

Legislative Council

Agenda

Wednesday 17 April at 11:00 am and
Thursday 18 April 2019 at 9:00 am

I. Papers to be laid on the Table of the Council

2 items of subsidiary legislation/instruments and 7 other papers to be laid on the Table of the Council are set out in **Appendix 1**

II. Questions

Members to ask 22 questions for written replies

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

III. Government Bills

First Reading and Second Reading (debate to be adjourned)

Occupational Retirement Schemes (Amendment) Bill 2019 : Secretary for Financial Services and the Treasury

Second Reading (debate to resume)

Appropriation Bill 2019 : Financial Secretary

Other attending public officers : Secretary for the Environment
Secretary for Innovation and Technology
Secretary for Home Affairs
Secretary for Financial Services and the Treasury
Secretary for Labour and Welfare
Secretary for the Civil Service

Other attending public officers (Cont'd)	: Secretary for Transport and Housing Secretary for Food and Health Secretary for Commerce and Economic Development Secretary for Development Secretary for Education Secretary for Constitutional and Mainland Affairs Under Secretary for the Environment Under Secretary for Education Under Secretary for Labour and Welfare Under Secretary for Commerce and Economic Development Under Secretary for Constitutional and Mainland Affairs Under Secretary for Food and Health Under Secretary for Financial Services and the Treasury Under Secretary for Transport and Housing
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IV. Members' Motions on Subsidiary Legislation/Instruments

Proposed resolution to extend the period for amending subsidiary legislation

1. Hon CHUNG Kwok-pan to move the motion in **Appendix 3**

Hon Starry LEE to move 5 motions in:

2. **Appendix 4**
3. **Appendix 5**
4. **Appendix 6**
5. **Appendix 7**
6. **Appendix 8**

Proposed resolution to amend subsidiary legislation

Public Health and Municipal Services (Fees) (Amendment) Regulation 2019 (L.N. 14/2019)

7. Dr Hon Helena WONG to move the motion in **Appendix 9** to amend L.N. 14/2019

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

(Debate and voting arrangements are set out in LC Paper No. CB(3) 545/18-19 issued on 15 April 2019)

Motion to take note of a report of the House Committee in relation to subsidiary legislation

8. Hon Starry LEE to move the motion in **Appendix 10**

Public officers to attend : Secretary for Financial Services and the Treasury
Under Secretary for Financial Services and the Treasury

(Debate arrangement is set out in LC Paper No. CB(3) 534/18-19 issued on 15 April 2019)

Clerk to the Legislative Council

Council meeting on 17 and 18 April 2019

Papers to be laid on the Table of the Council

Subsidiary legislation/instruments	Legal Notice No.
1. <u>Entertainment Special Effects (Fees) (Amendment) Regulation 2019</u>	58 of 2019
2. <u>Trade Descriptions Ordinance (Amendment of Schedule 1) Notice 2019</u>	59 of 2019

Other papers

3. Research Endowment Fund
Financial statements for the year ended 31 August 2018 (including Report of the Director of Audit)
 (to be presented by Secretary for Education)
4. Language Fund
Financial statements for the year ended 31 August 2018 (including Report of the Director of Audit)
 (to be presented by Secretary for Education)
5. Insurance Authority
Estimates of Income and Expenditure for 2019-20
 (to be presented by Secretary for Financial Services and the Treasury)
6. Employees Retraining Board
Annual Report 2017-18 (including Financial Statements and Independent Auditor's Report)
 (to be presented by Secretary for Labour and Welfare)
7. Report of changes made to the approved Estimates of Expenditure during the third quarter of 2018-19
Public Finance Ordinance : Section 8
 (to be presented by Secretary for Financial Services and the Treasury)
8. Report No. 72 of the Director of Audit on the results of value for money audits — April 2019
(to be presented by the President of the Legislative Council)
9. Report No. 15/18-19 of the House Committee on Consideration of Subsidiary Legislation and Other Instruments
 (to be presented by Hon Starry LEE, Chairman of the House Committee)

22 questions to be asked at the Council meeting on 17 and 18 April 2019

Questions for written replies		Subject matters	Public officers to reply
1	Hon Gary FAN	<u>Imposition of tourism taxes</u>	Secretary for Commerce and Economic Development
2	Hon Abraham SHEK	<u>Unsold units in completed private residential projects</u>	Secretary for Transport and Housing
3	Hon SHIU Ka-fai	<u>Raising the penalties under occupational safety and health legislation</u>	Secretary for Labour and Welfare
4	Hon WONG Ting-kwong	<u>Trade between Hong Kong and Taiwan</u>	Secretary for Commerce and Economic Development
5	Hon HUI Chi-fung	<u>Vehicle registration and licensing</u>	Secretary for Transport and Housing
6	Hon Michael TIEN	<u>Mental health of principals and teachers</u>	Secretary for Education
7	Dr Hon Fernando CHEUNG	<u>Default on payment of wages by works contractors of the Hong Kong Housing Authority</u>	Secretary for Transport and Housing
8	Hon MA Fung-kwok	<u>Lifeguards employed by the Leisure and Cultural Services Department</u>	Secretary for Home Affairs
9	Hon Kenneth LAU	<u>Performing first aid on persons suffering from sudden cardiac arrest</u>	Secretary for Security
10	Dr Hon Pierre CHAN	<u>Vaccination for children</u>	Secretary for Food and Health
11	Hon Mrs Regina IP	<u>Statistics on the services of public hospitals</u>	Secretary for Food and Health
12	Hon HO Kai-ming	<u>Offering index funds as investment choices for Mandatory Provident Fund scheme members</u>	Secretary for Financial Services and the Treasury
13	Hon Jeremy TAM	<u>Circulation and supply of as well as demand for public niches</u>	Secretary for Food and Health
14	Hon Dennis KWOK	<u>Introduction of a mechanism for class actions</u>	Secretary for Justice
15	Hon Charles Peter MOK	<u>Implementation of the Electronic Identity System</u>	Secretary for Innovation and Technology
16	Hon Paul TSE	<u>Encourage saving up for retirement</u>	Secretary for Financial Services and the Treasury
17	Hon Holden CHOW	<u>Implementation of Railway Development Strategy 2014</u>	Secretary for Transport and Housing
18	Dr Hon Elizabeth QUAT	<u>Microplastics and waste plastics causing environmental problems</u>	Secretary for the Environment
19	Hon Kenneth LEUNG	<u>Regulation of money lenders</u>	Secretary for Financial Services and the Treasury
20	Hon WU Chi-wai	<u>Waiting time for the services of specialist outpatient clinics and ambulatory diagnostic services in public hospitals</u>	Secretary for Food and Health
21	Hon Andrew WAN	<u>Issuance of full Hong Kong driving licences and International Driving Permits</u>	Secretary for Transport and Housing
22	Hon Jimmy NG	<u>Mandatory Provident Fund scheme members consolidating their accounts</u>	Secretary for Financial Services and the Treasury

Question 1
(For written reply)

(Translation)

Imposition of tourism taxes

Hon Gary FAN to ask:

It has been reported that in recent years, quite a number of countries and cities (e.g. Japan, Venice in Italy, Edinburgh in Scotland and Queenstown in New Zealand) have introduced or planned to introduce various kinds of tourism taxes (e.g. departure tax and entry tax on same-day visitors) to cope with the problem of too many visitors and use the revenue generated therefrom to enhance the local environment. The Secretary for Social Affairs and Culture of Macao has indicated recently that the Macao Government is open-minded about introducing a tourism tax and will proceed to study this subject. Some members of the public have pointed out that the continuous rise in the number of visitor arrivals to Hong Kong (with the number of arrivals last year exceeding 65 million) has caused nuisances to their daily lives and overloaded the various tourism and infrastructure facilities. In this connection, will the Government inform this Council:

- (1) of the number of reports received by the Government in each of the past five years on the wear and tear of the various tourism and infrastructure facilities caused by the reception of too many visitors, and the public expenditure incurred on the repair and maintenance of such facilities;
- (2) as it has been over five years since the completion in 2013 of the Assessment Report on Hong Kong's Capacity to Receive Tourists, whether the Government will conduct afresh an assessment of Hong Kong's capacity to receive visitors (including conducting public consultation and studying the imposition of a ceiling on the number of visitors to Hong Kong); if so, of the details; if not, the reasons for that;
- (3) whether it will resume the imposition of the Hotel Accommodation Tax under the Hotel Accommodation Tax Ordinance (Cap. 348) to curb the excessive growth in the number of visitors to Hong Kong; if so, of the details; if not, the reasons for that; and
- (4) as same-day and overnight visitors alike use local resources provided for receiving visitors but the per capita spending of the former is far lower than that of the latter, whether the Government will study the imposition of an entry tax on same-day visitors and use the revenue generated therefrom to meet the expenditure on

cleaning, repair and enhancement of local tourism and infrastructure facilities; if so, of the details; if not, the reasons for that?

Question 2
(For written reply)

Unsold units in completed private residential projects

Hon Abraham SHEK to ask:

According to the information of the Transport and Housing Bureau, as at December last year, there were about 9 000 unsold units in the private residential projects which were completed in or after 2011 and had been issued with an occupation permit. In this connection, will the Government inform this Council:

- (1) among such units, of the respective numbers of those which, as at December last year,
 - (i) were in projects which had not been issued with a Certificate of Compliance nor a Consent to Assign,
 - (ii) remained unsold although they had already been put up for sale in accordance with the relevant requirements of the Residential Properties (First-hand Sales) Ordinance (Cap. 621), and
 - (iii) were rented out (e.g. as serviced apartments), or for self-use by the developer concerned; and
- (2) if the figures in (1) are unavailable, whether it will consider collecting them; if not, of the reasons for that?

Question 3
(For written reply)

(Translation)

Raising the penalties under occupational safety and health legislation

Hon SHIU Ka-fai to ask:

Last month, the Government submitted to the Panel on Manpower of this Council preliminary proposals to amend the occupational safety and health (“OSH”) legislation for raising the penalties for employers/proprietors/occupiers of premises who have breached the legislation (“proposed legislative amendments”). In this connection, will the Government inform this Council:

- (1) as the Government considers that the actual sentences imposed by the courts on persons breaching OSH legislation are on the low side (e.g. regarding the fatal industrial accidents in the construction industry in 2018, the average fine for each summons was only about \$27,000), whether it has examined the reasons for the court to impose sentences that were on the low side, and whether the relevant sentences reflected the level of the legal liability which the employers had to bear;
- (2) regarding those cases in which the sentences were on the low side, whether it has sought a review of the sentence by the court or appealed against the sentence; if so, of the details; if not, the reasons for that;
- (3) of the respective numbers of prosecutions and convictions in each of the past five years which involved employees’ breaches of OSH legislation, with a breakdown by nature of offence; whether it has assessed if the sentences imposed by the court on the convicted employees were on the low side; if it has, of the details; if it has not, the reasons for that;
- (4) given that the industrial accident rate in Hong Kong dropped from 64.7 in every 1 000 workers in 1998 to 17.2 in every 1 000 workers in 2017, whether it knows how such accident rates compared with the corresponding rates in other advanced economies (including the United States, Singapore, Australia, New Zealand and Ontario Province of Canada) in the same period;
- (5) given that for prosecutions taken out as “summary offences”, the Government has proposed to extend the time-bar for issuing summonses from six months to one year, whether it has assessed the impacts of extending the time-bar for taking out prosecutions on

the retention of evidence as well as on the legal rights and interests of the defendants; if so, of the details; if not, the reasons for that;

- (6) given that the Government has proposed to raise the maximum fines for extremely serious cases to 10% of the convicted entities' turnover or \$6 million (whichever is the greater), whether the Government has assessed the impacts of the proposal, once implemented, on the operation and business environment of small and medium enterprises, as well as whether the proposed penalty level is proportionate to the severity of the offence; if it has assessed, of the details; if it has not, the reasons for that;
- (7) as the Government has indicated that it had consulted six major chambers of commerce on the proposed legislative amendments, of the names of those six major chambers of commerce and their respective stances on such proposals, together with a list of other organizations and individuals that were consulted; and
- (8) given that the proposed legislative amendments, once implemented, will affect the business environment of a number of industries (including construction, food and beverage services, storage, ports, transportation, cleansing, etc.), why the Government has not comprehensively consulted the public prior to putting forward the proposals; whether it will comprehensively consult the stakeholders of various industries prior to taking forward such proposals; if so, of the details; if not, the reasons for that?

Question 4
(For written reply)

(Translation)

Trade between Hong Kong and Taiwan

Hon WONG Ting-kwong to ask:

The Mayor of Kaohsiung City, Taiwan led an economic and trade mission to visit Hong Kong last month to promote the agricultural and fisheries products of Kaohsiung and witness the signing of cooperation agreements between the chambers of commerce of the two places. The Chief Executive has indicated that she welcomes more high-quality agricultural and fisheries products from Kaohsiung to be imported to or re-exported via Hong Kong. She looks forward to further promoting exchanges between Hong Kong and Taiwan as well as developing more room for cooperation. In addition, the Financial Secretary has pointed out that the bilateral trade between Hong Kong and Taiwan grew persistently in each of the past five years, and that there is huge room for further development. In this connection, will the Government inform this Council:

- (1) of the respective total values of the imports and exports between Hong Kong and Taiwan in each of the past three years and the major types of goods involved respectively;
- (2) of the details of the work of the Commerce and Economic Development Bureau, Invest Hong Kong, the Hong Kong Economic, Trade and Cultural Office in Taiwan and the Hong Kong Trade Development Council in the past three years in promoting trade and investment between Hong Kong and Taiwan, together with the amounts of expenditure involved; whether such bodies will take new initiatives in the coming three years to promote further development of trade between Hong Kong and Taiwan; if so, of the details; if not, the reasons for that; and
- (3) whether it will encourage chambers of commerce and organizations in the community to organize more activities to enhance economic and trade exchanges between Hong Kong and Taiwan; if so, of the details; if not, the reasons for that?

Question 5
(For written reply)

(Translation)

Vehicle registration and licensing

Hon HUI Chi-fung to ask:

The requirements for the registration of pure electric vehicles and plug-in hybrid electric vehicles (“new energy vehicles”) include that the applicants must prove that the vehicles concerned are fully compliant with the emission standards specified in the relevant regulations. Some vehicle owners have relayed that in the course of importing certain models of new energy vehicles, they were unable to (i) obtain documents issued by the vehicle manufacturers concerned as proof of emission compliance, nor (ii) find an approved test laboratory in Hong Kong to conduct exhaust emission tests, rendering the vehicles concerned unable to be registered. Regarding vehicle registration and licensing, will the Government inform this Council:

- (1) of the respective numbers of enquiries and requests for assistance about the aforesaid situation received by the Government in each of the past five years;
- (2) whether it will examine (i) lowering the exhaust emission standards with which new energy vehicles are required to comply and (ii) exempting applicants from producing documentary proof issued by vehicle manufacturers; if so, of the details; if not, the reasons for that;
- (3) of the number of vehicles in each of the past five years that the Commissioner for Transport (“the Commissioner”) refused to register on the grounds that the vehicles’ exhaust emission performance had failed to comply with the specified emission standards, with a breakdown by the type of energy (such as pure electric and hybrid) used by such vehicles;
- (4) of the number of vehicles in each of the past five years that the Commissioner refused, by invoking section 24(1)(c) of the Road Traffic Ordinance (Cap. 374), to register on the grounds that the vehicles were not roadworthy, with a breakdown by (i) the class to which such vehicles belonged and (ii) the type of energy used by them;
- (5) given that section 24(2) of Cap. 374 provides that “[t]he Commissioner may refuse to register a motor vehicle in the class specified in the application for its registration if he considers that by reason of its design or construction or otherwise the vehicle is not

suitable for registration in that class”, of the number of vehicles in each of the past five years that the Commissioner refused, by invoking the section, to register in the relevant class, with a breakdown by (i) the class to which such vehicles belonged and (ii) the type of energy used by them;

- (6) of the respective numbers of vehicles in each of the past five years that the Commissioner (i) refused to license and (ii) cancelled the licence, by invoking section 25(1) of Cap. 374, with a breakdown by (a) the brand of such vehicles, (b) the class to which they belonged and (c) the type of energy used by them;
- (7) of the number of electric mobility devices in each of the past five years that the Commissioner refused to register, with a breakdown by the type (e.g. mini-motor cycles, electric bicycles, electric scooters and electric unicycles) to which such devices belonged; and
- (8) of the respective numbers of (i) brand new and (ii) used private vehicles (including new energy vehicles) imported in each of the past five years?

Question 6
(For written reply)

(Translation)

Mental health of principals and teachers

Hon Michael TIEN to ask:

It has been reported that an incident of a primary school teacher committing suicide on the school campus last month has aroused public concern about the work pressure on teachers and the psychological counselling services they receive. On the other hand, the results of the Teachers' Work Stress Survey conducted by the Hong Kong Professional Teachers' Union last year showed that close to 30% of the teacher respondents had depression symptoms. Although the Government will, starting from September this year, implement the measure of two school social workers for each school in more than 460 secondary schools in Hong Kong, the measure of one school social worker for each school in primary schools has remained, and the major service targets of the school social workers are students instead of teachers. In this connection, will the Government inform this Council:

- (1) whether it knows the respective numbers of cases in the past five years in which school social workers provided psychological counselling services to primary and secondary school teachers, and the mechanism under which school social workers handled cases of teachers in need of professional psychological counselling services;
- (2) apart from setting up the Teachers' Helpline and organizing stress management courses, of the measures that the Education Bureau has put in place to (i) support principals and teachers in coping with work pressure and (ii) promote their mental health; and
- (3) of the latest progress of the implementation of the measure of two school social workers for each school in secondary schools; whether it will provide more resources to strengthen the provision of psychological counselling services by school social workers to principals and teachers?

Question 7
(For written reply)

(Translation)

Default on payment of wages by works contractors
of the Hong Kong Housing Authority

Dr Hon Fernando CHEUNG to ask:

It has been reported that earlier, a number of construction workers engaged in the construction of Ying Tung Estate in Tung Chung lodged complaints, alleging that Hsin Chong Construction Company Limited (“HCCCL”) had failed to pay their wages for the months from October last year to January this year, involving a total amount of around \$1.5 million. They said that as the Hong Kong Housing Authority (“HA”) had learnt about the wage default in August last year but still allowed HCCCL to continue with the works, it should be culpable for the problem of wage default. HA has indicated that as the proceedings on winding-up of HCCCL has commenced and provisional liquidators have been appointed, HA may contravene the legislation related to winding-up if it pays the outstanding wages on behalf of HCCCL. In this connection, will the Government inform this Council:

- (1) whether HA, being the owner of Ying Tung Estate, will pay the outstanding wages on behalf of HCCCL, its contractor; if HA will, of the details; if not, the reasons for that;
- (2) of the reasons why HA did not pay the outstanding wages on behalf of HCCCL during the period from its learning about the wage default last year to the time before the proceedings on winding-up of HCCCL commenced;
- (3) whether the contract for the construction of Ying Tung Estate signed between HA and HCCCL has stipulated that the former may pay outstanding wages on behalf of the latter; if so, of the details; if not, the reasons for that;
- (4) of the measures HA has put in place to protect the rights and interests of the workers concerned upon learning about the aforesaid wage default;
- (5) of the details of HA’s mechanism for handling contractors defaulting on payment of workers’ wages; whether HA will review such mechanism in the light of this incident; and
- (6) whether it has reviewed the effectiveness of the existing (i) eligibility criteria laid down by HA for contractors bidding for works projects, (ii) criteria adopted by HA for assessing works

tender submissions, and (iii) mechanisms established by HA for monitoring contractors' performance and terminating their contracts, in preventing the occurrence of incidents of contractors defaulting on payment of workers' wages; whether it will conduct a review on such matters in the light of the aforesaid incident?

Question 8
(For written reply)

(Translation)

Lifeguards employed by the Leisure and Cultural Services Department

Hon MA Fung-kwok to ask:

Regarding civil service lifeguards and non-civil service contract seasonal lifeguards employed by the Leisure and Cultural Services Department (“LCSD”), will the Government inform this Council:

- (1) of the respective (i) staffing establishments, (ii) strengths and (iii) vacancy rates of the two types of lifeguards in each of the past two years, with a breakdown by the District Council district to which the public swimming pool complexes/beaches that they were stationed belong, as well as by peak and non-peak season;
- (2) in respect of the public swimming pool complexes and beaches under LCSD, of the respective numbers of days in each of the past two years on which they (i) were partially closed and (ii) were completely closed/had lifeguard services suspended, due to an insufficient number of lifeguards on duty, with a breakdown by the cause for the insufficient number of lifeguards on duty (e.g. quite a number of lifeguards taking sick leave or industrial actions);
- (3) as some lifeguards have relayed that they have been assigned to carry out tasks unspecified in their terms of employment, e.g. handling oil spills and carrying out scuba diving rescue and search operations, whether LCSD will, when conducting recruitment exercises in future, consider specifying in detail in the terms of employment the duties of lifeguards (including whether they are required to carry out the two tasks);
- (4) whether LCSD will require that all lifeguards must complete the following training courses: (i) the course on advanced skills of skin diving rescue under the induction training programme (with the requirement of passing a five-metre depth diving test), and (ii) the in-service training course on scuba diving rescue which is currently provided only to civil service lifeguards; if so, of the details; if not, the reasons for that; and
- (5) as a seasonal lifeguard who had not possessed a recognized diving qualification was drowned in September last year while undertaking a diving task, whether LCSD will review the arrangements for lifeguards to carry out diving tasks, and formulate relevant work guidelines (including the requirement for conducting regular drills

and the procedure for carrying out diving rescue and search operations); if so, of the details; if not, the reasons for that?

Question 9
(For written reply)

(Translation)

Performing first aid on persons suffering from sudden cardiac arrest

Hon Kenneth LAU to ask:

Some villagers have relayed to me that as the response time of emergency ambulance service for many remote villages is quite long, persons suffering from sudden cardiac arrest may die as a result of not receiving treatment in time. They have therefore proposed that the Government should install automated external defibrillators (“AEDs”) in the village offices of such villages so that timely first aid may be performed on such persons in the hope that they will stand a better chance of survival. In this connection, will the Government inform this Council:

- (1) whether it has installed AEDs in the village offices of villages and at hiking trails; if so, of the addresses and the total number of such locations; if not, the reasons for that;
- (2) whether the Fire Services Department (“FSD”) will organize community AED and cardiopulmonary resuscitation (“CPR”) educational lectures in rural areas to enable villagers to acquire the relevant knowledge; if so, of the details; if not, the reasons for that;
- (3) whether it will collect and disseminate to villagers the contact information of residents in the vicinity of the various remote villages who have received first aid training, so that villagers may contact such persons for performing first aid on persons suffering from sudden cardiac arrest before the arrival of ambulance personnel; if so, of the details; if not, the reasons for that; and
- (4) while FSD has recently been, through the virtual character known as “Anyone”, promoting to members of the public CPR and the applications of AEDs as well as publicizing the message that “anyone can save lives”, there is currently no legislation exempting rescuers from the legal liabilities that might be incurred in performing first aid, whether the Government will consider afresh enacting the relevant legislation to allay the concerns of rescuers?

Question 10
(For written reply)

(Translation)

Vaccination for children

Dr Hon Pierre CHAN to ask:

Under the Hong Kong Childhood Immunisation Programme (“HKCIP”), children from birth to Primary Six should receive vaccines and boosters for 11 infectious diseases. Regarding vaccination for children, will the Government inform this Council:

- (1) as some private doctors administer to children vaccines that are not included in HKCIP, such as influenza vaccine, Haemophilus influenzae type b vaccine, hepatitis A vaccine, Japanese encephalitis vaccine, rotavirus vaccine and some combined vaccines which contain a combination of various vaccine components, whether the Government will consider including some of those vaccines in HKCIP; if so, of the vaccines to be included and the implementation details; if not, the reasons for that;
- (2) of the respective numbers of doses of vaccines administered in each of the past five years under HKCIP to (i) newborn babies by public hospitals, (ii) newborn babies by private hospitals, (iii) pre-school children by the Maternal and Child Health Centres of the Department of Health (“DH”), and (iv) primary school children at schools by DH’s outreaching School Immunisation Team, with a tabulated breakdown by the infectious disease concerned;
- (3) of the respective vaccination coverage rates among (i) pre-school children and (ii) primary school children in each of the past five years;
- (4) of the number of children in each of the past five years who received free seasonal influenza vaccination under the Government Vaccination Programme; and
- (5) of the numbers of doses of vaccines (i) procured for HKCIP, (ii) discarded due to expiry or damage and (iii) kept in stock, in each of the past five years by DH and the Hospital Authority respectively?

Question 11
(For written reply)

(Translation)

Statistics on the services of public hospitals

Hon Mrs Regina IP to ask:

Regarding the statistics on the services of public hospitals, will the Government inform this Council if it knows:

- (1) the respective numbers of (i) inpatient discharges or deaths, (ii) day inpatient discharges or deaths and (iii) specialist outpatient attendances, in each of the past five years, with a tabulated breakdown by (a) clinical department, (b) gender of the patients and (c) the age group to which the patients belonged;
- (2) the respective numbers and percentages of those people who had settled in Hong Kong for less than seven years among the patients counted in the statistics in (1); if the Hospital Authority (“HA”) is unable to provide such information, the reasons for that, and whether HA will start collecting such information; and
- (3) the respective numbers and percentages of those people who were non-eligible persons among the patients counted in the statistics in (1)?

Question 12
(For written reply)

(Translation)

Offering index funds as investment choices for
Mandatory Provident Fund scheme members

Hon HO Kai-ming to ask:

There are views that as equity funds which track the performance of the reference indices (“index funds”) are passively managed funds, they generally charge lower management fees. As such, Mandatory Provident Fund (“MPF”) trustees should offer more index funds as investment choices for MPF scheme members. In this connection, will the Government inform this Council:

- (1) whether it knows the number of index funds available under each registered MPF scheme in each of the past three years, and the most recent fund expense ratio as well as the annualized rates of return (i.e. one year, three years, five years and 10 years) of each index fund; and
- (2) whether it will take measures to push MPF trustees to offer more index funds as investment choices for MPF scheme members, in the hope that fund management fees may be reduced through market competition; if so, of the details?

Question 13
(For written reply)

(Translation)

Circulation and supply of as well as demand for public niches

Hon Jeremy TAM to ask:

To enhance the circulation of niches, the Government has introduced legislative amendments to a piece of subsidiary legislation (which will be in operation with effect from 26 April this year) to implement an extendable arrangement for public niche allocation. Under that arrangement, the initial deposit period for ashes in niches is 20 years, which upon expiry may be extended for 10 years each time on application and payment of the prevailing prescribed fees. The Food and Environmental Hygiene Department will remove ashes from those niches whose deposit period has not been extended upon expiry. Quite a number of members of the public have expressed to me their concern over the arrangement. Some elderly people living alone have remarked that they are deeply upset that as they have no descendants to apply for extension of the deposit period for their niches, their ashes will be removed after 20 years. Regarding the circulation and supply of as well as demand for public niches, will the Government inform this Council:

- (1) whether the Government will suspend the implementation of the extendable arrangement for niche allocation and comprehensively consult the public and relevant stakeholders (including elderly centres, elderly care homes and relevant non-governmental organizations (“NGOs”)) on the arrangement, and make a further decision in the light of the consultation outcome; if so, of the details; if not, the reasons for that;
- (2) as the Government has indicated that some NGOs provide assistance to members of the public in need in applying for public niches or extension of the deposit period, of the names of such NGOs and the details of such assistance;
- (3) given that some elderly people have no descendants or relatives to apply for the extension of the deposit period for their niches, whether the Government will exercise discretion to waive the requirement that the deposit period for niches must be extended every 10 years; if so, of the details; if not, the reasons for that;
- (4) of the number of public niches to be provided by the Government in the coming 10 years, as well as their respective commissioning dates and locations, together with a breakdown by District Council district;

- (5) whether the Government will, in constructing new public columbaria, adopt designs that can accommodate more niches, so as to increase the supply of public niches; if so, of the details; if not, the reasons for that; and
- (6) how the Government will, in the coming three years, step up efforts in promoting green burial so as to change the traditional public concept of burial bringing peace to the deceased, thereby reducing the demand for niches?

Question 14
(For written reply)

(Translation)

Introduction of a mechanism for class actions

Hon Dennis KWOK to ask:

Since 30 April last year, the Listing Rules permit emerging and innovative companies with weighted voting right structures to apply for listing on the Main Board of Hong Kong. Some members of the securities industry have pointed out that given the absence of a class action regime in Hong Kong at present, the interests of the minority shareholders of such type of companies may not be adequately protected. On the other hand, The Law Reform Commission of Hong Kong (“LRC”) published in May 2012 a Report on Class Actions (“Report”), recommending the introduction, under an incremental approach, of a class action regime in Hong Kong. The Department of Justice has established a cross-sector working group (“working group”) to study and consider the recommendations made in the Report. In this connection, will the Government inform this Council:

- (1) of the work progress of the working group in studying and considering the recommendations made in the Report;
- (2) as LRC has put forward in the Report that (i) a comprehensive regime for class actions should be established, and (ii) the scope of a class action regime may start with consumer cases and may be extended to other cases in the light of the experience gained, whether the Government will introduce a class action regime along these two directions; if so, of the details and timetable; if not, the reasons for that; and
- (3) whether it will, by following the practices of certain countries (such as the United States), introduce a class action regime for cases involving listed companies, so as to protect the interests of the minority shareholders; if so, of the details and timetable; if not, the reasons for that?

Question 15
(For written reply)

(Translation)

Implementation of the Electronic Identity System

Hon Charles Peter MOK to ask:

The Government will launch the Electronic Identity (“eID”) system in 2020. Gradually, as many as 100 public services will make use of the biometric authentication technologies (including facial recognition, fingerprint identification, iris recognition and voiceprint recognition) of the eID system to authenticate the identity of service users. On the other hand, the Government awarded service contracts for the implementation of as well as support and maintenance for the eID system to three contractors in February this year. The offices of two of the contractors are located in Shenzhen. In this connection, will the Government inform this Council:

- (1) of the respective weightings for the price and technical aspects in the score for the tendering exercise for the eID system; as the system involves the handling of a huge quantity of personal data of members of the public, whether the Government attached more importance to the bidders’ information security technology capabilities and track records when determining their technical scores;
- (2) of the following information on the service contracts for the eID system:
 - (i) the specific division of duties among the three contractors, and the timetable for the various items of work during the contract period which lasts for eight and a half years,
 - (ii) whether it has been stipulated that all development, testing and maintenance work must be carried out within the territory of Hong Kong; if not, whether it knows the place(s) where the relevant work will be carried out, and
 - (iii) whether it has required the contractors to engage, at various stages of the system, independent consultants to conduct information security audits on the programme codes of the system to ensure that the system does not contain any backdoors or security loopholes;
- (3) whether it knows if the three contractors will subcontract the relevant work; if they will, (i) whether the subcontractors are companies registered in Hong Kong and what track records in related businesses they have, and (ii) the measures in place to

ensure that the personal data of members of the public will not be transmitted to places outside Hong Kong;

- (4) of the following information on the facial recognition data, other biometric authentication data and other personal data handled or collected by the eID system respectively (a) during the development and (b) after the coming into service of the system:
 - (i) the respective locations of the servers at which the various sets of data are stored (i.e. government data centres, offices of the contractors or other premises, and whether those places are situated within the territory of Hong Kong),
 - (ii) the data encryption standards to be adopted,
 - (iii) the information security precautions in place to prevent data from being intercepted or altered in the course of transmission,
 - (iv) the authority of and restrictions on the access to personal data by government officers and staff of the contractors, and
 - (v) the security mechanism for preventing unauthorized access to personal data (including prescribing the authority of and restrictions on the access to personal data by the development and maintenance staff);
- (5) whether the various sets of data mentioned in (4) will be used for other purposes; if so,
 - (i) of the government departments or public organizations which will use the data and what such uses are,
 - (ii) of the personnel who will have the authority to access the relevant data,
 - (iii) of the means of obtaining the data (such as being permitted to login the eID system or provided with a copy of the data), and
 - (iv) of the measures in place to ensure that government departments or public organizations will take sufficient information security precautions to prevent data from being intercepted or altered in the course of transmission; and
- (6) whether, in developing the eID system, the Office of the Government Chief Information Officer has (i) consulted the Privacy Commissioner for Personal Data, and (ii) engaged an independent third party to assess the information security risks and privacy implications; if so, of the details, and whether the relevant view(s) and assessment report(s) will be made public?

Question 16
(For written reply)

(Translation)

Encourage saving up for retirement

Hon Paul TSE to ask:

By offering tax concessions as an incentive, the Government implements the Mandatory Provident Fund (“MPF”) voluntary contribution regime. Yet, there are comments that the regime has much room for improvement. On enabling members of the public to effectively achieve tax savings and enhancing the attractiveness of the regime to members of the public, will the Government inform this Council:

- (1) whether it will set up a department dedicated to providing services for MPF contributors (“contributors”), which will offer only exchange traded funds (e.g. index funds such as the Tracker Fund of Hong Kong (“TraHK”) and Hang Seng FTSE China 50 Index ETF) plus money market funds as investment options to contributors, so as to provide contributors with an MPF investment option which is relatively safe and charges low management fees; if so, of the details; if not, the reasons for that; and
- (2) whether it will allow, subject to a tax deduction cap of \$60,000, contributors to purchase by themselves from stock markets, without involving their MPF trustees, index funds (such as TraHK) which charge low management fees, and then inject such funds into their MPF schemes’ accounts, so as to ameliorate the situation of management fees persistently nibbling away at contributions and to increase the incentive for making voluntary contributions?

Question 17
(For written reply)

(Translation)

Implementation of Railway Development Strategy 2014

Hon Holden CHOW to ask:

The Government recommended in the Railway Development Strategy 2014 that seven new railway projects, namely the Northern Link and Kwu Tung Station, Tuen Mun South Extension, East Kowloon Line, Tung Chung West Extension, Hung Shui Kiu Station, South Island Line (West) and North Island Line, be implemented in or before 2026. In this connection, will the Government inform this Council:

- (1) of the following updated information on the aforesaid new railway projects: (i) alignment, (ii) station locations, (iii) public consultation progress and (iv) works schedule;
- (2) of the time generally needed for the various major items of work during the period between the Government inviting the MTR Corporation Limited (“MTRCL”) to submit proposals for the aforesaid railway projects and the commissioning of the railways concerned;
- (3) as the Government indicated in reply to my question on 28 November last year that MTRCL had submitted to the Government a proposal for the Tung Chung Line Extension (including Tung Chung West Extension and Tung Chung East Station) railway project, and that the relevant bureaux and government departments were reviewing the content of the proposal, of the progress of the review; and
- (4) of the new measures that the Government will implement, prior to the commissioning of the Tung Chung West Extension, to alleviate the increasingly serious traffic congestion problem in Tung Chung?

Question 18
(For written reply)

(Translation)

Microplastics and waste plastics causing environmental problems

Dr Hon Elizabeth QUAT to ask:

Recently, some university researchers tested 18 oyster samples taken from various markets and farms, the results of which showed that all the samples contained microplastics. On the other hand, the quantity of plastic bags disposed of at landfills in recent years has shown a rising trend. In this connection, will the Government inform this Council:

- (1) given that the Environmental Protection Department commenced a one-year consultancy study in April last year to study the impacts of microplastics on the environment and regulatory proposals in this respect, when the outcome of the study will be published;
- (2) whether it will step up promotional efforts to encourage the public to avoid buying and using products containing microplastics (e.g. personal care products) so as to reduce the pollution caused to the ocean by microplastics; if so, of the details; if not, the reasons for that;
- (3) whether it will consider enacting legislation to ban the sale of products containing microplastics in Hong Kong; if so, of the details; if not, the reasons for that;
- (4) given that the Water Supplies Department has not conducted any regular monitoring and tests of microplastics at reservoirs or water gathering grounds for the reason that there is currently no internationally standardized method for testing the concentration of microplastics in samples of fresh water, whether the Government will invite local science and research institutions to develop a set of locally standardized methods for testing microplastics; if so, of the details; if not, the reasons for that;
- (5) whether it has formulated (i) targets for gradually reducing the quantity of waste plastics disposed of at landfills and (ii) a timetable for implementing such targets; if so, of the details; if not, the reasons for that;
- (6) whether it will be more proactive in encouraging business operators and members of the public to give up using plastic bags and excessively packaged products; if so, of the details; if not, the reasons for that; and
- (7) as it has been reported that currently quite a number of business operators still provide free plastic bags to customers in

contravention of the law, whether the Government will step up the relevant law enforcement efforts; if so, of the details; if not, the reasons for that?

Question 19
(For written reply)

(Translation)

Regulation of money lenders

Hon Kenneth LEUNG to ask:

According to the Money Lenders Ordinance (Cap. 163), no person shall carry on business as a money lender without a licence, except the persons specified in Part 1 of Schedule 1 (e.g. a bank) and the persons who make a loan as specified in Part 2 of Schedule 1. On regulating money lenders, will the Government inform this Council:

- (1) of the number of licensed money lenders in each of the past five years, with a breakdown by type of business (e.g. vehicle financing and corporate/business lending); if such a breakdown is not available, of the reasons for that;
- (2) as it is stipulated in section 24 of Cap. 163 that no person shall lend money at an effective rate of interest which exceeds 60% per annum, whether the Government has studied if there is any room for adjusting downward the interest rate ceiling; if it has studied and the outcome is in the affirmative, of the details; if the study outcome is in the negative, the reasons for that;
- (3) whether it will set up an independent institution to regulate money lenders and regulate money lenders on an ongoing basis under a risk-based approach; if so, of the details; if not, the reasons for that; and
- (4) whether it will tighten the licensing conditions for money lenders to require that money lenders must, before approving a personal loan, conduct a test on the repayment ability of the loan applicant, so as to reduce the risk of over-borrowing on the part of the borrower; if so, of the details; if not, the reasons for that?

Question 20
(For written reply)

(Translation)

Waiting time for the services of specialist outpatient clinics and
ambulatory diagnostic services in public hospitals

Hon WU Chi-wai to ask:

Since 2015, the Hospital Authority (“HA”) has been making public the waiting time for the services of the specialist outpatient clinics (“SOPCs”) under eight specialties under the various hospital clusters, to enable patients of new cases to decide on their own whether to make cross-cluster bookings for SOPC services. The arrangement aims at narrowing the variance in SOPC waiting time among different clusters and shortening patients’ waiting time. Regarding the waiting time for SOPC services under the eight specialties and the ambulatory diagnostic services in public hospitals, will the Government inform this Council:

- (1) in respect of each of the eight specialties under which cross-cluster bookings for SOPC services may be made, whether it knows
 - (a) the number of new cases received by the hospitals under each cluster in each year from 2015 to 2018, with a tabulated breakdown by whether the patients (i) came from within the cluster or (ii) were cross-cluster patients,
 - (b) among the cross-cluster patients mentioned in (a)(ii), the respective numbers of cases in which the patients (i) made bookings on their own and (ii) were referred by cross-cluster hospitals, in each year from 2015 to 2018 (set out in a table), and
 - (c) the respective (i) median and (ii) longest waiting time for new cases in each cluster in each year from 2010 to 2014; how such waiting time compares with that from 2015 to 2018 (during which the cross-cluster referral arrangement had been implemented);
- (2) whether it knows if HA has reviewed the effectiveness of the current cross-cluster referral arrangement and put in place measures to enhance and expand such arrangement; if HA has, the details;
- (3) as it has been reported that there is currently quite a great variance in the waiting time for ambulatory diagnostic services under the radiology departments of various public hospitals, whether it knows the median waiting time for each ambulatory diagnostic service provided by the radiology departments under each cluster in each of the past three years; whether there are currently cross-cluster/cross-

hospital referrals of patients of such services among the various clusters and among hospitals; if so, the details; the measures currently put in place by HA to shorten the waiting time for such services; and

- (4) as it has been reported that the current waiting time for colonoscopy examinations in public hospitals is at least one year, whether it knows the measures put in place by HA to shorten the waiting time for the various endoscopy examination services?

Question 21
(For written reply)

(Translation)

Issuance of full Hong Kong driving licences
and International Driving Permits

Hon Andrew WAN to ask:

Under the existing policy, holders of a Mainland driving licence may be issued a Hong Kong full driving licence directly without test, and Hong Kong residents holding a Hong Kong full driving licence may be issued an International Driving Permit (“IDP”). It was reported that a Chinese person holding an IDP issued by the Hong Kong authority had caused, due to inability to read the road signs in English, a traffic accident while driving in Australia on 26 December 2017, killing one person and injuring another. In this connection, will the Government inform this Council:

- (1) of the respective numbers of persons issued with a Hong Kong full driving licence without test in each of the past 10 years who were holders of (i) a Mainland driving licence and (ii) a foreign driving licence;
- (2) of the number of persons issued with an IDP in each of the past 10 years and, among them, the number of those who were persons mentioned in (1)(i); and
- (3) whether it will tighten the arrangement whereby a person issued with a Hong Kong full driving licence without test may obtain an IDP; if so, of the details; if not, the reasons for that?

Question 22
(For written reply)

(Translation)

Mandatory Provident Fund scheme members consolidating their accounts

Hon Jimmy NG to ask:

In June 2014, the Mandatory Provident Fund Schemes Authority (“MPFA”) launched the E-Payment for MPF Transfer system (“the E-payment system”), which made use of the Hong Kong Monetary Authority’s Hong Kong dollar Real Time Gross Settlement system to automate payments for the transfer of Mandatory Provident Fund (“MPF”) accrued benefits between trustees. The E-payment system not only shortens the time needed for MPF transfers but also enhances the accuracy and efficiency of the transfer process. The E-payment system renders (a) the time needed for trustees to process transfer of MPF accrued benefits and (b) the out-of-market time to be shortened to two to three weeks and about one week respectively, thereby significantly reducing scheme members’ exposure, due to market fluctuations during the transfer process, to the risk of “selling low, buying high”. In this connection, will the Government inform this Council if it knows:

- (1) in respect of each approved trustee who made use of the E-payment system to transfer MPF accrued benefits in each of the past three years, (i) the average processing time and (ii) the average out-of-market time (set out in a table);
- (2) the number of complaints received by the Consumer Council from MPF scheme members since the launch of the E-payment system about the slow pace in the transfer of MPF accrued benefits between trustees; whether MPFA (i) collected the views of the various stakeholders on the E-payment system, and (ii) reviewed the effectiveness of the system and implemented improvement measures, in the past three years; and
- (3) whether MPFA has plans to implement, within this year, other measures and electronic systems to streamline the administration processes of MPF schemes in order to encourage and facilitate the consolidation of MPF accounts by scheme members; if MPFA has, of the details; if not, the reasons for that?

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the Patents (General) (Amendment) Rules 2019, published in the Gazette as Legal Notice No. 35 of 2019, and laid on the table of the Legislative Council on 20 March 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 8 May 2019.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the Insurance (Prescribed Fees) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 43 of 2019, and laid on the table of the Legislative Council on 3 April 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 22 May 2019.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the —

- (a) Merchant Shipping (Safety) (Ships Operating in Polar Waters) Regulation, published in the Gazette as Legal Notice No. 44 of 2019;
- (b) Merchant Shipping (Prevention of Oil Pollution) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 45 of 2019;
- (c) Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 46 of 2019;
- (d) Merchant Shipping (Prevention of Pollution by Sewage) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 47 of 2019; and
- (e) Merchant Shipping (Prevention of Pollution by Garbage) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 48 of 2019,

and laid on the table of the Legislative Council on 3 April 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 22 May 2019.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019, published in the Gazette as Legal Notice No. 49 of 2019, and laid on the table of the Legislative Council on 3 April 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 22 May 2019.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2019, published in the Gazette as Legal Notice No. 50 of 2019, and laid on the table of the Legislative Council on 3 April 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 22 May 2019.

Interpretation and General Clauses Ordinance

Resolution

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

Resolved that in relation to the —

- (a) Solicitors (Professional Indemnity) (Amendment) Rules 2019, published in the Gazette as Legal Notice No. 51 of 2019; and
- (b) Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019, published in the Gazette as Legal Notice No. 52 of 2019,

and laid on the table of the Legislative Council on 3 April 2019, the period for amending subsidiary legislation referred to in section 34(2) of the Interpretation and General Clauses Ordinance (Cap. 1) be extended under section 34(4) of that Ordinance to the meeting of 22 May 2019.

Interpretation and General Clauses Ordinance

Resolution

(Under section 34(2) of the Interpretation and General Clauses Ordinance
(Cap. 1))

**Public Health and Municipal Services (Fees) (Amendment)
Regulation 2019**

Resolved that the Public Health and Municipal Services (Fees) (Amendment) Regulation 2019, published in the Gazette as Legal Notice No. 14 of 2019 and laid on the table of the Legislative Council on 20 February 2019, be amended as set out in the Schedule.

Schedule

Amendment to Public Health and Municipal Services (Fees) (Amendment) Regulation 2019

- 1. Section 3 amended (Schedule 6 amended (fees relating to Government crematoria, columbaria or public cemeteries, etc.))**

Section 3(4)—

Repeal

- “2. The permanent deposit of ashes \$1”
under section 13 of the
Cremation and Gardens of
Remembrance Regulation in a
standard niche or a large niche

Substitute

- “2. The permanent deposit of ashes
under section 13 of the
Cremation and Gardens of
Remembrance Regulation—
(a) in a standard niche \$2,800
(b) in a large niche \$3,600”.

**2019 年 4 月 17 日及 18 日的立法會會議
李慧琼議員根據《議事規則》第 49E(2)條
動議的議案**

議案措辭

本會察悉於 2019 年 4 月 17 日提交省覽有關下列附屬法例及文書的內務委員會第 15/18-19 號報告：

項目編號

附屬法例或文書的名稱

- (4) 《2019 年差餉(豁免)令》(2019 年第 28 號法律公告)。

**Motion to be moved by Hon Starry LEE
under Rule 49E(2) of the Rules of Procedure
at the Council meeting on 17 and 18 April 2019**

Wording of the Motion

That this Council takes note of Report No. 15/18-19 of the House Committee laid on the Table of the Council on 17 April 2019 in relation to the subsidiary legislation and instrument(s) as listed below:

Item Number

Title of Subsidiary Legislation or Instrument

- (4) Rating (Exemption) Order 2019 (L.N. 28/2019).