

LCQ20: Handling of sexual harassment cases in schools

Following is a question by the Hon Mrs Regina Ip and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (October 24):

Question:

In January 2009, the Education Bureau (EDB) issued a circular to schools on the amendments to the Sex Discrimination Ordinance (Cap. 480), urging schools to adopt reasonably practicable measures, including developing a school policy (in written form) to eliminate sexual harassment as well as setting up a mechanism for handling sexual harassment complaints, and encouraging schools to make reference to the Framework for Sexual Harassment Policies in Schools prepared by the Equal Opportunities Commission. Moreover, the EDB has issued and updates from time to time the circulars to schools on the handling and prevention by schools of cases of students being sexually abused. In this connection, will the Government inform this Council:

(1) given that the current guidelines issued by the EDB on handling and preventing sexual harassment in schools does not cover the handling of complaints about staff members being sexually harassed, whether the EDB will consider reviewing and updating the relevant guidelines to ensure that all individuals in schools (including all students and staff members) are able to study or work in a safe environment which is free from sexual harassment; if the EDB will, of the details; if not, the reasons for that;

(2) given that the EDB leaves it for the schools to develop their own mechanism for handling sexual harassment complaints, of the measures put in place by the EDB to ensure that schools investigate and handle sexual harassment complaints in a fair manner in accordance with their school-based policy on preventing sexual harassment; and

(3) of the number of reports received by the EDB in the past five years on mishandling by schools or school sponsoring bodies of sexual harassment complaints in schools; the procedure adopted by the EDB for dealing with such cases, as well as the relevant investigation outcome and follow-up actions?

Reply:

President,

The Education Bureau (EDB) has all along been committed to assisting schools in creating a safe and sexual-harassment-free environment for staff members to work and students to study. My reply to the various parts of the question raised by the Hon Mrs Regina Ip about sexual harassment in schools is as follows:

(1) The EDB has been adopting various measures, by means of circulars, training courses for principals and briefing sessions for staff members, etc., to request schools to establish a sexually hostile-free environment in schools. The EDB has pointed out clearly in the relevant circular that schools have the responsibility to ensure that all individuals, including students and staff members, are able to study or work in a safe and sexually hostile-free environment. Schools should also take reasonably practicable measures, including developing a school policy (in written form) to eliminate sexual harassment, raising the understanding and awareness of both staff and students about sexual harassment and setting up a relevant mechanism to handle sexual harassment complaints, including complaints about staff members being sexually harassed. Besides, in collaboration with the Equal Opportunities Commission (EOC), the EDB has also provided schools with clear guidelines on the handling of sexual harassment complaints, which are updated in a timely manner as and when necessary. Drawn up by the EOC in 2009, the Framework for Sexual Harassment Policies in Schools (the Framework), which was updated and uploaded onto the EDB webpage on Prevention of Sexual Harassment in Schools in July and November 2013, sets out clearly the principles, mechanism and timeframe, etc., for handling sexual harassment complaints in schools. The EDB has also made available on the webpage clear guidelines about the procedures and points to note for handling such complaints by schools. These guidelines have all along been applicable to handling complaints about staff members being sexually harassed. The EDB will maintain communication with the EOC, review the guidelines in the Framework when necessary and provide assistance to schools as needed.

(2) Under the spirit of school-based management, the Education Ordinance has entrusted the School Management Committees/Incorporated Management Committees with the power and responsibility to manage schools. Therefore, schools should collaborate with their school sponsoring bodies (SSBs) to formulate school-based mechanisms and procedures for handling school affairs, including the handling of school-related complaints. If a complainant considers his/her sexual harassment case is not properly handled by the school or SSB concerned, he/she may lodge a complaint with or seek advice from the EOC directly, or seek assistance from the respective District School Development Section of the EDB. After receiving the complaint, the EDB will, based on the established mechanism and taking into account factors such as the subject of the complaint and the conflict of interest/roles, etc., decide the appropriate follow-up procedures. If the case can be handled by staff of a higher rank in school or designated staff of SSB/ task force, the EDB will refer the case to the school or SSB concerned for further action according to its school-based mechanism. Under special circumstances, for example, a complaint of a serious nature or involving serious mismanagement by the school, the EDB will intervene and conduct investigation on whether the school's Prevention of Sexual Harassment Policy is in order and whether the school has properly handled the suspected sexual harassment case.

(3) Upon receipt of reports on suspected improper handling of sexual harassment complaints by schools, the EDB will follow them up according to the established mechanism as set out in part 2 above. Regarding substantiated cases, depending on the actual circumstances and the severity of individual

cases, the EDB will provide appropriate advice or issue warning letters to the school management, demanding the schools concerned to revisit their complaint handling processes and procedures to ensure that the complaints could be handled in a fair and just manner. In the past five years from 2013 to 2017, the EDB received a total of 12 such reports, of which eight were found not substantiated, one substantiated and one partially substantiated after investigation, while two are still under investigation. The two schools involved in the substantiated cases have revisited their handling processes and procedures in handling complaints relating to sexual harassment in schools according to the advice of the EDB.

LCQ9: Supporting development of innovation and technology industry

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Innovation and Technology, Mr Nicholas W Yang, in the Legislative Council today (October 24):

Question:

Some members of the innovation and technology (I&T) industry have relayed to me that although the Government has been actively promoting re-industrialisation and I&T development in recent years, the collaborative measures in areas such as providing relevant talents and supporting the industry are inadequate. Apart from attracting overseas scientific research talents to work in Hong Kong, the Government also needs to actively nurture local scientific research talents, so as to support the long-term development of the I&T industry. At the same time, the Government should provide I&T start-ups with application scenarios, or even take the lead in giving priority to adopting the research and development (R&D) results of local I&T enterprises, as "it sounds weird if our own Government does not support 'Made in Hong Kong' products". In this connection, will the Government inform this Council:

- (1) of the number of scientific research talents engaged in the I&T industry in Hong Kong in each of the past three years, with a breakdown of the figures by overseas talents and local ones;
- (2) of the number of occasions in which government departments procured, in each of the past three years, I&T products and services researched and developed locally, and the types of products and services involved (set out in a table);
- (3) of the number of local I&T start-ups closed down in each of the past three years; given that some I&T start-ups have closed down due to the

failure to identify application opportunities for their R&D results, whether the Government made investments and provided manpower support in the past three years to improve the business environment of I&T start-ups; and

(4) whether the Government will enhance its policies on and procedure for procuring I&T products and services, and give priority to adopting the R&D results of local I&T enterprises; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted relevant Government bureaux and departments, our reply to the four parts of the question is as follows:

(1) According to the statistics by the Census and Statistics Department (C&SD), the total number of personnel (in full-time equivalent) engaging in the innovation and technology (I&T) industry in Hong Kong were 33 660, 35 070 and 35 820 in 2014, 2015 and 2016 respectively. However, the C&SD does not keep information on whether the personnel were local or overseas personnel.

(2) According to the information provided by the Financial Services and the Treasury Bureau (FSTB), the number of procurement cases concerning goods and services under tendering procedures by the Government in the past three years is as follows:

	2015	2016	2017
Goods	248	242	198
Services	375	428	392

The Government does not keep statistics on the number of procurement cases of I&T goods and services researched and developed locally.

(3) The Government does not keep statistics on the number of I&T start-ups that have closed down. Nevertheless, the Government is committed to providing I&T start-ups with comprehensive support and opportunities for trying out its research and development (R&D) outcomes. The Public Sector Trial Scheme under the Innovation and Technology Fund (ITF) subsidises R&D projects funded by the ITF and incubatees/graduate tenants of the Hong Kong Science and Technology Parks Corporation (HKSTPC) and the Cyberport (referred collectively as eligible projects and enterprises thereafter) for the production of prototypes or samples, as well as conducting trials in the public sector. As at end-August 2018, 185 projects have been supported with a funding amount of about \$300 million involving 270 participating organisations.

As for manpower support, the Internship Programme under the ITF

subsidises eligible projects and enterprises to hire local graduates as R&D interns, thereby nurturing more I&T talent. As at end-August 2018, the programme has subsidised over 3 500 interns with a funding amount of over \$800 million. Furthermore, we rolled out the Postdoctoral Hub programme in August 2018 to provide funding support to eligible projects and enterprises to recruit postdoctoral talent for R&D work. As at mid-October 2018, the programme has supported over 160 postdoctoral talent with a funding amount of about \$75 million.

Besides, the HKSTPC's incubation programmes provide subsidised office space and shared facilities, financial aid package, technical and management assistance, marketing and development assistance, and access to angel investors and venture capitalists through investment matching events to start-ups in the Hong Kong Science Park focusing on new technologies (such as electronics, material and precision engineering etc.), biotechnology, and web and smartphone-based technology. As at end-September 2018, 260 incubatees are participating in the incubation programmes, and more than 570 companies have graduated, of which more than 75% of them are still in business.

On the other hand, the Cyberport has also launched an incubation programme to provide information and communication technology start-ups with financial, technical and business consultation support to help them turn creative ideas into concrete undertakings or products. In the past few years, the Cyberport has been expanding its incubation programme. For instance, the annual quota has been doubled from 50 to 100, new clusters such as financial technology and e-commerce have been formed and the financial subsidy has been increased from \$330,000 to \$500,000. As at end-September 2018, a total of 192 companies are participating in the incubation programme, and 314 companies have graduated, of which more than 80% are still in business.

To facilitate start-ups and incubation graduates in commercialising their R&D results and identifying opportunities for market adoption, the HKSTPC, in collaboration with industry leaders, launched the Global Acceleration Academy in April 2017. The HKSTPC will organise workshops for start-ups participating in the programme and, together with the industry leaders, offer advice to applicants for developing products that serve the needs of the industry under a specific theme. Their end-products will be showcased to potential business partners and investors. The HKSTPC has hosted 11 cohorts on various themes such as digital health, logistics technology, artificial intelligence, smart mall, robotics, etc. supporting over 70 start-ups.

In respect of venture funding, the Government has launched the \$2 billion Innovation and Technology Venture Fund to encourage venture capital (VC) funds' investments in local I&T start-ups. The Government will co-invest with the six VC funds selected as Co-investment Partners in local I&T start-ups at an approximately 1:2 ratio. The HKSTPC also launched the Corporate Venture Fund in 2015 to co-invest with angel investors or VC funds on a matching basis in tenants, current incubatees and graduated incubatees of the Hong Kong Science Park. The initial fund of \$50 million allocated in

2015 has been entirely committed in nine projects, attracting some \$673 million from co-investors. The Cyberport set up the \$200 million Cyberport Macro Fund in 2016 to provide seed to Series A stage funding to the Cyberport's start-ups. Five applications have been approved so far.

In addition, the Legislative Council Finance Committee approved in July 2018 the funding proposal of the Government to allocate \$10 billion to the HKSTPC and \$300 million to the Cyberport, part of which will be used for enhancing support for their tenants and incubatees. The HKSTPC and the Cyberport are drawing up relevant implementation details. Relevant initiatives will be launched shortly by phases.

(4) The Chief Executive announced in the 2018 Policy Address that the Government will introduce a pro-innovation government procurement policy in April next year. By raising the technical weighting in tender assessment, tenders with innovative suggestions will stand a better chance of winning the contracts. The Government will also enhance exchange with the industry and dissemination of procurement information to facilitate the participation of I&T start-ups and small and medium-sized enterprises (SMEs) in government procurement. The FSTB is working out the details to assist procuring departments in implementing the new procurement policy.

With the Government's new procurement policy, the Office of the Government Chief Information Officer (OGCIO) will establish a Smart Government Innovation Lab in 2019 to strengthen coordination and promotion of procurement by Government departments as well as the use of I&T products and solutions from local start-ups and SMEs. The OGCIO will invite the local industry to submit information technology solutions and product suggestions for different public services, arrange trials and technology testing for appropriate proposals in collaboration with concerned departments, as well as provide technical, financial and venue support, thereby creating more business opportunities for local start-ups and SMEs.

New District Officer for Tai Po assumes office (with photo)

Ms Eunice Chan will assume the post of District Officer (Tai Po) tomorrow (October 25).

Ms Chan joined the Administrative Service in 2001. She has served in various bureaux and departments including the former Transport Bureau; the former Environment, Transport and Works Bureau; the Home Affairs Department; the Home Affairs Bureau; the Chief Secretary for Administration's Office; the Food and Environmental Hygiene Department; and the Security Bureau.

She was the Assistant Secretary for Education before taking up the new post.



[LCQ8: Involvement of young people in the promotion of Hong Kong independence](#)

Following is a question by the Hon Tony Tse and a written reply by the Acting Secretary for Constitutional and Mainland Affairs, Mr Andy Chan, in the Legislative Council today (October 24):

Question:

On the 24th of last month, the Secretary for Security issued an order under section 8(2) of the Societies Ordinance (Cap 151) to prohibit, with immediate effect, the operation or continued operation of the Hong Kong National Party (HKNP) on the grounds that HKNP's agenda included the establishment of an independent Hong Kong Republic and the abolition of the Basic Law, which is in strict contravention of the Basic Law, and that HKNP had been taking concrete actions to realise its agenda since its establishment. It has been reported that HKNP's core members and supporters are mostly young people. Moreover, some secondary school and post-secondary students have set up organisations in support of Hong Kong independence and advocated Hong Kong independence by handing out flyers, putting up slogans and voicing out their advocacy during school activities and ceremonies. There are comments that youngsters are ignorant about the perils of Hong Kong independence as well as the unlawful and unconstitutional nature of the idea, which reflects the inadequacies of the efforts on national education as well

as promotion of the Basic Law and the country's Constitution (particularly the dissemination of messages against Hong Kong independence and secession). In this connection, will the Government inform this Council:

(1) whether it will (i) investigate which other organisations in Hong Kong advocate Hong Kong independence currently, and (ii) regulate such organisations in accordance with the law, including considering prohibiting their continued operation;

(2) of the estimated expenditure/actual expenditure on promoting the Constitution and the Basic Law in the current financial year and each of the past five financial years; the respective amounts allocated to secondary and primary schools; and

(3) whether the Government conducted any promotion and education activities in the past two years specifically for disseminating messages against Hong Kong independence and secession; if so, of the names and expenditure of the activities; if not, whether it will consider launching such activities?

Reply:

President,

After consulting the Security Bureau, the Education Bureau (EDB) and the Home Affairs Bureau (HAB), our consolidated reply to the Hon Tony Tse's question is as follows:

The Constitution of the People's Republic of China (the Constitution) and the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (the Basic Law) form the constitutional basis of the Hong Kong Special Administrative Region (HKSAR). The HKSAR Government has the responsibility to encourage the general public to have a comprehensive understanding of the Constitution and the Basic Law. The Preamble of the Basic Law states clearly that Hong Kong has been part of the territory of China since ancient times. Upholding national unity and territorial integrity, maintaining the prosperity and stability of Hong Kong, and taking account of its history and realities, the People's Republic of China (PRC) has decided that upon China's resumption of the exercise of sovereignty over Hong Kong, a HKSAR will be established in accordance with the provisions of Article 31 of the Constitution.

Article 1 of the Basic Law clearly points out that the HKSAR is an inalienable part of the PRC. Article 12 of the Basic Law also clearly elucidates that the HKSAR shall be a local administrative region of the PRC, which shall enjoy a high degree of autonomy and come directly under the Central People's Government. Therefore, Hong Kong has always been an inalienable part of China.

In Hong Kong, every person or organisation must abide by the laws of Hong Kong. If any act of an organisation is regulated by the laws of Hong Kong, the relevant authorities will deal with it in accordance with the law based on the actual circumstances and evidence. According to section 8 of the

Societies Ordinance, the Secretary for Security may prohibit the operation or continued operation of any society if it is necessary in the interests of national security or public safety, public order or the protection of the rights and freedoms of others.

In respect of the promotion of the Constitution and the Basic Law, there are five working groups under the Basic Law Promotion Steering Committee (BLPSC) led by the Chief Secretary for Administration, including the Working Group on Local Community; the Working Group on Teachers and Students; the Working Group on Civil Servants; the Working Group on Industrial, Commercial and Professional Sectors; and the Working Group on Community Outside Hong Kong. HAB, EDB, the Civil Service Bureau, the Trade and Industry Department and the Information Services Department provide secretariat support to the five working groups respectively and assist the working groups in planning and organising activities to promote the Constitution and the Basic Law to the respective sectors.

The Constitutional and Mainland Affairs Bureau (CMAB) spent about \$16 million in each of the four financial years from 2013-14 to 2016-17 for promoting the Constitution and the Basic Law. In 2017-18, the relevant expenditure was \$17 million. In 2018-19, the CMAB has set aside about \$17 million for organising various activities to promote a more comprehensive and thorough public understanding of the Constitution and the Basic Law. We have placed equal emphasis on the concepts of "one country" and "two systems" in our Basic Law publicity and promotional activities, and has not specifically earmarked dedicated provision for disseminating messages against Hong Kong independence and secession.

For school education, EDB all along has been helping students to understand the Constitution and the Basic Law, the origin of the principle of "one country, two systems" and the relevance of the Basic Law to the daily lives of the people of Hong Kong through the curriculum and learning activities.

EDB continuously reviews and updates the relevant contents of various Key Learning Areas/ subjects as well as organises diversified activities to promote the Constitution and the Basic Law. In addition, EDB develops learning and teaching resources for schools' flexible use, strengthens the training of principals and teachers, and develops Basic Law online courses for self-learning, etc.

As the above work areas are the day-to-day curriculum development work of EDB, the staffing resources and the major part of the expenditure are subsumed under the recurrent expenditure of EDB. There is no separate breakdown of the expenditure for the promotion of the Basic Law in primary and secondary schools.

For young people, the Working Group on Local Community under the BLPSC works closely with HAB and the Committee on the Promotion of Civic Education (CPCE) to promote the Constitution and the Basic Law at the community level. Activities with young people as target participants include Basic Law Quiz Competitions, Basic Law seminars, publications for young people,

thematic exhibitions on and interactive games about the Basic Law in the Civic Education Resource Centre, etc.

In addition, HAB and CPCE grant sponsorship every year through the Community Participation Scheme and the Co-operation Scheme with District Councils to support civic education activities to be held in the community, including Constitution and Basic Law promotional activities targeting at young people.

The Government will continue to promote a more comprehensive and thorough public understanding of the Constitution and the Basic Law by organising activities through various means.

LCQ2: Application of immunotherapy in Hong Kong

Following is a question by the Hon Chan Han-pan and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (October 24):

Question:

The Nobel Committee has earlier decided to award this year's Nobel Prize in Physiology or Medicine to two immunologists to commend their breakthroughs in treating cancers with immunotherapy. Although immunotherapy has been proven to be effective in treating cancers, and has brought a ray of hope to quite a number of cancer patients, the Hospital Authority (HA) has not adopted immunotherapy as a regular treatment for cancers. As a result, patients cannot receive immunotherapy treatment even though they are willing to pay for such treatment. Besides, the medications needed for immunotherapy are costly. In this connection, will the Government inform this Council whether it knows if HA:

(1) has drawn up a timetable for adopting immunotherapy as a regular treatment for cancers; if HA has, the details; if not, the reasons for that;

(2) arranged immunotherapy-related training for its healthcare staff in the past three years; if HA did, the details; if not, the reasons for that and when HA will make such arrangements; and

(3) will add the medications needed for immunotherapy to the Hospital Authority's Drug Formulary either as a drug on the list of special drugs subsidised by public funds, or on the list of self-financed drugs with safety net; if HA will, the details; if not, the reasons for that?

Reply:

President,

The Government and the Hospital Authority (HA) place high importance on providing optimal care for all patients, including cancer patients, and assuring patients of equitable access to safe, efficacious and cost-effective drugs under the highly subsidised public healthcare system. My reply to the various parts of the question raised by the Hon Chan Han-pan is as follows.

(1) Drugs for cancer treatment can be classified into different types according to the types of treatment such as traditional chemotherapy, targeted therapy, immunotherapy and hormonal therapy, among which immunotherapy is a new type of cancer treatment. Medications for immunotherapy are mainly intravenously injected into a patient's body to boost or supplement his/her own immune system, so that it will kill or suppress his/her cancer cells. Doctors will consider the condition and wish of a patient in deciding what type of cancer treatment is suitable for the patient including immunotherapy, and immunotherapy is one of the cancer treatment options.

(2) On the technical side, the current injection method of immunotherapy drugs is similar to that of other anti-cancer drugs, and does not require any additional techniques. That said, continuous on-the-job training is provided for healthcare professionals for professional development and for them to learn about the clinical application and the side effects of drugs in treating different diseases so as to keep abreast of the ever-changing scientific development and meet the clinical needs of patients.

(3) The HA has an established mechanism for regular appraisal of new drugs and review of its Drug Formulary and coverage of the safety net, and would make changes as appropriate. The process is based on scientific and clinical evidence, taking into account the safety, efficacy and cost-effectiveness of drugs and other relevant considerations, including international recommendations and practices as well as professional views, so as to ensure equitable and rational use of public resources as well as the provision of optimal care for patients.

At present, there are three immunotherapy drugs listed as self-financed items (SFIs) on the HA Drug Formulary (HADF) for treating four types of cancers, namely skin cancer, renal cell cancer, lung cancer as well as head and neck cancer. Nivolumab, a type of immunotherapy drug for treating skin cancer, has been covered by the Community Care Fund Medical Assistance Programme since August 2018. Patients with clinical needs and meeting specified criteria may apply for drug subsidy to use this drug.

We understand the financial pressure and economic burden on patients, as well as their strong aspiration for listing certain drugs on the HADF and including them in the scope of subsidy under the safety net. To shorten the lead time for introducing suitable new drugs to the safety net, the HA has, since 2018, increased the frequency of prioritisation for including SFIs in

the safety net from once to twice a year. The HA will also liaise with pharmaceutical companies from time to time on setting up risk sharing programmes for certain suitable SFIs. Under the programmes, the HA, patients and pharmaceutical companies would contribute to the drug costs in specific proportions within a defined period, or the drug treatment costs to be borne by patients would be capped, with a view to facilitating patients' early access to specific drug treatments.

The HA will continue to keep abreast of the latest development of clinical and scientific evidence, listen to the views and suggestions of patient groups and follow the principle of rational use of limited public resources to review the HADF under the established mechanism and to include suitable self-financed drugs as special drugs or under the coverage of the safety net so as to benefit more patients in need.