers of complaints into which investigations were initiated and completed by EAA, and (iii) the number of prosecutions instituted by EAA against estate agents and the relevant offence provisions invoked (and set out a breakdown of the aforesaid information by type of complaints); and

(4) of (i) the number of complaints about transactions of commercial units received by EAA and (ii) the number of such complaints into which investigations were initiated and the total transaction amount involved (and set out a breakdown of the aforesaid information by type of complaints)?

SECRETARY FOR DEVELOPMENT (in Chinese): President, under the Buildings Ordinance (Cap. 123), building works shall comply with the relevant requirements on fire and building safety, as well as other applicable statutory requirements. Regarding works which are not exempted works or minor works under the Buildings Ordinance, approval of the relevant building plans and
consent from the Buildings Department (BD) are required before commencement of the works. In addition, the Fire Services Department (FSD) will examine the plans of building works of the relevant buildings or premises and require the provision of necessary fire service installations and equipment in the building or premises according to the Code of Practice for Minimum Fire Service Installations and Equipment.

Besides, estate agents should, in the course of business, protect their clients against misrepresentation in connection with real estate transactions. The Estate Agents Authority (EAA) will take disciplinary sanctions against estate agents who are proved to be in default.

In consultation with the relevant bureaux/departments, I provide a consolidated reply as follows:

(1) The BD does not keep statistics in relation to the approval of building works associated with the sub-division of commercial units.

(2) The BD and the FSD do not keep inspection and prosecution statistics concerning sub-divided commercial units.

(3) and (4) From 2011 to 2015, the EAA received a total of 55 complaints about transactions involving commercial units in shopping malls. All these cases are about the use of improper sales tactics by estate agents. Amongst these 55 complaints, the investigation of 54 cases was completed with 10 cases found substantiated. The EAA is going to initiate inquiry hearing for the remaining case.

The 10 substantiated complaints mentioned above are mainly related to the provision of inaccurate or misleading information/statement by estate agents concerning the area of property, conditions of property (such as restrictions on the use of property, shop location, fittings or utilities provisions, and so on), and mortgage information. The EAA has already taken disciplinary sanctions against the estate agents concerned.

The EAA does not have any information on the transaction amount involved in the cases mentioned above.
GOVERNMENT BILLS

MEDICAL REGISTRATION (AMENDMENT) BILL 2016

PRESIDENT (in Cantonese): Government Bills. This Council passed the motion for the Second Reading of the Medical Registration (Amendment) Bill 2016 (the Bill) at the meeting of 6 July 2016. Dr LEUNG Ka-lau immediately moved a motion under Rule 55(1)(a) of the Rules of Procedure that the Bill be committed to a select committee.

This Council now continues the debate on this motion.

MR CHARLES PETER MOK (in Cantonese): President, I speak in support of the motion moved by Dr LEUNG Ka-lau under Rule 55(1)(a) of the Rules of Procedure to commit the Medical Registration (Amendment) Bill 2016 (the Bill) to a select committee.

At the Legislative Council meeting last week, when a number of Members spoke, they tended to compare the current discussion on the Bill with the scrutiny of the Copyright (Amendment) Bill 2014 (the Copyright Bill) a few months ago. They pointed out that some Members adopted a similar modus operandi or "script" when they sought to pass a bill. For example, during the debate over the Copyright Bill, a Member moved a motion for adjournment of debate and after the motion was negatived, just like this time, a Member then moved a motion under Rule 55(1)(a) of the Rules of Procedure to commit the Copyright Bill to a select committee. Certainly, this Bill and the Copyright Bill have both similarities and differences. In my opinion, it is only through comparison that we can explain why it is more desirable to commit this Bill to a select committee.

Pro-establishment colleagues criticized Dr LEUNG Ka-lau for filibustering. Sometimes, I think that their arguments are "simple, sometimes naive". When they berate Dr LEUNG, they also criticize all pan-democratic Members at the same time. I am not sure when Dr LEUNG has joined the camp of the pro-democrats — he should not have joined the camp, otherwise I should have known.

We just focus on the incident itself, but not targeting any individuals. Honestly, even some pan-democratic Members do not endorse Dr LEUNG's
practice of requesting headcounts. However, as the election nears, we have to explain clearly the important or contentious issues relating to the Bill — although people may not understand if I say too much. However, no matter we support or oppose the Bill, the pro-establishment camp will continue to take every opportunity to attack us. In short, the pro-establishment camp will just blame us for all of the problems, thinking that this would help them solve their problems once and for all. Earlier on, many pro-establishment Members said in their speeches that the two Bills have been duly discussed in their respective Bills Committee. They criticized some Members for not opposing the two Bills at the Bills Committees, while putting forward so many views at this stage. In fact, if we give careful thought to the argument of the pro-establishment Members, we will find it totally misleading.

During the discussion on the Copyright Bill, I pointed out that if the Copyright Bill was passed by the Bills Committee and submitted to the Legislative Council for resumption of debate, Members might have to engage in discussing the amendments proposed. However, they claimed that the relevant amendments would never get passed because they were proposed by pan-democratic Members. If that is the case, why do we not amend the Rules of Procedure to the effect that all bills passed by Bills Committees will automatically be approved by the Legislative Council in future? Then we can all get off work earlier. In fact, that is not the original intent of the Rules of Procedure. The pro-establishment Members pointed out that when a bill was passed by a bills committee, it implied that all the provisions therein had been duly discussed. I think this argument is totally misleading to the public. If that is the case, all bills do not have to go through the procedures of resumption of Second Reading, Committee stage and Third Reading at the Legislative Council.

Compared with the Copyright Bill, the Bill is really much more controversial. Obviously, during the deliberation of the Bill by the Bills Committee, which lasted for only three months, Dr LEUNG has consistently opposed to the Bill, and we thus should not accuse him of making a volte-face. However, the situation is a bit different this time. While the Copyright Bill has been supported by the trade, it has been opposed by many members of the public. In contrast, regarding the Bill, while many members of the public may not know the details, many patient groups seem to support it. Nevertheless, the medical profession regulated by the Bill have expressed their opposition. Certainly, doctors should also be criticized. With the discussion on the related amendments going on for years, the accusation of "doctors harbouring each
other" has been in existence for a long time. Even during our meetings with doctor groups recently, they also confessed that they were unable to give an explanation to defend themselves, and they admitted to mishandling and wrongdoing. Anyway, the motion moved by Dr LEUNG is not aimed to uphold "doctors harbouring each other" but to entrust the select committee with the discussion on the relevant justifications. I think that the Bill has safeguarded not only professional autonomy but also public interests.

Dr LEUNG has now moved a motion under Rule 55(1)(a) of the Rules of Procedure to commit the Bill to a select committee. Compared with the Copyright Bill, the Bill has obviously been discussed for a shorter time. While the Copyright Bill has been discussed at its Bills Committee for about two years, the Bill has only been discussed for three months. Strictly speaking, the Bill has been hastily submitted to the Legislative Council for resumption of Second Reading after a discussion of less than three months. The two Bills are similar in that Members have proposed amendments. Since amendments have been proposed, how can we say that a consensus has been reached after due discussion? Perhaps the pro-establishment Members thought that as the amendments to the Bill were proposed by Dr KWOK Ka-ki, a member of the pan-democratic/opposition camp, they did not need to fight against them for the pro-establishment camp already has sufficient votes to vote down the amendments. The pan-democrats, on the other hand, will not have enough votes to pass the amendment. However, that does not mean we should not make efforts to strive for it. We definitely cannot give up, or else we do not need to go through the debate process at the Chamber. Their argument was completely unreasonable. I hereby hope to make clear to the public that we should never give up expressing our stance at the Chamber for the sake of efficiency. Although the pro-establishment camp already has enough votes while our votes are insufficient, we certainly cannot give up on making clear our position.

Regarding their similarities, we notice that the Government has taken a firm attitude toward the two Bills by refusing to budge an inch. In fact, this time it is even more …

(Dr LEUNG Ka-lau stood up)

PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?
DR LEUNG KA-LAU (in Cantonese): President, a point of order. Please do a headcount.

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 Charles Peter MOK, please continue with your speech.

MR CHARLES PETER MOK (in Cantonese): President, I mentioned just now that it is very important to make a comparison between the two Bills. Based on the differences and similarities of the two Bills, we can deduce whether the Bill will end up like the Copyright Bill. As the saying goes, "a Feng Shui master can cheat you for eight to 10 years at the most," whereas I reckon that the fate of the Bill may be unveiled after some 50 hours.

As I mentioned just now, compared with the controversy over the Copyright Bill, the Bill is even more controversial. Last time, Members had proposed three major amendments to the Copyright Bill, which focused respectively on fair use, user-generated content and content override. In this case, Dr LEUNG Ka-lau has proposed more than 100 000 amendments, which have obviously been met with greater resistance. As he represents the healthcare sector, he probably has to be accountable to his profession. However, the President has ruled all the amendments inadmissible. Some people attributed this to Dr LEUNG's wrong strategy of submitting an inordinate amount of amendments; or perhaps the President has made his decision based on the fact that only three weeks were left before prorogation. We have very little time left indeed. Last time the discussion on the Copyright Bill was a couple of months before the prorogation of the Council. We were then worried that the dozens of bills pending might not have enough time to get through. Currently we have only a couple of days left in this term. As we still have two bills pending, the time is certainly not enough.
I would also like to compare the different attitudes of government officials towards the two Bills. Last time the Government convened a four-party meeting on the Copyright Bill; nothing had been achieved after one meeting. We are of the view that Secretary for Commerce and Economic Development Gregory So might be too detached at the meeting. However, had Secretary for Food and Health Dr Ko Wing-man invited all stakeholders for a meeting a week or so ago, they might have actually worked out a way. However, the Government would never do so because it does not want to make any concession. As a result, the current motion to commit the Bill to a select committee is desirable indeed. Honestly, the Bill will probably achieve the same results as the adjournment motion which we have previously negatived. I do not rule out that some pro-establishment Members may now regret not having supported the adjournment motion. Otherwise we might have sufficient time for discussing and passing the two bills that follow, namely the Private Columbaria Bill (Columbaria Bill) and the Fire Services (Amendment) Bill 2015 (Fire Services Bill).

By supporting the motion to commit the Bill to a select committee, we in fact can achieve the same effect as supporting an adjournment motion. Members can rest assured. Speaking of the Fire Services Bill, in his oral reply to Members just now, the Secretary for Security stressed the importance of the Fire Services Bill, which he strongly hoped would be passed today. Personally, there is no reason that the Secretary for Security could not see that the Government is now holding the Fire Services Bill and the Columbaria Bill for ransom. The remarks made by the Secretary for Security just now seem to tell Members: "The hostages are unsafe. Would you please show your mercy and set them free?" Assuming that the Fire Services Bill is bound to be supported, the Secretary for Security thus asked Members to "show mercy by passing the Bill in order to set the hostages free". I really think that the Secretary for Security has this mentality.

Some people think that there is very little time left as the Legislative Council is to stand prorogued this Friday. In view of this, despite the current proposal to set up a select committee, there is absolutely no time for meetings. However, it all depends on how much effort we made. Yesterday night I had a discussion with Dr Leung. He insisted that the problems with the Bill can be solved in one hour at the earliest. If he has the chance to speak later, he should briefly explain this. Certainly it does not even take one hour if the Government is willing to change its stance.
In fact, if the Bill is committed to a select committee, we may even entrust the select committee to handle some parts of the Bill which cannot be amended at this stage. Time is certainly a problem. At present, the simplest solution is that the Secretary for Food and Health would approve Dr KWOK Ka-ki's amendments in order to defuse the crisis. By then, the popularity of Secretary Dr KO will conceivably go even higher.

In fact this can happen. Yesterday we had a discussion at the Finance Committee on the level of controversy of various items. Consequently the Government was willing to make a change halfway by moving three non-controversial items forward. Hence, if the Government is really determined to follow the principle of "resolving the simple issues before the difficult ones" and not to wait until the last stage to come up with some special agenda and ideas, the current problems may still be solved.

After three months of controversy over the Copyright Bill, the Chief Secretary for Administration mentioned the principle of "resolving the simple issues before the difficult ones" in her discussion with us. We had already warned her at that time against thinking that the Bill could be passed easily. She appeared to be very surprised then. I do not know whether she was really not aware of the situation, or she just put on an act. It turned out that the deliberation of the Bill has really met with difficulties, a situation which the Government should have expected at the outset. Had the Government followed the principle of "resolving the simple issues before the difficult ones", the Fire Services Bill and the Columbaria Bill should have been arranged for deliberation before the Bill. However, the Government has not done so. The Government is obviously playing with the hijacking stratagem in an attempt to force Members to pass the Bill. Some Members may accept the Bill under government pressure or due to public opinions or other reasons. From the perspective of the Government, I think this practice is very undesirable and is indeed very shameless. Yesterday the Finance Committee made a last-minute change such that all non-controversial items were passed. The remaining items are all controversial, which we will oppose. I do not know who made this decision for the Finance Committee. Perhaps it was the Financial Secretary. However, the case today is not the same. Probably this shows the difference between the Chief Secretary and the Financial Secretary.

Thank you, President.

(Dr LEUNG Ka-lau stood up)
PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): President, a point of order. Please do a headcount.

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 Alvin YEUNG, please speak.

MR ALVIN YEUNG (in Cantonese): President, I speak in support of Dr LEUNG Ka-lau's motion to commit the Medical Registration (Amendment) Bill 2016 (the Bill) to a select committee under Rule 55(1)(a) of the Rules of Procedure.

Over the past week, the Civil Party had the honour of becoming the focus because we were accused of concurrently betting on victory of host or guest or a draw. To bring out the new image of our Party, I have deliberately worn a three-colour tie today.

President, I think the Medical Council of Hong Kong (MCHK) needs a reform, so I voted in support of the Second Reading of the Bill. Although we indicated our support of the Bill during the Second Reading, it does not mean that we would eventually support the Government's proposal. However, after my vote, I got over 2 600 "mad" and over 3 000 "like" on Facebook. I definitely do not feel proud of this phenomenon, for it proves that while Members are in opposition to one another, the executive authorities and the legislature are also in opposition, and the dissension has already extended to ordinary Hong Kong people.

President, why is it so? It is because the public fear that they will be deceived again. The source of such anxiety and fear is that the Government has, time and again, been antagonistic to the people and it even attempts to encourage
people to fight against each other. President, since Chief Executive LEUNG Chun-ying has taken office, the Hong Kong Government have created fears for Hong Kong people. Such incidents are really numerous. The recent incidents include "Internet Article 23"; the appointment saga of the Chairman of the Council of the University of Hong Kong; the collective irresponsible acts of officials in the lead-in-water incident; the "Causeway Bay Books incident", as well as the latest incident relating to the sudden replacement of the Head of Operations of the Independent Commission Against Corruption. Such incidents have posed challenges to the bottom line of Hong Kong people.

The latest net approval rate of the Chief Executive is -40%. After all such incidents, Hong Kong people wonder whether there are any hidden agendas. President, take the Bill we are now discussing as an example, the MCHK proposed as early as 2001 to set up an independent department to expedite the processing of medical incident complaints, so as to protect the interests of patients.

We have waited 15 years for the reform. Today, when we learn that the Government would reform the MCHK by adding members appointed by the Chief Executive, the proportion of which will be higher than elected members, what is our first reaction? We believe the Government intends to allow Mainland doctors to practise in Hong Kong, jeopardizing Hong Kong people's health. President, why will this situation arise? We have been waiting for so long, and when the Government finally proposes a reform, why would people have such a reaction, as if we do not want to reform the MCHK? In fact, LEUNG Chun-ying claimed in 2009 that nurses should be imported from Guangdong; Carrie LAM repeatedly criticized the overly high threshold of the Licensing Examination; Anthony WU, the former Chairman of the Hospital Authority (HA), suggested in 2011 that consideration should be given to recognizing the qualification of Mainland medical students without asking them to sit for examinations; and finally, some doctor groups have constantly exerted pressure and requested to relax the threshold. All these deepen Hong Kong people's mistrust of the Government, of people in power, and even of the medical profession. We are afraid that once the Bill is passed, the Government will be able to manipulate the MCHK, and what we fear would become real facts. Hence, the worries of the general public and doctors are not groundless.

President, the Government said that the reform is beneficial to both patients and doctors. Let me quote some figures to illustrate what the Government has
done for the health of Hong Kong people. In this year's Budget, the Government proposed to reduce the recurrent expenditures of the HA by $250 million, which will directly affect patients and front-line doctors. The SAR Government is generously using taxpayers' money to launch multi-billion "white elephant" projects one after another despite waves of opposition. However, it is very mean in allocating medical resources and reduces the funding time and again. President, how can Hong Kong people believe that the SAR Government sincerely wants to defend our healthcare system and cares about the health of the public?

In the words of Confucius, "If the people have no faith in their rulers, there is no standing for the state", meaning that if the incumbent ruler wants to have the people's trust, he must show his sincerity. If he fails to have the people's trust, people will distrust each other and the regime may fall. President, I fully understand why Ms Claudia MO from our Party expressed strong concerns during the Second Reading debate about the possible influx of Mainland doctors into Hong Kong. Undoubtedly, this also represents the aspirations of many Hong Kong people. I would also like to say that, in 2012, 15 Election Committee members from the medical profession bundled themselves in voting to support LEUNG Chun-ying, the then Chief Executive candidate. President, if LEUNG Chun-ying wants the MCHK to be comprised of LEUNG's fans, he should have done so long ago. Let us take a step forward, even if such a bill is not introduced, Hong Kong people will still be worried and concerned. Although this is only a hypothesis, their concerns are understandable. Even if we are lucky enough to defeat the Bill today, I sincerely call upon members of the medical profession to carry out a reform expeditiously so as to practically solve the problems of the MCHK.

President, an examination website in simplified Chinese characters appeared on the Internet these two days. It was written in large fonts, "The Belt and Road Initiative made your dream come true; do you want to become a doctor in Hong Kong through the beneficial policy in Hong Kong?" President, such information is circulated on the Internet. Of course, the Food and Health Bureau has immediately made a clarification, but how can we stop people making such statements? With such worries, Hong Kong people live in fear all the time. We do not need the authorities to make clarifications again and again; the Food and Health Bureau should openly and solemnly tell Hong Kong people that the information is untrue.
In the face of a backlog of more than 900 cases of medical complaints and medical incident cases that have not been handled for years, Hong Kong people cannot just sweep these cases under the carpet. At present, more than 900 families are waiting to seek justice and any responsible legislators just cannot turn a blind eye. President, I fully agree that reform is a must for the MCHK. With the efforts made by the Food and Health Bureau, a Bill is finally introduced into the Legislative Council for debate. Unfortunately, the devil is in some details of the Bill and we definitely cannot accept that. The motion proposed by Dr LEUNG Ka-lau allows us to scrutinize the remaining less controversial bills and pass them expeditiously so as to meet the urgent needs of the public.

President, we must not forget that the SAR Government has only spent three to four months in drafting this Bill to reform the MCHK, and it is hastily introduced into the Legislative Council. As for the Private Columbaria Bill, discussion had already commenced in the last term of the Legislative Council. After six years, the House Committee agreed to set up a bills committee in 2014, and a thorough discussion on the Bill has been conducted for almost two years. To our regret, this Bill, introduced in a hurry with the devil in some details, may impede the passage of other bills.

President, we spent a few years discussing matters related to the deceased, yet for the reform of the MCHK which is related to living human beings, we have only spent a few months on discussion. Obviously, the efforts made are disproportionate and people wonder why the Government is so stubborn, refusing to accept Dr LEUNG Ka-lau's amendments.

President, the manipulation of power by the Chief Executive has pushed the governance system into an abyss of conflict. Dr KWOK Ka-ki has proposed a relatively modest amendment, and Dr LEUNG Ka-lau's motion to commit the Bill to a select committee is an administrative measure which would promote greater trust by the public. Yet, it seems that the Government couldn't care less. As a result, the general public and Legislative Council Members are forced to vote down nearly 40 positive amendments to the Bill in order to prevent the Chief Executive from manipulating power. The two motions mentioned earlier concerning people's livelihood, namely the motion that this Council should inquire into the detention of Mr LAM Wing-kee under the Legislative Council (Powers and Privileges) Ordinance and the motion relating to the "bag-gate" incident of the Chief Executive, will not be discussed as they are placed low on the Agenda. If the SAR Government really wants to safeguard Hong Kong
people's health and gives prime consideration to the interests of patients, I really
do not understand why it insists on its way and becomes an enemy of the people.

I would like to reiterate that I still believe in professional autonomy and I trust
that Hong Kong doctors can properly exercise self-regulation with wisdom,
professionalism and commitment, so that the healthcare system could be
perfected. In the long run, we should overhaul the MCHK and we should also
commit the Bill to a select committee for detailed discussions according to
Dr LEUNG Ka-lau's motion. One direction is to make reference to the practice
of The Law Society of Hong Kong (Law Society) and the Hong Kong Bar
Association to deal with registration, complaints and disciplinary inquiries
separately. This can reduce the community's concerns about self-protection by
professionals. In order to avoid the accumulation of cases, the Department of
Justice and the Chief Judge of the High Court should be allowed to give
instructions to start processing complaint cases that have not yet been handled
after more than three months.

In fact, even if the complaints received by Law Society are related to
matters that happened long ago, the case will be dealt with within a year and a
half to do justice to the parties concerned. I believe the above example of the
legal profession illustrates a feasible and specific approach. In reviewing the
Bill, the Government should handle the composition of the MCHK better. In
fact, the report on the incident of a doctor talking on a mobile phone during
operation published by the Government in 2001 and the report on the reform of
the MCHK published by the Secretary in 2002 also mentioned that the handling
of complaints should become independent of the MCHK. How come this Bill,
which the Government claims to serve the interests of patients, has retrogressed
when compared with the report published 14 years ago? If we pass this Bill,
will it imply a retrogression of our healthcare system?

President, our healthcare system needs a review in many aspects. When
Hong Kong people seek consultation at the accident and emergency department
of public hospital, unless they enjoy special privilege like that of a
pro-establishment Member, they often need to wait for a few hours, and
sometimes even a longer period of time, before they can see a doctor. There is a
constant shortage of doctors in public hospitals and doctors almost suffer a
breakdown. Thus, both doctors and patients are worried that the MCHK may
allow an influx of non-locally trained doctors with limited registration. The
Bureau has also failed to fully commit to give priority to the employment of
locally trained medical students. The Government has even taken the lead to reduce medical funding. Evidently, a reform of the MCHK alone is insufficient to protect the health of Hong Kong people. The one who creates the problem should be the one to solve it; I believe a responsible government should never put politics above the welfare of the people or renege on their promises.

President, Members are now in opposition to the Government because the Government has broken its promise. We focus more on our stance than reasoning. There are attacks but no dialogue. This situation will definitely do harm to Hong Kong people's health and this will also cause the greatest harm to the community. While there is still room for discussion, as a responsible Member, I will not give up making rational discussion here in spite of the "one single man" factor. My sincere advice to Secretary Dr KO is that when people become increasingly restless, it is all the more important to vindicate the truth and the facts, and voting should not be conducted hurriedly, lest he would regret later.

President, I would like to reiterate that I support Dr LEUNG Ka-lau's motion to commit the Bill to a select committee, hoping that, within the remaining time, doctors and patients' representatives would arrive at a consensus after discussions. The proposal should be considered feasible by both sides and Hong Kong people should also feel at ease and are satisfied. As such, the two livelihood-related Bills, namely the Private Columbaria Bill and the Fire Services (Amendment) Bill 2015, which are placed later on the Agenda, can be discussed and passed as soon as possible.

I so submit.

MR WONG KWOK-HING (in Cantonese): President, I rise to speak against Dr LEUNG Ka-lau's motion that the Medical Registration (Amendment) Bill 2016 (the Bill) be committed to a select committee. As I see it, this motion is completely identical in nature to the adjournment motion previously moved by Dr LEUNG Ka-lau, as both of them were moved for the purpose of filibustering. Now that there are only three days to go before the Council is prorogued, how is it possible to commit the Bill, which is on the front burner and urgently needs to be passed, to a select committee for follow up? We have no time and leeway for that at all, and it is simply impossible to do so. This motion merely seeks to filibuster for the sake of filibustering.
Unfortunately, some elected Members have turned themselves into enemies of the people by opposing the Bill, which seeks to protect the interests of patients and the Hong Kong public. I find this very regrettable. I hope that all patients and all Hong Kong people can listen to these Members' speeches and standpoints. Moreover, if Members consider it necessary to debate the Bill, they should not keep requesting the ringing of the summoning bell, which is a waste of time. They should allow the Bill to be genuinely debated before it is put to the vote.

The meeting held two weeks ago was wasted, and so was the meeting held last week, with 20-odd headcounts done each day. Today, since 11 am, requests for headcounts have been made in a frenzied manner. Such frenzied requests for headcounts made by Dr LEUNG Ka-lau are testimony to the fact that he has no point. If he has a point, why should he fear to debate with us? I have given Dr LEUNG sincere advice, and once lobbied him outside this Chamber as I did not think that he was an extremist at the time. But now, I am really furious at such an extreme approach adopted by him in requesting headcounts. He should stop requesting headcounts. If he has a point, he should let us debate and then take a vote here. He is now wasting our time. We have only less than two and a half days' time for this meeting, but he still keeps requesting headcounts. This goes to show that not only does he have no point, but he is also extremely selfish.

President, it has been two weeks since the resumption of the Second Reading debate on the Bill in the Council. There has been ample discussion on the Bill in the community. Public opinion is overwhelmingly in favour of the Bill …

(Dr LEUNG Ka-lau stood up)

**PRESIDENT** (in Cantonese): Mr WONG Kwok-hing, please hold on. Dr LEUNG Ka-lau, what is your point?

**DR LEUNG KA-LAU** (in Cantonese): President, a point of order. Please do a headcount.
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, but some Members had yet to return to their seats)

PRESIDENT (in Cantonese): Will Members please return to their seats. Mr WONG Kwok-hing, please continue with your speech.

MR WONG KWOK-HING (in Cantonese): Just before I was interrupted by Dr LEUNG Ka-lau, I was saying that public opinion and various media, be they leftist, centrist or rightist, had clearly and overwhelmingly pointed out that the Bill should be passed given its importance, necessity and apolitical nature. Yet Mr Alvin YEUNG of the Civic Party, who spoke just now, and many opposition Members keep treating LEUNG Chun-ying as a "straw man". They are being unreasonable and only say that "If the people have no faith in their rulers, there is no standing for the state". They claim that as LEUNG Chun-ying is untrustworthy, they have to oppose the Bill. That is totally irrelevant. They are the ones who cannot be trusted.

Over the past few weeks, many points at issue have become increasingly clear to us. First of all, professional autonomy should not override public interest. This is a righteous comment to make, but many elected Members who are lawyers, doctors or accountants dare not say so. Can professional autonomy override public interest? This obviously should not be the case.

Besides, is it wrong or undesirable to reform the Medical Council of Hong Kong (MCHK) to enhance its accountability and transparency? The Bill can balance the relationship between doctors and patients, which is beneficial to patients as well as the public. Opposition Members say that an increase in the number of appointed members of the MCHK may affect the medical profession. Honestly, how can a few additional appointed members influence the majority of members of the MCHK? Opposition Members also say that as these members are to be appointed by LEUNG Chun-ying, they will be swayed by and act as representatives of LEUNG Chun-ying. On a television programme the other day, the remarks made by Prof Gabriel LEUNG, Dean of Medicine at the University of Hong Kong (HKU) could well refute the fallacious argument
advanced by opposition Members. He said to the effect that "The two incumbent HKU-nominated members of the MCHK are Prof Felice LIEH-MAK and Prof Grace TANG. Can they be manipulated by LEUNG Chun-ying? Will they be manipulated by LEUNG Chun-ying?" Opposition Members, please answer this question. If you say that these two professors will be manipulated by LEUNG Chun-ying, please use facts to prove that Prof LEUNG was lying.

Prof LEUNG also pointed out clearly on the same television programme that the two universities' medical schools had been acting as gatekeepers for the Licensing Examination; the whole gatekeeping process never took place in the MCHK; and the threshold of the Licensing Examination was determined by the professors of each related discipline at the two medical schools on their own. Prof LEUNG was bitterly disappointed that these messages were not reflected in the discussions in the Legislative Council. This is why I have solemnly quoted Prof LEUNG's remarks to set the record straight today. If what I have quoted is incorrect, or if Prof LEUNG was wrong, I would like the doctors now sitting in this Chamber to come forward and prove that Prof LEUNG was wrong. If they can do so, I will believe them.

Some doctors are concerned — and some people have spread rumours on the Internet — that if the Bill is passed, a lot of Mainland doctors will flood into Hong Kong. As I said just now, the truth is crystal clear. This situation simply will not happen.

I note that a few days ago, Secretary Dr KO invited some representatives of front-line doctors and Dr LEUNG Ka-lau for further discussion and dialogue, after which Secretary Dr KO indicated to the media that the Hospital Authority would give priority to locally trained doctors in its recruitment exercises, and would lay down clear guidelines on its recruitment mechanism in black and white. It is commendable that progress and achievements have been made in the communication between the two sides. As Dr LEUNG has communicated with the Government outside this Chamber, and progress has been made in such communication, why does he still have to keep requesting headcounts in this Chamber? Can he stop requesting headcounts so that Members can have a debate to make things clear? Or is it the case that he wants to clarify something in order to persuade us into supporting him? If he has nothing to say and does not try to persuade us but only keeps requesting headcounts, he is actually abusing his power as a Member to hijack the Legislative Council and the interests of Hong Kong people.
What is more ridiculous is that some Members just now criticized the Government for using the Fire Services (Amendment) Bill 2015 and the Private Columbaria Bill to hold Members to ransom. However, they said nothing about their current approach of requesting headcounts to hold all Hong Kong people to ransom and hijack the Legislative Council. They are acting like a thief crying, "Stop, thief!" This is utterly outrageous.

President, I wish to take this opportunity to once again advise Dr LEUNG not to sacrifice the interests of Hong Kong people. A "blood price" was paid for fighting the Ngau Tau Kok blaze, which claimed the lives of two firemen. The Fire Services (Amendment) Bill 2015 is very important. Dr LEUNG should make use of the time to speak on the subject instead of making incessant requests for headcounts. What is the point of making incessant requests for headcounts? As regards the Private Columbaria Bill, it seeks to regulate private columbaria in response to public demands. Why does he want to sacrifice these two government bills? In fact, apart from these two government bills, many Members' motions are also being sacrificed. Originally, I was very lucky as I was allocated a slot in the current Legislative Session to move a motion urging the Government to legislate for the protection of trees, but in the end, the motion was aborted because of filibusters. In filibustering like this, opposition Members are sacrificing the interests of all Hong Kong people.

President, today, at this meeting held three days before the prorogation of the current-term Legislative Council, I have no choice but to bring with me again this pair of scissors to call for an end to the filibuster. But I am not asking you, President, to end the filibuster, because whether the filibuster can be ended this time really depends on whether we, Members standing up for the interests of the people, will make a concerted effort.

President, today I have also brought McMug with me to expound on the Secret know-how to end a filibuster. McMug, who has graduated, is wearing a mortarboard and holding McDull's Secret know-how to end a filibuster. Now let me relay this secret know-how from McDull to Members: "stay put, sit tight and do nothing", and we will be able to counter headcounts and succeed in ending the filibuster. McMug and McDull are local creations representing local creativity. Surprisingly, they can help us deal with the current chaos arising from incessant headcounts in the Legislative Council.
Regarding some Members' approach of requesting headcounts in a frenzied manner, we have all along been at our wits' end. Over the past four years up to 30 May this year, excluding June and July, 1 342 headcounts were done at Council meetings in the current legislative term. During the period, 18 meetings were aborted due to the lack of a quorum, resulting in the waste of $2.7 billion from Hong Kong's public coffers, that is, $2.5 billion plus a sum of $200 million expended wastefully by the Legislative Council, equivalent to one-month "double pay" to all the 1.2 million welfare recipients in Hong Kong, namely the recipients of the "fruit grant", Old Age Living Allowance, Disability Allowance and Comprehensive Social Security Assistance. A sum of $2.7 billion has gone down the drain.

Since we are now at our wits' end, we cannot but act in accordance with McDull's *Secret know-how to end a filibuster*. McMug has graduated, but we have yet to "graduate". As long as we "stay put, sit tight and do nothing" as per the secret know-how, we will succeed in ending the filibuster.

Fellow Members, if we are still mindful of the interests of the people; if we are still mindful of the interests of patients; if we still hope that the Fire Services (Amendment) Bill 2015 can be passed; if we still hope that the law regulating private columbaria can be implemented, all we have to do is "stay put, sit tight and do nothing". If we do so, we will succeed in ending the filibuster.

(Dr LEUNG Ka-lau stood up)

**PRESIDENT** (in Cantonese): Dr LEUNG Ka-lau, what is your point?

**DR LEUNG KA-LAU** (in Cantonese): President, a point of order. Please do a headcount.

**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 WONG Kwok-hing, do you wish to continue with your speech?

MR WONG KWOK-HING (in Cantonese): President, I hope that Members will "sit tight" to end the filibuster together.

MR LEUNG YIU-CHUNG (in Cantonese): President, the current reform of the Medical Council of Hong Kong (MCHK) has already aroused a great controversy in the community. Apart from the fact that members to be appointed by the Chief Executive fail to get the trust of the medical profession and the public, the Medical Registration (Amendment) Bill 2016 (the Bill) also fails to effectively improve the existing complaint mechanism. Some even query that the Government intends to, through the reform, lower the threshold for overseas doctors to practise in Hong Kong. In the past few days, other opposition Members and I have already talked about the numerous inadequacies of the Bill, yet the Government still insists on pushing the Bill through. While it is true that there is a consensus in society for reforming the MCHK, to which I also support, however, there are still many divergent views on the detailed arrangements. In my view, we need more time to discuss and examine the Bill in detail and should not hastily pass the Bill.

As mentioned by many colleagues just now, apart from the Bill on the reform of the MCHK, there are still two bills pending scrutiny, namely the Private Columbaria Bill and the Fire Services (Amendment) Bill 2015.

The bill on private columbaria was introduced in June 2014, followed by discussion. Many colleagues have already raised their standpoints. The Private Columbaria Bill seeks to establish a licensing regime for private columbaria and eradicate non-compliant columbaria. The Fire Services (Amendment) Bill 2015, introduced at the end of last year, seeks to implement the Registered Fire Engineer Scheme to provide the public with an additional choice of fire safety assessment. When compared with this Bill which was only introduced in February this year, the two above-mentioned bills have been discussed for a longer period of time, and it is believed that they are less controversial. More importantly, the problem of non-compliant private columbaria has existed for a long time, and the Government claims that major livelihood issues should be dealt with first. Though the Government often
stresses that reforming the MCHK is also a livelihood issue, colleagues of the Legislative Council who oppose the Bill are of the view that if the Government attaches importance to livelihood issues, why not deal with the problems related to private columbaria first? Since the Government keeps saying that it attaches importance to people's livelihood, it should scrutinize the less controversial bills first, and then the Bill on the reform of the MCHK.

President, Dr LEUNG Ka-lau now moves a motion to commit the Bill to a select committee. I think this approach is more appropriate for the present situation better and is genuinely in the people's interests; otherwise, the Government is "saying one thing and doing another". If the two above-mentioned bills cannot be passed in this session, the new Legislative Council will have to start the deliberation afresh. As it is believed that the new Legislative Council will have many new faces, more time will be taken to scrutinize the two bills all over again. Therefore, the best option is to pass those bills expeditiously. To our regret, the Government is unwilling to revise the Agenda, and it should be held responsible for the consequence. Knowing that reforming the MCHK is highly controversial, the Government should handle the Bill at a later stage, thereby allowing more time for discussion in the community. Yet regrettably, the Government flatly refuses to revise the Agenda, such that … At present I think committing the Bill to a select committee of the Legislative Council is the only way out.

President, according to my understanding, among the amendments currently proposed by the Government in the Bill, two of them are most controversial. They include clause 4 on adding four lay members to be appointed by the Chief Executive, a prime concern of the medical profession, and clause 11 on refining the quorum and composition of meetings of the MCHK held for an inquiry, which also involves the membership of the MCHK.

Chief Secretary Carrie LAM said earlier that the current reform of the MCHK has been politicized, resulting in very bad consequence. President, speaking of the politicization of the MCHK reform, social dissension, patients distrusting doctors, the Government should be held responsible. Given that the community does not have sufficient time to discuss and reach a consensus on the composition of the MCHK, the Government's attempt to push through a Bill that has yet to reach a consensus, the relationship between patients and doctors have thus ruptured, resulting in social division. Just think, if the Bill is passed today despite strong opposition from the medical profession, it cannot gain the trust of
the medical sector and members of the public. In future, when the MCHK conducts disciplinary inquiries, many problems will arise, causing disputes. Likewise, disputes will arise as regards whether the MCHK can serve the community effectively.

President, some patient groups said that they have a long wait of 15 years and they really hope that the Bill can be passed. I understand that they are eager to see that the MCHK would bring in the voices of patients. However, what makes us more worried and angry is that there are still a lot of inadequacies with this reform which has been planned for 15 years. Secretary Dr KO keeps telling the media that some people have misunderstood the Bill. If there are misunderstandings, should the authorities clarify? Should they spend time to help those who have, in their words, misunderstood the Bill to understand the real objects and contents of the Bill? Should the Government be responsible for dispelling people's doubts? If the Secretary considers that there are some misunderstandings, why not step up publicity and consult adequately? To put it the other way round, is people's misunderstanding a reflection of insufficient publicity and consultation on the part of the Government? The Government cannot casually say that members of the public have misunderstood the Bill; it should find out the reasons. President, there is always a cause behind every effect. However, the Government only talks about the effects without exploring the causes, and it keeps exaggerating the effects. If people have misunderstood the Bill, clarifications should be made to dispel the doubts. How come the Government spends no time to undertake this task but keeps blaming and criticizing? Is this the way to handle the issue? In my view, this approach will only push this social problem to the extreme where no solution can be found.

Besides, things happen for a reason. When people have misunderstandings, it implies that the Bill is not perfect. We must thus deal with the inadequacies of the Bill. In this reform, of the four additional lay members, three will be nominated by patient groups. However, the definition of patient groups is obscure. The Bill only states that the number of lay members will be increased from four to eight, but no explanation is given. It is only until someone raises a query that the Government agrees to provide the criteria on patient group, yet there is still room for manoeuvre. "If there is any organization considered itself a qualified patient-related group but fails to meet the [...] requirements […], the Secretary for Food and Health may consider the case on an individual merit basis". President, after giving such a long description, it turns out that the Secretary has the right to make the final decision. Will many people
think that the mechanism lacks credibility? If this is the case, how can the public be convinced?

(THE PRESIDENT'S DEPUTY, MR ANDREW LEUNG, took the Chair)

As for another misunderstanding often mentioned by the Government, there is the concern that the Government will take the opportunity of the reform to lower the requirements for overseas doctors to practise in Hong Kong. In the Bill introduced by the Government, it is stated that there are three objects, one of which is "to facilitate the admission of non-locally trained doctors to practise in Hong Kong". During the resumption of the Second Reading debate, I asked what was meant by "to facilitate". The Secretary then explained that the Bill will not lower the threshold; "to facilitate" means that the term of limited registration of overseas doctors will be extended from one year to three years. Deputy President, if the term is to be extended from one year to three years, the problem is not serious, and I think local doctors may not strongly oppose. Nonetheless, if that is the intent of the Government, why should it propose so many amendments to the Ordinance? If the term is to be extended from one year to three years, the amendment is simple enough. Therefore, the approach adopted by the Government can hardly convince the public that "to facilitate" simply means extending the term from one year to three years. Thus, the Secretary's words cannot remove the doubts of the public. Will the Secretary please explain again later the exact meaning of "to facilitate"; otherwise, he cannot say that members of the public mistakenly think that the Bill seeks to lower the threshold.

Deputy President, on the other hand, Secretary Dr KO criticized that a livelihood issue has been politicized, and he said that he did not engage in politics. Recently, I found that politicization has become a new shield for government officials to evade responsibilities. Whenever people criticize a policy for its inadequacies, government officials would accuse them of politicizing the issue, and then they could wash their hands of the issue without having to take follow-up actions or give any explanation. Last week, I asked Chief Secretary Carrie LAM the meaning of politicization. She agreed to that saying that "politics is the business that concerns all". Does the Bill deal with business that concern all? If it does, what is the problem of politicizing the Bill? Is there anything wrong with it? Why can't it be politicized? Does the Bill
deal with business that only concerns a small group of people? If so, no comments can be made; if not, the saying that the Bill has been politicized should not be raised again for it is meaningless to say so. Instead, please explain the contents of the Bill and deal with its inadequacies.

Deputy President, the Government has not given due consideration. As pointed out by patient groups, they have been waiting for 15 years. How come they have been waiting for so long? What have they got in return? Why does the Government not introduce a better Bill? Deputy President, Secretary Dr KO said that the reform of the MCHK tallied with the general direction of the international community. However, I fail to see how this reform is making reference to international practices, save for the point of adding lay members. Take the General Medical Council (GMC) of the United Kingdom as an example. Unlike the MCHK, it deals with disciplinary inquiries and other business of the GMC separately. I raised this point of view in February this year. Yet regrettably, it was not considered by the Government. In fact, many organizations and members of the public are of the view that an independent body should be established to handle complaint cases in order to be effective. Unfortunately, the Government holds on to its own views without accepting other stances. The British example is a very good one, yet sadly the SAR Government makes no reference to it at all; instead, it insists on its own way. Though the Bill makes a breakthrough by adding representatives of patient groups, it still fails to thoroughly (The buzzer sounded) … improve the existing complaint handling mechanism.

DEPUTY PRESIDENT (in Cantonese): Mr LEUNG, your speaking time is up. Please be seated.

MR ALAN LEONG (in Cantonese): Deputy President, you also attended the last eight hours of meetings of the Finance Committee (FC) in the current term of the Legislative Council held yesterday afternoon. Several agenda items were highly controversial, including the funding applications in relation to three Signature Project Schemes, the Social Welfare Department's proposal for the inspection of residential care homes, the creation of posts for the Lantau Development Office, as well as the construction projects of the MTR Corporation Limited. On the agenda, the three Signature Project Schemes were immediately followed by three items which are not controversial at all, namely, the construction of staff quarters
for the Correctional Services Department, the Professional Services Advancement Support Scheme and the creation of post in the Planning Department. While the FC was stuck in a deadlock, the pan-democratic camp has been constantly negotiating with the Government in the background. Finally the Permanent Secretary for Financial Services and the Treasury, who represents the Government, formally announced at the third session of the meeting that in order to deal with the greatest number of items within the remaining meeting time, the Government decided to adopt the principle of "resolving the simple issues before the difficult ones" and reschedule the above items in relation to the staff quarters of the Correctional Services Department, the Professional Services Advancement Support Scheme and the creation of post in the Planning Department before the Signature Project Schemes. We finally managed to change the fate of the three items, so that the relevant projects would not become futile.

Today, we are faced with a similar situation again. We are now discussing the highly controversial Medical Registration (Amendment) Bill 2016 (the Bill). After that, we have on the Agenda the Private Columbaria Bill which has been under scrutiny for six years in total straddling two terms of the Legislative Council, as well as the Fire Services (Amendment) Bill 2015. Compared with the Bill under discussion now, the latter two Bills are relatively less controversial. Moreover, according priority to these two Bills would be in line with the principle of "resolving the simple issues before the difficult ones" announced by the Government yesterday. Deputy President, I am sure you also heard the announcement yesterday. The latter two Bills are relatively straightforward, while the current Bill is more difficult.

Nonetheless, what we see now is that the Chief Secretary for Administration is taking the lead to issue the "three noughts" ultimatum, that is, no withdrawal, no revision and no rescheduling of agenda items. How bureaucratic! Is it because Financial Secretary John TSANG was in charge of the rescheduling of agenda items yesterday at the FC, while Chief Secretary Carrie LAM is in charge of the order of Government Bills today, such that the situations are handled in diametrically different ways? Deputy President, I would like to tell Chief Secretary Carrie LAM that …

(Dr LEUNG Ka-lau stood up)
DEPUTY PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): Deputy President, a point of order. Please do a headcount.

DEPUTY PRESIDENT (in Cantonese): A quorum is now present in the Chamber. Mr Alan LEONG, please continue with your speech.

MR ALAN LEONG (in Cantonese): I would like to tell Chief Secretary Carrie LAM to stop her wishful thinking. Seizing the opportunity of the upcoming elections, she is now insisting on the "three noughts", hoping to deal us a fatal blow by putting all the blame on Members of the pro-democracy camp. Deputy President, I sincerely hope that Chief Secretary Carrie LAM can assess the situation again, especially when two senior officials in the Independent Commission Against Corruption (ICAC), Ms Rebecca LI and Mr Dale KO, had resigned under highly mysterious circumstances, and when the popularity rating of LEUNG Chun-ying has hit an all-time low again. I am afraid that all her political manoeuvres would only be futile. Stop it now! Repent and do us all a favour!

I also hope people of Hong Kong can see clearly for themselves what Carrie LAM and LEUNG Chun-ying are up too. Deputy President, as I said during the resumption of Second Reading debate on the Bill, any person who has followed my work in the Bills Committee on the Medical Registration (Amendment) Bill 2016 (the Bills Committee) would know that I have all along considered the Bill from the perspectives of patients and their families. Nevertheless, regarding some views in society that people who oppose the Bill are over-worried or being paranoid, Dr KO Wing-man and Carrie LAM should have come forward and accepted responsibility. But why have I, Alan LEONG, been targeted as the arch-enemy of LEUNG Chun-ying?

Hong Kong is now a deeply divisive society. In such a society, I have of course heeded the advice given by Dr AU Yiu-kai. Dr AU is an altruistic person who has worked in public hospitals for decades. Being a field staff of Médecins Sans Frontières in the past and at present, he would provide medical assistance to people in war zones and backward areas. During the Occupy Central
movement, Dr AU had stayed in the occupation areas each and every night. If I were to make a choice between Dr AU Yiu-kai and Dr KO Wing-man, who would I choose? That is what Hong Kong is like now. We cannot bury our heads in the sand like ostriches. Since it is the responsibility of Dr KO Wing-man and Carrie LAM to convince Dr AU Yiu-kai, why should I do so on their behalf if they themselves have failed in the mission in the first place?

Deputy President, I speak in support of the motion moved by Dr LEUNG Ka-lau under Rule 55(1)(a) of the Rules of Procedure to commit the Bill to a select committee. The motion can give us some space so that Dr KO Wing-man and Carrie LAM can do the things that they should have done a long time ago. It can also allow us to cool down. Deputy President, more importantly, we are in no hurry to pass the Bill.

On 11 April 2001, that is, 16 years ago, a doctor working in a public hospital talked on his mobile phone during an operation. Given the huge public outcry caused by the decision of the Hong Kong Medical Council (MCHK) in relation to the said doctor, the Panel on Health Services of the Legislative Council held a meeting on 11 March 2002. According to the records, discussion had been held on how to improve the medical complaints mechanism, including the setting up of an independent complaint office. It was also stated that further discussion should be held on how to separate the MCHK's disciplinary inquiry function from its other functions. But now, the Government simply adopted the Member's bill that Mr Tommy CHEUNG intended to propose and introduce some piecemeal amendments to the complaints mechanism. Surely some people may say that it is a step towards the right direction; that is also the reason why I originally intended to support the Bill. But now I cannot support the Bill, and I feel very helpless and frustrated.

Deputy President, doctors and the MCHK must of course take the blame for not initiating any reform over the past 16 years. But the MCHK is basically under the lead of the Government. The Government-led MCHK has been complacent for the past 16 years, while the Hong Kong Medical Association (HKMA) only voiced its opposition at the eleventh hour. What has been done by the HKMA in the past 16 years? Deputy President, as I said a moment ago, LEUNG Chun-ying's popularity rating is now close to -50%. Moreover, after the spate of incidents concerning Arthur LI, The Chinese University of Hong Kong and the Independent Police Complaints Council, as well as the resignation
of Ms Rebecca LI and Mr Dale KO from the ICAC, we can see that any matter regarded as impossible by a person in his right mind would become possible under LEUNG Chun-ying. Then why must I take the blame on their behalf? Why must I tell Hong Kong people that no harm would be done by LEUNG Chun-ying? Does the statement sound right at all? People of Hong Kong know that LEUNG Chun-ying is fearless. Currently, there is a theory that Rebecca LI was targeted because LEUNG wants to stop the investigation into his acceptance of $50 million in the UGL incident. If this theory holds water, it would be the most serious and unforgivable act of graft committed by LEUNG Chun-ying after he became the Chief Executive. Under such an atmosphere, Carrie LAM still insists on adopting the "three noughts" approach. How sad it is!

Deputy President, I do not accept the views of Dr AU Yiu-kai blindly. In the course of scrutinizing the Bill, Dr LEUNG Ka-lau's "4+4" and "6+6" proposals can increase the number of Preliminary Investigation Committees (PICs) — with more medical practitioner members, they can take up the posts of chairman and deputy chairman of PICs, whereas under the current proposal of the Government, only the number of lay members will be increased, and they cannot take up the posts of PIC chairman — while maintain the ratio at 1:1, which helps to safeguard professional autonomy. But the proposals were rejected by the Government categorically on the simple pretext that operational difficulties would arise if there were too many members in the MCHK. What kind of reason is that? Likewise, the amendment proposed by Dr KWOK Ka-ki was not supported by the Government. No wonder people have doubts. As the relevant mechanism has been implemented for 10-odd years, why can't we wait six more months for the release of a report prepared by Dr KO Wing-man for two to three years? Isn't that somewhat suspicious?

Of course, I do not mean to speak on behalf of doctors because that is not my responsibility. Now my Honourable colleagues and I have become targets of attack. I hope Chief Secretary Carrie LAW can listen up. The simplest thing she can do is to ask pro-establishment Members not to support the motion on accepting clauses 4 and 11 to stand part of the Bill, so that the Council can move on to deal with other clauses first. All these are valid options she can consider.
MR ALBERT CHAN (in Cantonese): Deputy President, Mr Alan LEONG seldom speaks so passionately, and just now, he sounded like "Long Hair" and "Hulk". This shows that the emotions aroused in this issue will, to a certain extent, affect many people.

I also became enraged when I spoke during the resumption of the Second Reading debate on the Medical Registration (Amendment) Bill 2016 (the Bill) last week. Today, I will try to use these 15 minutes to discuss the issue more rationally, hoping to convince doctors to change their course of action. I have frequently met with doctor groups in the past and pointed out some problems, yet so far, no doctor group has officially responded to my request.

This motion is about committing the Bill to a select committee. It does not matter whether the motion is passed or not, I hope doctor groups would seriously, comprehensively and thoroughly consider my following two questions.

Before raising these two questions, I would like to congratulate Dr LEUNG Ka-lau on his success in filibustering. The motion he proposed is still under debate, the Committee stage of the Bill will begin after voting, to be followed by the Third Reading. According to my superficial knowledge in filibuster, taking into consideration the willpower and manpower of the royalists to engage in the filibuster war, I believe that if we keep on filibustering, there is almost no chance that the Bill can be passed before midnight on Friday.

If the Government obstinately clings to its position, it will only result in a "three-lose" situation. I believe Dr KO also knows that I really hope that the Private Columbaria Bill could be passed. The Bills Committee has, under the chairmanship of Mr IP Kwok-him, spent two years to scrutinize the Bill. We really have worked day and night and have put forward a number of proposals and over 100 Committee stage amendments. The Bill affects tens of thousands of homes for the deceased as well as the well-being of family members of the deceased. It can be said that the Bill has impacts on millions of people in Hong Kong. Therefore, not passing the Private Columbaria Bill definitely has much more serious impacts than not passing this Bill. Since the power of filibuster has been fully demonstrated in the Finance Committee meeting held yesterday, I reckon that it is not very likely that this Bill will be passed as the filibuster would drag on for two more days, I thus suggest that the Government should withdraw the Bill before noon tomorrow.
Of course, I may not endorse some arguments of Dr LEUNG Ka-lau and the comments and views of a number of medical organizations …

(Dr LEUNG Ka-lau stood up)

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): Deputy President, a point of order. I request a headcount.

DEPUTY 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)

DEPUTY PRESIDENT (in Cantonese): Mr Albert CHAN, please continue with your speech.

MR ALBERT CHAN (in Cantonese): First of all, I would like to thank Dr LEUNG Ka-lau for requesting a headcount just now. It turns out that he is eager to learn about my requests and he has very generously promised to deal with some of the issues I raised. So, I would like to thank him for his positive response.

I believe that the two requests I made also reflect the aspiration of many people (especially patients who experienced medical blunders, victims and their families) in the past years. One of the main objects of the proposed amendments to the Bill is to solve, rectify or improve the problem of "doctors harbouring each other" in order to protect the interests of the victims of medical blunders. As I already mentioned this point in my speech made during the resumption of the Second Reading debate on the Bill, I will not repeat now. When compared with other Members, I have handled a considerable number of medical blunder cases, but Mr Albert HO is certainly the champion.
As I have also said during the resumption of the Second Reading debate, the victims of medical blunders are more miserable and helpless than those who suffer from other professional or administrative blunders. Therefore, I have described those doctors or the medical profession as "little devils" because they are now facing the "big devil", and certainly "the big devil" is even more dreadful. Yet, for patients, the "little devils" have made them suffer miserably.

I would like to cite one case again. I have been helping the family members of the victim in a coma for more than 10 years. I would like to briefly describe the case, lest Honourable colleagues might not have an idea of the plight of victims of medical blunders and their family members.

The family concerned was originally quite well-off with stable financial condition, and they lived in a self-owned private residential unit. Sadly, their 18-year-old daughter went into a vegetative state due to a medical blunder in a public hospital. Since then, the whole family has been affected by the drastic change and they could hardly make ends meet. Since their daughter lapsed into a vegetative state, the parents sought every means to help their daughter regain consciousness. Throughout the process, they tried their best to take care of their daughter and were really tired out. After some time, they applied for legal aid, hoping to seek justice through legal channels.

Although they were granted legal aid, the legal proceedings dragged on for a long time. During the period, this well-off family had to file for bankruptcy. The parents visited their daughter at the nursing home every day to clean her body and massage; they were really physically and mentally exhausted. May I ask Members to imagine the pains and suffering of the victim's parents. Throughout the process, no doctor had provided them with any assistance; no doctor with a sense of justice was willing to step forward to help these family members, make allegations of medical blunders and seek justice. Finally, they had to rely on legal aid.

Mr Albert HO has dealt with many similar cases and I believe he is well aware of these situations. In this case, the two sides had been locked in a seesaw struggle over the amount of compensation. The litigant considered the compensation amount insufficient to meet the expenses on providing care to his daughter. As the litigant did not accept the compensation amount proposed by the legal aid lawyer, his legal aid was almost cancelled.
I hope Honourable colleagues could imagine how helpless the litigant was. His daughter was in a vegetative state and he had to file for bankruptcy; he was once quite well-off, yet, eventually he had to apply for ex gratia rehousing and Comprehensive Social Security Allowance through the Social Welfare Department. The Legal Aid Department later told the parents that they might not be granted legal aid if they did not accept the compensation amount. After prolonged delays and arguments, the parents were finally forced to accept the compensation amount. Nonetheless, in the coming days, they have to provide round-the-clock care to their daughter. This is the true picture of a medical blunder. It took nearly 10 years for the victim's family to receive compensation after the incident. We can imagine the suffering and pain endured during the process.

I do not know if the doctor involved has a guilty conscience. Of course I understand that some medical blunders are not deliberately caused by doctors. I just want to point out the pain and suffering of patients of medical blunders and their families under the current system.

As doctors from Médecins Inspirés are so righteous, I urge them to set up a professional team or find some ways to help patients affected by medical blunders. Since they have righteously proclaimed that they would fight against the "big devil" and strive for social justice, and since some doctors from Médecins Sans Frontières help other people in various parts of the world, I ask doctors from Médecins Inspirés to help patients and their families in Hong Kong who suffer from medical blunders. Can they offer help? They have demonstrated a sense of righteousness.

Nevertheless, when I asked doctor groups to discuss these issues, I did not get any response. I would like to ask these righteous doctors to respond to this appeal. I, "Hulk", thereby urge these righteous doctors to do justice to patients and their families victimized by medical blunders, will they agree to do so? Dr LEUNG Ka-lau has just promised me that he would follow up on this issue and he also thought that something could be done.

The second question is that fraud may be involved. In a nutshell, how can an ordinary person understand the medical judgment made by a doctor? Let me cite a real case as an example. One day, my friend suddenly had chest pain so he went to a hospital for treatment. The doctor told him after examination that
70% of his blood vessels were blocked and he needed a surgery right away, and the operation fee was $200,000. What would Honourable colleagues do when they encounter such a situation?

Fortunately, my friend is not well off and he needs to raise money for the surgery, so he discussed the matter with me. I told him that he should not fully trust the doctor's judgment and he should get a second opinion from a doctor whom he was well acquainted with. Thus, he asked a doctor who was almost 70 years old to re-examine him and review the report. It turned out that only 30% of his blood vessels were blocked. There is a difference between 70% and 30%; is it a difference in professional judgment or is there an element of deliberate misleading and fraud?

In purchasing a piece of jewellery, the consumer has the right to initiate proceedings if the gold content, claimed to be 999 solid gold, turns out to be only 40% gold. However, legal proceedings cannot be initiated for these medical cases because it is uncertain what offence the doctor should be charged with. These incidents are just like fraud cases; how can justice be done? How many people have paid a large amount for unnecessary surgeries because their doctor was greedy and they even thought that the doctor saved their lives? How can complaints be lodged against such cases? What mechanisms have the authorities put in place to monitor the conduct of these unscrupulous doctors? I think the problem of "doctors harbouring each other" is serious and ordinary people are at the mercy of these doctors because a monitoring mechanism is not put in place to do justice to them.

Of course, Dr LEUNG Ka-lau's filibuster will be a success and the Bill cannot be passed. I think this will only result in a "three-lose" situation where the Government, doctors and patients will all be losers. Whether this "three-lose" situation can be reversed and turns into a "three-win" situation will depend on the Government and doctor groups; in particular, doctor groups should actively respond to these aspirations. In fact, they can respond to these aspirations without a reform and doctors can also do so. For instance, Médecins Inspirés or Médecins Sans Frontières can form a professional team, not only to help patients in Africa but also help patients in Hong Kong and their families who are victimized by medical blunders. If they can do so, I, "Hulk", would bow to them thrice for their boundless beneficence.
They can set up some mechanisms to monitor the conduct of those doctors I just mentioned; the difference between 70% and 30% should not be a professional misjudgment, right? They might as well select some cases which attracted frequent complaints and handle them under an internal mechanism. Doctors must know where the problem lies. For example, the 70-year-old doctor I mentioned has no other demands in life; if he is ashamed of other doctors' judgment, can he be a whistle-blower? Can doctors set up an internal mechanism for mutual monitoring? For cases where professional misjudgment is obvious; for example, if this elderly doctor noticed from the report that 30% but not 70% of blood vessels are blocked, can he anonymously refer the case to an internal committee for investigation? At least, there is a monitoring system. Hence a doctor would not act arbitrarily and urge a patient to pay him $200,000 for an unnecessary surgery. There are numerous similar examples.

In connection with the controversies over the Bill, besides targeting LEUNG Chun-ying, the "big devil", I really hope that Honourable colleagues would consider how assistance can be provided to the victims of medical blunders under the healthcare system. In particular, how assistance can be provided to some helpless victims and their families, so as to do justice to them and uphold righteousness. Indeed, they are the most helpless and miserable group under the existing system.

MR GARY FAN (in Cantonese): Deputy President, today sees the last Legislative Council meeting in the current Legislative Session. Regrettably, the Legislative Council is again plunged into an impasse. In March this year, the Legislative Council ended a three-month political stalemate concerning the Copyright (Amendment) Bill 2014 (the Copyright Bill) introduced by the Government. Since the Government failed to effectively balance the divergent views of various parties; worse still, it sided with copyright owners to blindly push through the Copyright Bill, and even made empty promises and asked the public and netizens to "pocket" the Bill first, pan-democratic Members of the Council thus had to adopt the tactic of filibustering, with the hope of buying time for negotiation. Deputy President, judging from the attitude and practice of the Government in handling the Medical Registration (Amendment) Bill 2016 (the Bill) these days, I think the Government has not learned a painful lesson from what happened in March this year.
I wonder whether Secretary Dr KO Wing-man has consulted Secretary Gregory SO on the lesson concerning the failure of the Copyright Bill, but I do have a profound insight. It turns out that at the moment the Government withdrew the Copyright Bill, many Hong Kong people and pro-establishment Members still did not fully understand the contents of the Bill. Did the existing legislation accord protection to netizens, and what rights would netizens be deprived of under the Copyright Bill? Many people and Members who blindly supported the Government did not a thorough understanding.

Today, the Bill under deliberation is in a similar situation. The Government has failed to offer a convincing solution to address the issue of professional autonomy, a concern of the medical sector, as well as the quality of medical services, the greatest concern of the public. While the Neo Democrats is eager to find a solution to expedite the handling of the backlog of some 900 complaints concerning medical incidents, we do not want our gains to be outweighed by our losses. Will the passage of the Bill properly address the low efficiency of the handling of complaints? Will the passage of the Bill make it easier for the Medical Council of Hong Kong to lower the threshold for non-locally trained doctors, namely Mainland doctors, to practise in Hong Kong? Regarding all these questions, the Government needs to give explanations to the public, so as to dispel public misgivings.

Dr KO Wing-man, the Secretary for Food and Health, earlier indicated that today's stalemate is a political problem which he did not know how to handle. Secretary, being an accountability official, you need to handle political problems, and politics has a bearing on the general public. Given your level, I believe you will not act like Mr Michael TIEN of the New People's Party who claims that he only does practical things and never engages in politics. Deputy President, it is the duty of Members and accountability officials to handle political issues in the Chamber. The crux of the current problem is that the Government is unable to provide the public with adequate confidence. Since the assumption of office, the LEUNG Chun-ying Administration has disregard institutional and procedural justice, thus dealing a serious blow to the well-established institutions and procedures of Hong Kong, triggering a series of adverse impacts.

LEUNG Chun-ying, the "one single man", rejected the issue of a free television licence to Hong Kong Television Network Limited; he resorted to cronyism and awarded public appointments to his inept fans, such as CHEUNG Chi-kong, Sophia KAO and Andrew FUNG; he tolerated the abuse of power by
the Police during the Occupy period, leading to a three-year low popularity rating of the Independent Police Complaints Council; he brutally interfered with university administration by appointing Arthur LI as Chairman of the Council of the University of Hong Kong and rejecting the appointment of Johannes CHAN as its Vice-President and Pro-Vice-Chancellor; he received a clandestine payment of some $50 million from UGL, and allegedly prevented the Independent Commission Against Corruption from launching any investigation; and he exerted pressure on airport security personnel to accord special treatment to his daughter. Deputy President, the numerous instances of abuse of power and high-handedness on the part of LEUNG Chun-ying and his exploitation of powers to the fullest extent, together with the Government's defiance of procedural justice of the Council and forceful passage of unpopular bills and funding applications, have given rise to bitter public grievances and huge distrust in the Government.

Under such circumstances, Secretary Dr KO is duty-bound to spend more time and be more patient to explain the Bill in detail to Hong Kong people, so as to engage the public to seek a consensus …

(Dr LEUNG Ka-lau stood up)

DEPUTY PRESIDENT (in Cantonese): Dr LEUNG Ka-lau, what is your point?

DR LEUNG KA-LAU (in Cantonese): Deputy President, a point of order. Please do a headcount.

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

(While the summoning bell was ringing, THE PRESIDENT resumed the Chair)

(After the summoning bell had been rung, a number of Members returned to the Chamber)
MR GARY FAN (in Cantonese): President, just now I criticized Mr Michael TIEN of the New People's Party for telling the blatant lie that he "only does practical things and never engages in politics" to deceive Hong Kong people. I do so to prove that the Secretary is politically duty-bound to resolve political problems, which have been laid bare in front of us. If the Government insists on having its own way of handling the Bill, and continuously refuses to withdraw or amend the Bill or reschedule agenda items, there will be greater public distrust in the Government, and we will not be able to find any solution to break the existing stalemate in the Council.

President, regarding the motion to commit the Bill to a select committee, I would like to take an international incident to expound my views. The current-term Legislative Council rarely held discussions on major international issues, but we need to broaden our horizon, look beyond the views and stands of our own society, make reference to foreign experiences and explore what we can do, so as to break the current stalemate. I recall that when Members filibustered on "Internet Article 23" in this Council, Members of the National Assembly of South Korea had likewise filibustered for the first time in 50 years to impede the then ruling party from passing an anti-terrorism bill.

Fearing that the bill might empower the South Korean Government to carry out surveillance on ordinary citizens, the opposition party of South Korea filibustered to delay the voting of the bill. The 10-hour and 18-minute speech made by EUN Sumi, an opposition Member, has become a much-told tale. In her concluding remarks, she said that as masters of South Korean, citizens do not merely eat to stay alive. Apart from filling their stomachs, they must enjoy freedom of speech, freedom of expression and freedom to be liberated from any kind of suppressions. These are the inviolable rights of citizens. While the national security bill has to take national and public security into consideration, it should not be passed by the National Assembly if the aforesaid principles cannot be safeguarded.

Though the filibuster war launched in the National Assembly of South Korea eventually failed, days of live television broadcast had successfully aroused the attention of South Korean citizens who were once apathetic about politics, and they started to reconsider the significance of the legislature as a
representative body of public opinion. This proves that debates of Members in the Chamber are very important in the sense that they enable the public to understand government bills. Regrettably, the pro-establishment camp in Hong Kong has all along neglected the debate process, they just want to shorten the debate time and pass the bill hastily.

President, in the current-term Legislative Council, the most frequent criticism made by pro-establishment Members is that the Council has low efficiency and the number of bills passed is limited. However, I must say that we are not a "hand-raising machine", and Members do not merely eat to stay alive. While we pay attention to the number of bills passed, we should also examine in detail whether the bills passed contain the principle of safeguarding public interests. Even in the Parliament of the United Kingdom, Members have constantly reviewed past mistakes and considered how improvements can be made to refine parliamentary procedures, such that Members of Parliament will have more resources and time to handle controversial or complicated bills under various mechanisms, and thus minimize sloppy legislation.

President, the "Parliamentary bible" of the House of Commons written in 1844 and entitled Erskine May: Parliamentary Practice, had stipulated in detail the rules and procedures of the Parliament of the United Kingdom. Concerning the committal of a bill to a select committee, a procedure we are now discussing, there are basically three objectives: first, new provisions may be added at the select committee; second, Members may at the select committee propose amendments that go beyond the scope of the bill; and third, the select committee may consider afresh amendments previously proposed for the reason that omissions will definitely arise in the examination of any bills, and some views are only proposed at the final stage.

President, in January this year, the Legislative Council held a debate on the motion to commit the Copyright Bill to a select committee under Rule 55(1) of the Rules of Procedure (RoP). I mentioned that debate for the contents of which would shed light on whether the Council should commit the Bill to a select committee today. At the meeting held last week, some pro-establishment Members said that if the Bill was committed to a select committee, the work done by the Bills Committee would have to start all over again. In response to similar views expressed by pro-establishment Members in the debate in January this year, I replied that under Rule 79(1) of the RoP, the deliberations of a select committee on a bill shall be confined to the bill committed to it and relevant amendments.
In other words, regarding the procedure on the examination of the Bill, the work would not start all over again, as claimed by pro-establishment Members. Under Rule 56(1) of the RoP, any committee of the whole Council or select committee shall only discuss the details of the bill but not the principles. The establishment of a select committee is not aimed at starting the work all over again. Rather, it aimed at holding further discussions on the details of the amendments proposed by the Bills Committee.

President, at that time, the Committee of the whole Council could not possibly allocate sufficient time for discussing the details of the amendments; the select committee could thus serve as a proper and useful platform for holding consultations, as various parties can attend meetings and express their views. There was no such thing as demeaning or undermining the work of the Bills Committee. As regards the debate today, there are only two days or so left in the current Legislative Session, and we are now in the evening of the third last day of the Session. The Committee of the whole Council actually does not have sufficient time to fully discuss the contents of the amendments. Even if a select committee is established, it will be difficult to finish all the work within three days.

For this reason, the objective effect of establishing a select committee is the withdrawal of the Bill, such that various parties can put aside their differences. The Neo Democrats is gravely concerned about the items listed after the Bill on the Agenda, including the Private Columbaria Bill, the Public Health (Animals and Birds) (Animal Traders) (Amendment) Regulation 2016 on animal rights, as well as the motion on amending Rule 83 of the RoP relating to the registration of interests by Legislative Council Members. Certainly, there are two motions under the Legislative Council (Powers and Privileges) Ordinance on the Agenda which are greatly detested by pro-establishment Members, namely the motion to inquire into the incident of LEUNG Chun-ying requesting airport security personnel to accord special treatment to his daughter, and the motion to inquire into the detention of Mr LAM Wing-kee. For this reason, President, those who benefit most from filibustering may ironically be pro-establishment Members.

For the time being, the motion on the committal of the Bill to a select committee is a feasible solution to put an end to the current political stalemate. In particular, when the Government refuses to withdraw or amend the Bill or reschedule agenda items, the committal of the Bill to a select committee is actually the only way thereby the remaining agenda items of the Council can be
dealt with expeditiously. Similarly, under Rule 55(1)(b) of the RoP, if the President is of the opinion that the Bill would specially benefit or otherwise specially affect some particular person or association or corporate body, he may be empowered to direct that a select committee be established to handle the Bill. For this reason, if the President intends to put an end to filibustering, and exercise his power under Rule 55(1)(b) of the RoP to withdraw the agenda item, I will render my support.

President, there are now only two options for the Legislative Council. The first option is to establish a select committee for handling the Bill, such that priority will be given to dealing with other items on the Agenda. The other option is to allow the stalemate and backlog of Council business to continue. I will continue to perform my duty to state at Council meeting the queries of the Neo Democrats on the Bill, and actively make speeches to arouse public discussion. For this reason, I hope that Legislative Council Members will weigh the pros and cons, and support Dr LEUNG Ka-lau's motion on committing the Bill to a select committee. Even if Dr LEUNG Ka-lau's motion is negatived, the Neo Democrats will not allow the controversial Bill to be passed hastily without undergoing a thorough discussion.

President, I so submit.

MS CYD HO (in Cantonese): President, we, the Labour Party, are highly concerned about patients' rights and professional autonomy. I very much agree with Mr Albert CHAN who said just now that patients' rights have not been properly protected, neither have their complaints been properly addressed.

In my view, the medical sector should put forward a proposal in response to the people's aspiration rather than merely talk about professional autonomy in the Medical Registration (Amendment) Bill 2016 (the Bill). Of course, we fully understand that the medical sector's fear is well-founded, as evident from the fact that LEUNG Chun-ying had, over the last two years, used his power to undermine the University of Hong Kong's appointment procedure of its pro-vice-chancellor. Moreover, even though the Equal Opportunities Commission had launched an open recruitment of its chairman, LEUNG could still dismiss a highly competent former chairman. In the past few days, our attention has also been drawn to the appointment of the Head of Operations of the Independent Commission Against Corruption.
President, I wish to discuss Rule 55(1)(a) of the Rules of Procedure (RoP) again. When we discussed the Copyright (Amendment) Bill 2014 (the Copyright Bill) early this year, we proposed to commit the highly controversial bill to a select committee, so that Members from different political parties and groupings could listen to more views and conduct more in-depth discussion in the select committee, and could even propose appropriate amendments in accordance with Rule 56(2) of the RoP, including the addition of new clauses and new schedules. Rule 56(2) stipulates that the amendments must be relevant to the subject matter of the bill. While the Bill is highly controversial, we all endorse two policy targets, namely, first, to protect patients' rights and interests, and increase the manpower to speed up the inquiries into medical incidents; and second, to uphold professional autonomy, which is proposed by the medical sector who opposes the Bill. Are there ways to formulate any clauses or amendments that allow various groups with different perspectives and concerns to find a common ground and hence forge a consensus? To set up a select committee under Rule 55(1)(a) is no doubt a good solution.

Our biggest problem is that it is now 7.16 pm on 13 July, and even if the meeting of the Legislative Council ends at midnight on Friday, there is less than 24 hours left for discussion in this Session. If the motion to commit the Bill to a select committee proposed under Rule 55(1)(a) of the RoP can be passed, it is impossible for us to finish the series of procedures that follow within 24 hours. What kinds of procedures are involved? After voting, if motion is passed, it will be submitted to the House Committee, which holds meetings on Friday, but since the Legislative Council meeting will continue on the coming Friday, the House Committee meeting cannot be held. Hence, even if the motion is passed, we will not be able to submit it to the House Committee within 24 hours to set up a select committee, and the select committee will not be able to hold meetings, write a report and then submit it to this Council for endorsement. The fact that we have run out of time is the Achilles' heel of this motion.

If we can pass the motion to commit the Bill to a select committee tonight or tomorrow, the effect is that the resumption of the Second Reading debate of the Bill will be adjourned. What is the merit of adjourning the debate? Once the debate is adjourned, we can immediately start the discussion on the Private Columbaria Bill (PCB). The Government has proposed a number of amendments to the PCB after taking on board our views. One of the amendments, proposed by me, is to include in the definition of relative same-sex couples who married overseas. The amendment is worth our discussion and we should state our stance on it. If we vote to pass Dr LEUNG Ka-lau's motion to commit the Bill to a select committee later on or tomorrow, we can propose to
discuss the PCB or the Fire Services (Amendment) Bill 2015 (Fire Services Bill), or we can even discuss the "baggage gate" incident at the Airport involving LEUNG Chun-ying's wife and daughter in accordance with the Legislative Council (Powers and Privileges) Ordinance. The result is positive.

However, if the motion is negatived, what is going to happen? If the motion is negatived, Dr LEUNG Ka-lau and other Members who oppose the Bill in its present form will continue to speak. I am confident that they can go on for over 24 hours because they are determined to defeat the Bill. On the contrary, pro-establishment Members do not seem to have the determination to stay in the Chamber to help the Government pass the Bill. As a matter of fact, no matter how the 20-odd democratic Members vote on the motion, we cannot possibly influence the outcome. It is the Government which has the power to decide whether the debate on the Bill should be adjourned and whether the Second Reading debate on the PCB be resumed immediately. The Government's choice and attitude call the shots.

Why do I say so? The Copyright Bill is a good precedent. Even if the motion cannot be passed, the Government has to monitor the development of events. In the words of Mrs Carrie LAM, the Government would not make amendments, back down or reschedule the agenda items; should this happen, there will be a total destruction. Even the PCB which has been discussed for over 20 months and the Fire Services Bill cannot be dealt with. This decision should be made by the Government. It should weigh the pros and cons and assess the present situation. At 10 pm on Friday, even if the few Members who filibuster actively have stopped speaking and the motion is put to vote, the scrutiny of the PCB cannot possibly be completed in the remaining two to three hours. I reckon the scrutiny will take at least 10 hours for I believe many Members will speak on the amendment that I propose. Dr Priscilla LEUNG will definitely speak on it, won't she? And she may speak more than once as she has prepared a great deal of information. She may speak for at least two hours. Hence, I urge the Government to forget about taking face-saving gesture or striving for superiority. It should assess the impact of the remaining two bills on the entire community. If the Bill still cannot be passed two days later on 15 July, what impact will it have on society? There are indeed some impacts. For example, the Medical Council of Hong Kong may not be able to establish more than one preliminary inquiry committee in the near future, or it may not be able to extend the term of registration of medical practitioners with limited registration from one year to three years, hence failing to immediately attract more non-locally trained medical practitioners to practise in Hong Kong.
However, the problem concerning private columbaria is even more serious. At present, among the 124 private columbaria suspected of non-compliance, 109 have been confirmed to be operating illegally. The number of niches in each one of these columbaria is unknown. If these columbaria continue to sell niches for over $200,000 each before the PCB takes effect, the Government will meet with even greater resistance when it enacts law to eradicate the illegal columbaria in future. With an increasing number of victims during the gap period, the situation will be even more difficult to deal with.

I put forward such views from a technical perspective, hoping that the Government would know how to make a choice. If the passage of the Bill is postponed, the Government certainly has to publish the Bill in the Gazette again and resubmit it to the Legislative Council. The dispute may continue for six more months, but the Government can well make use of the summer recess to lobby various sectors in society from its perspective and at the same time, the medical sector can also do the same from its perspective. As such, everyone has more chances to discuss the various issues.

At the same time, we can also make use of the summer recess to ask the Government to allocate more resources to the Hospital Authority (HA), instead of opening a door to recruit more non-locally trained medical practitioners to practice in Hong Kong. After opening this door, the Government still needs to allocate more resources. If the HA has all along suffered from insufficient resources, the wastage of doctors will continue, and even if the Secretary has opened this door, the problem of an imbalanced doctor-to-patient ratio in the public healthcare system will still remain unsolved. That is the reason why the medical sector thinks that the current Bill fails to help patients. At the same time, I would like to ask doctors to put forward a practical proposal to meet patients' aspiration for protection of their interests. The Secretary can submit a new bill to this Council after the summer recess for this object. However, if the enactment of the PCB is delayed, more people may be cheated. One niche is worth over $200,000. It is extremely undesirable if more people are cheated.

President, I absolutely do not wish to see the Government adopting a destructive approach to tackle the present situation. Will the Government please appraise the situation correctly and allocate sufficient time for the scrutiny of the Fire Services Bill and the PCB in the remaining 20-odd hours. The Government should not strive for getting an upper hand; instead it should try its best to mediate politically among the confronting parties so as to safeguard public interests as far as possible. Hence, I also ask pro-establishment Members to consider the situation from the same perspective.
Besides, President, I must make it clear that Rule 55(1)(a) of the RoP must not be invoked lightly, it should only be invoked in dealing with highly controversial bills because under that Rule, the select committee to which the bill is committed has great powers. After the select committee has submitted its report to the Legislative Council, if the Council endorses the report, it will proceed to the Third Reading directly without having to go through Committee stage for a clause-by-clause examination of the bill or a debate on the bill. However, there is still some leeway. As long as the majority of Members returned by geographical constituencies or by functional constituencies do not endorse the select committee's report, the Council will not proceed to the Third Reading directly. Anyhow, the Rule is still a very sharp sword and should not be lightly used in this Council.

I would like to ask the Government to carefully consider how to deal with the remaining 20-odd hours of the meeting. The Government can easily withdraw the Bill, as evident in the case of the Copyright Bill. Under Rule 40(3) of the RoP, after the moving of an adjournment motion, no further motion that the debate be now adjourned shall be moved during that debate unless new conditions have emerged. The Rule stipulates that no further motion shall be moved during that debate "except by a designated public officer", but the Government can move such a motion anytime, as in the case of the Copyright Bill. Therefore, we hope that in the remaining 20-odd hours, the Bureau and the administration will discuss clearly and choose the lesser of two evils, that is, Secretary Dr KO Wing-man should move an adjournment motion, so that Members can scrutinize the PCB and the Fire Services Bill at the meeting. In this way, the efforts made in scrutinizing the bills will not be wasted.

Let me reiterate that the Labour Party cares for patients' interests and rights. We also understand the importance of professional autonomy. In particular, in the past four years since LEUNG Chun-ying became the Chief Executive, he has abused his power in appointing his "fans" to various public offices in statutory organizations, resulting in a total collapse of the institution. We know that people's worries are not unfounded. Thank you, President.

MR CHAN CHI-CHUEN (in Cantonese): President, many members have asked the Secretary to watch the time. In fact, even the pro-establishment Members were counting the time in the Ante-chamber earlier. It is now 7.27 pm on Wednesday 13 July and we have about half an hour left for this meeting. Tomorrow, LEUNG Chun-ying's Question and Answer Session will be held in
the meeting of the Legislative Council will resume at 12 noon and continue until 8 pm for a total of eight hours. The meeting on Friday will be held for a whole day from 9 am till 12 midnight for a total of 15 hours. The total meeting time for this three-day meeting will be less than 24 hours. We have yet to deal with the motion to commit the Medical Registration (Amendment) Bill 2016 (the Bill) to a select committee proposed by Dr LEUNG Ka-lau under Rule 55(1)(a) of the Rules of Procedure (RoP). It is unlikely that the matter can be put to vote this evening and voting will probably take place after 12 noon tomorrow. Motions moved under Rule 55(1)(a) of the RoP were rare in the past, but two such motions have been moved in this session of the Legislative Council. Last time, the motion was moved during the scrutiny of the Copyright (Amendment) Bill 2014 (Copyright Bill) and this time, it was moved by Dr LEUNG Ka-lau.

First of all, I have to state clearly that I support the motion moved by Dr LEUNG Ka-lau under Rule 55(1) of the RoP to commit the Bill to a select committee. Let me make it clear that this does not mean that I am helping Dr LEUNG Ka-lau or the medical sector. In my remaining speaking time, I will explain this point clearly to Members if time allows.

During the Second Reading of the Bill, we mentioned that the legislative process of this Bill was a battle between the "big devil" and the "small devils". The "big devil" is LEUNG Chun-ying, and the "small devils" are the black sheep in the medical sector or those who reject even the smallest improvement of the Ordinance because of their own interests. The patient groups and the relatives of patients have all along harboured a kind of resentment towards the medical sector. I believe some patients and their relatives hate doctors even more than they hate LEUNG Chun-ying. Hence, during the discussions, patients' rights groups do not accept any motion of increasing the ratio or the number of doctors in the Medical Council of Hong Kong (MCHK).

If Members have surfed the Internet or watched the news recently, they would be aware of the many criticisms against the medical sector. Certainly, the medical sector will consider these criticisms irrelevant because they are not directly related to the Bill. These criticisms may be irrelevant, but they are not false. These criticisms are related to the personal experiences and testimonies of patients and their relatives and the cases have not been resolved and dealt with fairly over the years. I believe most of the cases are not fabricated by patients. Some members of the medical sector say that certain media organizations reported all such cases only to arouse people's sympathy. I think you can say so,
but the cases reported are not fabricated; instead, they are the real experiences of the people. Therefore, I hope that all doctors and members of the medical sector can humbly accept and listen to the personal experiences of the patients and their relatives. The medical sector must admit that the current impasse in reforming the MCHK is actually caused by its failure to make self-improvement in time. I think all doctors should do some self-reflection, be they black sheep in the medical sector, conscientious doctors or doctors who have awakened, because all of them should bear the responsibility which they cannot deny.

Dr LEUNG told us that establishing an independent medical ombudsman's office to receive complaints, as well as handle and mediate relatively minor medical conflicts, or separating the function of conducting disciplinary inquiries from the MCHK were possible directions of future development. I hope that it is not only a direction, but also a promise. If the Bill cannot be passed by midnight on Friday, I hope the doctors who are now outside the Legislative Council Complex will come forward and account to the public. They should make an earnest promise to the public that even if the reform cannot be taken forward legally, they will implement reforms by using the administrative resources of the Government. Doctors can also promote reform by exercising self-discipline and showing initiative. They have to promise the people that they would seriously explore ways to take forward reform, instead of waiting for the Government to implement reform or impeding reform themselves. In this way, people's confidence in the medical sector can be boosted.

During this three-day meeting, we have been trying our best to fight "big devil", but doctors really have to act as angels by reforming themselves and making self-improvement for the benefit of the people and patients of Hong Kong. Whenever I make such a comment, Mr Albert CHAN would ask me whether doctors would be willing to do so if the situation has not come to this pass. He also states that up till today, doctors still have not made any promise. I do not know if doctors have made any promise. Nonetheless, if many members of the public are not aware of the promise made, I hope doctors will hold an event to tell the public what their promises are.

Today, we support invoking Rule 55(1) of the RoP to achieve an active and a passive purpose, or a positive and a negative purpose. Concerning the positive purpose, if the motion was discussed last week, the chance of committing the Bill to a select committee would be bigger. Now that the motion is discussed today, I dare not say that is not possible, as Ms Cyd HO has claimed, because if the President is willing, everything is possible. If the motion is passed today or
tomorrow and an urgent meeting of the House Committee is held in the early hours, a select committee can be established immediately. If a meeting of the select committee is held all through the night, a report can be produced on Friday. However, I am only making a casual remark, and I certainly will not persuade Members to adopt that approach. Considering the passive or negative purpose, let us not, for the moment, talk about the questions of whether the motion will be passed and whether the Bill will be committed to a select committee. If we support Dr LEUNG Ka-lau's motion, the objective effect or advantage will be similar to that of passing a motion for adjournment of debate under Rule 40(1) of the RoP. Given that we have less than 24 hours left for this meeting, if the Bill is dropped, we can spare some time to deal with the remaining bills.

The remaining bills are the Private Columbaria Bill and the Fire Services (Amendment) Bill 2015. Actually, there is also one regulation which some Members are concerned about and are eager to discuss at the meeting of the Legislative Council. The regulation is Cap. 139B of the Laws of Hong Kong on the breeding and trading of dogs.

President, do you remember when we debated on whether the scrutiny period of that subsidiary legislation should be extended by three weeks, that is, to be enacted 49 days after its tabling, you reminded Members that the debate should only be related to the extension of the scrutiny period of the subsidiary legislation, but not the substantive contents? At that time, I said to you, "President, even if the debate is now adjourned, we still will not be able to deal with Cap. 139B during the remaining time of the Legislative Session." Therefore, here I have to reprimand the Food and Health Bureau for exploiting the situation to introduce that subsidiary legislation, which is subject to the negative vetting procedure, only towards the end of the Legislative Session. Certainly, the Food and Health Bureau would say that the authorities were in a passive position. Since Cap. 139B was a piece of subsidiary legislation, it would automatically be passed after an extension of the scrutiny period from four weeks to seven weeks; the authorities could do nothing about it. If Members had the time, they could discuss the subsidiary legislation; otherwise, no discussion would be held. How could the authorities act as if they did not have a role to play? Could the authorities not gazette the subsidiary legislation at that time? The Food and Health Bureau was well aware that Members would be unable to discuss the subsidiary legislation, but he exploited the situation and gazetted the legislation. Without even being discussed by Members, the subsidiary legislation will be passed automatically. The subsidiary legislation concerns the lives of dogs and we cannot even discuss it. How will the Food
and Health Bureau account to Members? Even if we adjourn the debate of this Bill now, I do not know if we can discuss Cap. 139B. The Government will not reschedule the agenda items even if such a decision will result in failure to pass all the bills mentioned by me before. What is the point of this?

Yesterday, during the last two hours of the Finance Committee (FC); the Government finally accepted the reality and moved three items on the Agenda forward. These items were eventually approved. However, the Government is unwilling to adopt such an approach this time. Perhaps it considers that making concessions is tantamount to showing weakness and it will not repeat a wrong move. In fact, in deliberations of the Copyright Bill and of controversial items in the FC or the Public Works Subcommittee, the Government has adopted the principle of "resolving the simple issues before the difficult ones". Yesterday, this approach was adopted during the last two hours of the FC. Nonetheless, perhaps it is not up to Secretary Dr KO to decide what approach should be adopted for I heard that Mrs Carrie LAM is the one behind the wheel and she has taken this exercise as a warm-up before playing the role of the Chief Executive. Thus, she must be strong.

Secretary Dr KO has actually not responded to my question raised in the Second Reading debate. My question was very specific. I asked what the Government would do if the Bill could not be passed in the remaining meeting time of less than 24 hours. Would the authorities introduce a new bill in October when the next term of the Legislative Council commenced its work? I did not hear any response in Secretary Dr KO's speech last week. Fearing that I might miss his response, I printed out his five-page speaking note for a study, and I confirmed that he had not responded to my question. I do not know if Secretary Dr KO wanted to evade the question, or if he wanted to convey a message to the public that opportunity once missed, would be gone forever, or he wanted to exert pressure on Members who wished to oppose the passage of the Bill. The Bill before us will either be passed or defeated. If it is defeated, the Government may not resubmit it in the remaining time of its term. Honourable Members, does this state of affairs sound familiar? It happened before during the scrutiny of the Copyright Bill.

I remember Secretary Gregory SO once stated, since it was the last session of the Legislative Council, if the Copyright Bill was not passed by Members within the following three days, the Government would not resubmit the Bill in the remaining time of its term. I felt bewildered at the time because there were actually more areas of agreement than disagreement regarding the Bill.
However, the Government and some copyright owners groups insisted that they would not accept any open-end exemption even if it meant that the Copyright Bill would be defeated and the chance of discussing it in the following year would be lost. They considered that there was no big problem if the Bill was not passed.

Unlike Secretary Gregory SO, Secretary Dr KO did not specifically say that the Government "will not resubmit the Bill in the remaining time of its term", but after making enquiries, I understand that people have such a thinking. If my understanding was incorrect, Secretary Dr KO should have given me a response last time, or he can give Members an explanation later. I hope that Secretary Dr KO will act differently from Secretary Gregory SO, he will not quote *The Heaven Sword and Dragon Saber* and say "Remember each and every one of these people".

Frankly speaking, will the Government introduce a new bill to the Legislative Council? If it will not, is it because the Secretary, though willing to undertake the task, is deterred by the difficulties involved; or is he simply unwilling to do so? Is the Secretary truly committed or is he being compelled? In fact, timing is all that matters. I once asked this question. If I am lucky enough to be returned as a Legislative Council Member in October, will the President give me approval to introduce a private Member's bill, a replica of the Bill introduced by the Secretary, but with the controversial provisions deleted? However, I do not know which Member will be the President. Will the Government approve my bill, which is a replica of the Government's bill? If so, it will actually be better for the Government to introduce the bill. Why should I introduce the bill? Similarly, it is better for the Government rather than me to propose a motion to adjourn the debate. If such a motion is proposed by me, separate voting is necessary. Members may remember that I intercepted Secretary Gregory SO in the midway last time. When the motion to adjourn the debate was proposed by me back then, it would be politically incorrect for some Members to support it.

Secretary Dr KO, after this debate, you will still have a chance to propose a motion to adjourn the debate in the Committee stage. You can propose it, and so can Dr LEUNG Ka-lau.

**DR LAM TAI-FAI** (in Cantonese): President, I speak to resolutely oppose committing the Medical Registration (Amendment) Bill 2016 (the Bill) to a select committee. President, I resolutely oppose this motion because at this stage, we should no longer be sidetracked and the dispute should be settled once and for all.
In fact, we all understand that the current session will prorogued when prorogue at Friday midnight. It is simply unfeasible to set up a select committee. This is simply a decision to filibuster. Thus, I resolutely oppose the motion.

President, if the Bill cannot be passed, it can be said that the long-awaited reform of the Medical Council of Hong Kong (MCHK) will come to a halt. This is not the situation we would like to see. Moreover, the doctor-patient relationship will also be torn apart further. I believe the professional image of doctors will thus be damaged, and there will be far-reaching implications as well. Therefore, I resolutely oppose committing the Bill to a select committee. We should follow the normal procedure to proceed to the Third Reading debate.

Certainly, Chief Secretary Carrie LAM once firmly said that the Government would not revise, withdraw or reschedule the agenda items in connection with the Bill. However, the Government should make a correct assessment of the situation, know when to advance and retreat, and adopt a carrot and stick approach by, in the light of the present situation, making a political compromise or concession to reschedule the agenda items, so that the Private Columbaria Bill and the Fire Services (Amendment) Bill 2015 can be passed. I will not oppose such a change, but will even support it. However, whether the Government will accept good advice, assess correctly the present situation and strike a right balance is a matter to be decided by the Government. In any case, I will support whatever decision the Government makes.

Just now I listened to the speech of Mr Alvin YEUNG, a "parliamentary star" who has recently joined the Council. He agreed to commit the Bill to a select committee, yet I found him suffering from mental disorder and his reasoning is illogical. I am not sure whether his pupil master is Mr Alan LEONG or Mr Ronny TONG; yet no matter who the pupil master is, I realize that good teachers do not necessarily make brilliant students. Sometimes great masters might nurture some low-level lawmakers. I am confused by Mr Alvin YEUNG's speech delivered just now. He put all the blame on LEUNG Chun-ying for taking forward the Bill, criticizing him for treating the public as enemies, abusing power and wanting to plunge Hong Kong into chaos. Mr YEUNG even associated the LEE Po incident with the recent case concerning the "number-one woman" of the Independent Commission Against Corruption. I think he just takes advantage of this long-awaited Bill to wantonly criticize and insult the Chief Executive. In fact, we have to be careful with this kind of Members who make irresponsible remarks.
The lawyers whom I knew in the past would base their arguments on evidence. Nevertheless, just now the reasons given by Mr Alvin YEUNG to oppose the motion on committing the Bill to a select committee were totally groundless and without proof. They were sheer personal conjecture and projections, which were beyond my understanding. Mr YEUNG looks very upright and down-to-earth, he seems to be a reasonable man; yet there is a gap between his actual performance and my expectation. Nonetheless, these are his opinions after all. Just now, they even said during the Second Reading debate that they would bet on victory of host or guest, or a draw. Such a diversified voting practice is indeed eye-opening to me. Betting in an "all-inclusive" way is usually doomed to lose, right? Unless the match is called off, otherwise betting without a particular stance can never win.

President, the current term of the Council will soon prorogue. Indeed, I have not anticipated that Dr LEUNG Ka-lau would throw such a serious problem to us prior to his departure. He is simply setting fire on himself and on the Council. The Council has already been in a mess (I certainly should undertake my share of responsibility), yet with the fire burning, the Council business in the past two or three weeks has been totally paralysed. When I meet with my friends or other people, they would talk about the "rubbish Council", which makes me think that I work in the Tseung Kwan O Landfill and I discuss politics with a bunch of "rubbish". In my opinion, when "Ka-lau" wakes up and returns to the Legislative Council tomorrow, he should formally conduct a discussion. No matter he supports or opposes the Bill, he should engage in a heated debate on the Bill to convince others by reasoning. I hope that the passage of the Bill or otherwise will not deter the scrutiny of the next two bills, that is, the Private Columbaria Bill and the Fire Services (Amendment) Bill 2015.

I have known "Ka-lau" for eight years. His character has always been quite unique. However, I would not have anticipated that he would actually go to the extreme and resort to all means for his own interests. He always claims that he strives for professional autonomy, but actually, as many people have said, he simply ignores public interest. Dr LEUNG Ka-lau of this Council is a medical practitioner, and Dr Gabriel LEUNG is also a medical practitioner. But how come when Dr Gabriel LEUNG attended a television interview a few days ago, I found this doctor very rational and sensible, and he was willing to face the reality? He said that according to Article 142 of the Basic Law, professional autonomy shall be respected, but professional autonomy shall not override the general interest of the public. However, Dr LEUNG Ka-lau of this Council acts
just in the opposite way as he puts professional autonomy on top of the general interest. Therefore, sometimes Hong Kong people do not know which one of the two doctors is right.

Actually, the reform of the MCHK has been under dispute for many years. Since the reunification, there have been views on the frequent occurrence of medical incidents, as well as the many problems and loopholes regarding the handling and inquiry of complaints against medical incidents. People wish to implement a reform to help those in need and resolve cases of injustice. Dr LEUNG also knows that government officials have a greater say. If the Government wants to get something done, it has hundreds of justifications for taking actions, but if the Government does not want to get something done, it also has countless reasons for not taking action.

In the past, Donald TSANG Administration and even TUNG Chee-hwa Administration were precisely not willing to deal with the issue, therefore they had not taken any action during their terms of office. However, I must commend LEUNG Chun-ying in this case because he really shares the public's urgent concern. Knowing that there was a need to implement a reform, and hoping that the Government could be proactive, he — via the Secretary, of course — introduced the Bill with a view to carry out a reform.

Actually, I must treasure this benevolent measure of the current-term Government. If we do not treasure this benevolent measure but keep criticizing the Government for not acting and taking practical measure, or assuming that words said are actions taken, will that be right? I think such kind of criticism is not fair to the Government at all. Therefore, I earnestly hope that fellow colleagues would oppose the motion to commit the Bill to a select committee, because in case the motion is passed, then we have just done a childish thing together. Mr LAM Woon-kwong once said that if we acted irresponsibly and egoistically instead of giving due consideration to the overall situation, then it is childish. What does childish mean? It means a person having an immature mind who loves to make troubles out of nothing. Committing the Bill to a select committee is just much ado about nothing, because obviously we do not have time to proceed even if the motion is passed. Therefore, I hope we will not join doctor "Ka-lau" to act childishly.

President, the Government is also responsible for today's debate triggered off by the issue as the whole society is so torn apart and polarized. Let me tell Secretary Dr KO, under the current situation, all issues, be they related to
livelihood or economic matters, will be politicized. This is a fact, and no
government official can change or evade. The Secretary is a politically
appointed official, all issues, big or small, to be handled by him must be related to
political issues. If the Secretary has the wishful thinking of not politicizing
livelihood issues, he is just deceiving himself and others. This is simply a
fantasy which cannot be realized, and an idea detached from reality. Since the
Secretary is a politically appointed official, he has to deal with political issues.
How can he expect that things will not be politicized?

Today, this Bill on the reform of the MCHK actually has gradually
changed from a livelihood issue to a political one, and even became a political
dispute. Honestly, the success or failure of this legislative amendment exercise
not only affects the implementation of reform by the MCHK, but also the
credibility of the Government and its popularity rating. Moreover, it may even
affect the future re-appointment of the incumbent government officials, including
the Secretary himself, to continue serving the community. In fact, there are
far-reaching implications. Therefore, I really hope that the Government will,
like "Ka-lau", give some thought and assess the overall situation. Should hard
or soft tactics be adopted? Should the Government stand firm or should it
compromise? Should it take a step back or move forward? You have to
understand that this is the price we have to pay.

On the other hand, Secretary, this is probably the last time I have a
dialogue with you in this Chamber, I thus have some thoughts to share with you.
You always say that many people oppose you this time around, but they are
merely over anxious and their concerns are groundless. You thus do not want
such worries or doubts to be in control of the whole incident. Frankly speaking,
Secretary, worries do not necessarily have to be based on facts and evidence, and
proven by real cases. "He who does not consider worries in the future is soon in
trouble." For example, I am worried that I could not make money in the future,
or I am worried that I do not have a roof over my head in the future. Such
worries may not necessarily be proven by facts. In saying that I am worried
about not having a roof over my head in the future, do you want me to illustrate
why I cannot afford to buy a flat? You cannot ask for real cases as illustration.

What should the Secretary do as a government official? A Secretary has
to relieve people's worries. If members of the public are worried, you cannot
ask them to produce proofs to justify their concerns. Conversely, the Secretary
should analyse people's worries and offer a solution to ease their mind. This is
the responsibility of the Secretary. Regrettably, the Secretary always states that
he is very worried, sad and distressed, yet such emotions cannot solve the
problem. Surely, I understand that the Secretary has expressed his emotions. I also appreciate his concerns about the people. However, instead of wasting time on anxieties, worries and sorrows, the Secretary should spend more time approaching Dr LEUNG Ka-lau and other opponents, explaining to them in simple terms the detailed contents of the Bill. I will be even more worried if the Secretary does not do so, because in future, whenever any problem arises, be it related to livelihood or economic issue, people will adopt the mindset of merely expressing worries and concerns. Sometimes I also criticize the Financial Secretary because he often says that our economic prospect is worrisome. Nevertheless, he also has some merits. Sometimes he says that he will pay close attention to the development of events. Although no counter measures have been proposed to solve economic problems, at least the Financial Secretary said he would pay close attention instead of being worried.

Therefore, with two more days to go — there are still some 20 hours which are not insignificant — if the motion to commit the Bill to a select committee is negatived and the meeting formally proceeds to Committee stage tomorrow, I hope the Secretary can spare some time to sit down and negotiate with Dr LEUNG Ka-lau, the Member who sets fire everywhere. The Secretary should, firstly, ask him to stop setting fire, stop trying to abort the meeting, stop filibustering, and so on. Secondly, explain the core issues to him to make him understand that the Government has no intention to manipulate the MCHK. If he worries, dispel his doubts.

President, I so submit.

SUSPENSION OF MEETING

PRESIDENT (in Cantonese): Before I declare suspension of the meeting, I would like to remind Members that the Chief Executive's Question and Answer Session will take place from 9.30 am to 11 am tomorrow. After the Session ends, the meeting will resume at 12 pm to continue to deal with the remaining items on the Agenda for this meeting.

I now suspend the meeting.

Suspended accordingly at 7.57 pm.
WRITTEN ANSWER

Written answer by the Secretary for Commerce and Economic Development to Mr Vincent FANG's supplementary question to Question 5

As regards "Sharing of fruits of economic prosperity", the $1 billion Dedicated Fund on Branding, Upgrading and Domestic Sales (BUD Fund) was set up on 25 June 2012, with the aim of providing funding support to Hong Kong enterprises and non-profit-distributing organizations to assist enterprises in enhancing their competitiveness and furthering their business development in the Mainland. As at end-June 2016, 629 and 51 applications have been approved under the Enterprise Support Programme and the Organisation Support Programme of the BUD Fund respectively, with a total funding amount of about $400 million.

On the other hand, the SME Export Marketing Fund (EMF) and the SME Development Fund (SDF) were launched in December 2001. While the EMF provides financial assistance to small and medium enterprises (SMEs) for participation in export promotion activities, the SDF provides financial support to non-profit-distributing organizations to implement projects for enhancing the competitiveness of Hong Kong's SMEs in general or in specific sectors. In the 2015-2016 financial year, the Government further injected $1.5 billion into the above Funds and implemented enhancement measures to strengthen the support provided to SMEs. The total approved commitment of the two Funds is $5.25 billion at present. As at end-June 2016, 200 172 and 263 applications have been approved under the EMF and the SDF respectively, with the respective funding amounts of about $3.05 billion and $310 million.

With regard to assistance to enterprises in securing loans in the commercial lending market, the Government introduced the time-limited special concessionary measures under the SME Financing Guarantee Scheme (SFGS) operated by The Hong Kong Mortgage Corporation Limited (HKMC) in 2012. Effective from 31 May 2012, the special concessionary measures provide 80% loan guarantee at a concessionary fee rates, with the Government providing a total loan guarantee commitment of $100 billion. The special concessionary measures
were initially open to application for nine months until the end of February 2013. Subsequently, the application period of the special concessionary measures has been extended four times to the end of February 2017. As at end-June 2016, the HKMC has approved a total of 11,034 applications, involving a total loan amount of around $44.38 billion and a total guarantee amount of around $35.5 billion.

In addition to the time-limited special concessionary measures under the SFGS, SMEs may also secure loans in the commercial lending market under the regular SME Loan Guarantee Scheme (SGS) administered by the Trade and Industry Department. The SGS was launched in December 2001, and as at end-June 2016, 29,753 applications have been approved under the scheme, involving a loan amount of around $48.95 billion and a guarantee amount of around $23.33 billion. Both the SFGS and the SGS are open to application from various trades and industries. Loans guaranteed under these schemes can be used to cover the operating expenses of enterprises, such as rentals and staff costs.

The HKSAR Government will continue to closely monitor changes to the economic situation and review its measures to provide adequate support to enterprises. Thank you for your concern over the matter.
WRITTEN ANSWER

Written answer by the Secretary for Transport and Housing to Mr Michael TIEN's supplementary question to Question 6

As regards lighting, signing and guarding of road works, the number of prosecution made by the Police against the person responsible for road works who without reasonable excuse contravenes any of the provisions of, or any requirement under the relevant legislations from 2013 and 2016 (up to end June) is as follows:

<table>
<thead>
<tr>
<th>Year</th>
<th>Legislation</th>
<th>Number of prosecution</th>
<th>Cap. 374G Road Traffic (Traffic Control) Regulations</th>
<th>Cap. 374Q Road Traffic (Expressway) Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 (up to end June)</td>
<td></td>
<td>202</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>2015</td>
<td></td>
<td>380</td>
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<tr>
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<tr>
<td>2013</td>
<td></td>
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