

## LCQ2: Under Secretaries and Political Assistants

Following is a question by the Hon Yung Hoi-yan and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (March 27):

Question:

In 2008, the Government created two additional layers of political appointment positions, namely Under Secretaries and Political Assistants. The duty of the Under Secretaries is to assist the Secretaries of Departments in handling political responsibilities and the Political Assistants are responsible for providing political analyses and advice for principal officials as well as conducting political liaison work. In this connection, will the Government inform this Council:

(1) whether it has regularly conducted comprehensive reviews of the duties and work efficiency of the Under Secretaries and Political Assistants; if so, of the specific indicators adopted in the reviews and the outcome of the last review; if not, the reasons for that;

(2) whether it has provided the Under Secretaries and Political Assistants with professional training to enhance their lobbying skills and their capability to liaise with the media and the public; if so, of the mode and effectiveness of the training; if not, the reasons for that; and

(3) whether it will consider adding a range of objective entry qualifications and assessments to the mechanisms for selecting Under Secretaries and Political Assistants, so as to ensure that the candidates selected possess a high level of professional capabilities; if so, of the details; if not, the reasons for that?

Reply:

President,

The Political Appointment System is an integral part of the governing team of the Hong Kong Special Administrative Region (HKSAR) Government. In 2002, the HKSAR Government introduced the first batch of politically appointed Secretaries of Department and Directors of Bureau to create a political tier at the top echelon of the Government. In 2008, the Political Appointment System was further developed leading to the creation of two additional layers of political appointment positions, namely Deputy Directors of Bureau and Political Assistants, thus forming the current three-tier Political Appointment System.

Hong Kong is a diversified and liberal society. Given the heightening aspirations from the public on the Government, it is not uncommon that

different stakeholders take different and even opposing stances and views towards government policies. The introduction of the Political Appointment System was to respond to social changes in the hope of allowing more flexibility and interaction in the governance of the HKSAR Government, and ensuring the timely and effective implementation of policies in response to public aspirations and social needs. Under the Political Appointment System, posts such as Secretaries of Department, Directors of Bureau, Deputy Directors of Bureau and Political Assistants are filled by talents of different sectors, backgrounds and age groups flexibly drawn from within and outside the Government. With the support of a high-quality, professional and permanent civil service, the HKSAR Government is able to make better-informed decisions, implement policies more effectively, and nurture political talents for the HKSAR. A case in point is the Deputy Directors of Bureau and Political Assistants of the current-term Government. They are talents from various sectors of the community with different professional backgrounds, such as public administration, political parties, business, professionals, academia, media and think tanks, etc.

Politically appointed officials must keep their fingers on the pulse of the society and interact with the community to, through two-way communication, promote better understanding of government policies among members of the public while gauging a wide spectrum of public views, so as to keep government decisions close to the community and meet the needs of the community. Politically appointed officials must also share the Chief Executive (CE)'s philosophy of governance and work with the CE to implement his/her manifesto.

With regard to the Hon Mrs Regina Ip's question raised by the Hon Yung Hoi-yan, after consulting the relevant offices and bureaux, I am providing a consolidated reply as follows:

(1) Deputy Directors of Bureau report directly to Directors of Bureau and are responsible principally for assisting Directors of Bureau in undertaking the full range of political work, especially in Legislative Council (LegCo) business. This includes: attending meetings of the LegCo and its committees, panels and subcommittees; explaining government policies; and lobbying political parties, Members of various Councils and different sectors of society for their support for government proposals on policy, legislation and public expenditure. Deputy Directors of Bureau also attend activities of political parties, community organisations, and business and professional associations as well as public forums, seminars and consultation sessions, etc. to strengthen the communication between the Government and different sectors of the community. Furthermore, Deputy Directors of Bureau maintain close liaison with the media to explain government policies. They also deputise for Directors of Bureau during the latter's temporary absence (such as on duty visits and on leave).

Political Assistants are responsible for providing political analysis and advice for Secretaries of Departments, Directors of Bureau and Deputy Directors of Bureau, and conducting political liaison as well as lobbying work. This includes maintaining communication with political parties, LegCo Members, the media and relevant stakeholders, such as youth groups and

community organisations. Political Assistants are also tasked with preparing speeches and media statements. The current-term Government attaches particular importance to youth development work by addressing young people's concerns on education, career pursuit and home ownership, and encouraging their participation in public policy discussion, debate and political activities. In this regard, since the Political Assistants assumed office, they have been visiting schools from time to time as arranged by the Education Bureau to have exchanges with students to learn more about their thinking, so as to close the gap between the Government and the youth.

Deputy Directors of Bureau and Political Assistants of all bureaux/offices are required to report their work to their respective Secretaries of Department or Directors of Bureau. Secretaries of Department and Directors of Bureau supervise their respective Deputy Directors of Bureau and Political Assistants, and review their work performance.

(2) On the front of training, while courses of the Civil Service Training and Development Institute target primarily at civil servants, Deputy Directors of Bureau and Political Assistants are also welcomed to attend courses relating to leadership enhancement, negotiation strategies and skills, media and public communication, interaction with District Councils, etc. In addition, the Chief Executive's Office (CE's Office) also arranges seminars and experience-sharing sessions for Deputy Directors of Bureau and Political Assistants from time to time, with a view to facilitating their effective day-to-day work. For instance, some Deputy Directors of Bureau and Political Assistants attended a national studies course offered by the Chinese Academy of Governance in Beijing last September. The programme covered topics such as politics, economy, foreign affairs, national security and social system. In-house seminars on law drafting procedures and the work of the Administration Wing etc. were also arranged by the CE's Office last year specifically for Deputy Directors of Bureau and Political Assistants to increase their knowledge on the operation of the Government.

(3) As regards the appointment of Deputy Directors of Bureau and Political Assistants, under the existing mechanism, an appointment committee chaired by the CE is responsible for assessing and considering the proposed candidates for the positions of Deputy Directors of Bureau and Political Assistants for appointment by the CE. The appointment committee comprises the Secretaries of Department, the relevant Directors of Bureau and the Director of the CE's Office. In forming her governing team, the incumbent CE's principle is to attract talents widely and on merit. In consideration of the proposed candidates, the appointment committee will deliberate on all relevant factors, such as that the person must be a Hong Kong permanent resident; has a sense of commitment to the country, Hong Kong and the community; shares the CE's philosophy of governance; possesses the knowledge of or experience in the affairs, profession or sector related to the scope of duties, and the capability of handling political and government work; can work well with the Principal Official whom he/she is to serve; and is ready to assume political responsibility for the decision of the political team collectively, to ensure that the appointee possesses the right calibre and qualities required.

The Government will, in the light of operational experience, further

enhance the Political Appointment System as and when necessary.

Thank you, President.

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## **SEN to visit Macao tomorrow**

The Secretary for the Environment, Mr Wong Kam-sing, will depart for Macao tomorrow (March 28) to attend the 2019 Macao International Environmental Co-operation Forum & Exhibition (MIECF) and the launching ceremony for the Hong Kong/Macao Special Report under the Fourth National Assessment Report on Climate Change. He will also meet with officials responsible for environmental protection and energy policy of the Macao Special Administrative Region (SAR) to exchange views about their respective work.

Mr Wong will jointly officiate at the MIECF opening ceremony with government officials of the Macao SAR and other officiating guests in the morning. He will also have a courtesy meeting with the Secretary for Transport and Public Works of the Macao SAR, Mr Raimundo Arrais do Rosário.

In the afternoon, Mr Wong will attend the launching ceremony for the Hong Kong/Macao Special Report under the Fourth National Assessment Report on Climate Change, and will deliver a speech at the Green Forum of the MIECF. He will also pay a visit to the Macao Meteorological and Geophysical Bureau and the Office for the Development of the Energy Sector of the Macao SAR.

Mr Wong will return to Hong Kong tomorrow evening.

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## **LCQ22: Car parks owned or sold by Link Real Estate Investment Trust**

Following is a question by the Hon James To and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (March 27):

Question:

It is learnt that since 2014, Link Real Estate Investment Trust (Link REIT) has sold one after another its car parks located within or near public housing estates and housing courts. Some acquirers have in turn divided up and sold the parking spaces of the car parks concerned to individuals. On the

other hand, it has been stipulated in the land leases for some of the car parks that the relevant parking spaces are for parking only by vehicles of the residents, occupiers or bona fide visitors of the housing estates or courts concerned (user restriction). In this connection, will the Government inform this Council:

(1) whether it knows the following information about each of the car parks which are owned and which have been sold by Link REIT (set out in a table):

(i) the name of the housing estate/court concerned;  
(ii) the number of parking spaces provided; and  
(iii) a breakdown of the number of parking spaces by type of their owners (i.e. Link REIT, other companies and individuals), type of vehicles that may be parked thereat, and whether any user restriction is currently in force;

(2) whether it knows, in respect of the three types of parking spaces currently owned by Link REIT, other companies and individuals respectively, the number of those parking spaces the land lease of which contains user restriction clauses; among such parking spaces, the number of those the owners of which have been granted by the Lands Department waivers for complying with such clauses, and a breakdown of the average waiver fees by type of vehicles that may be parked at such parking spaces;

(3) of the measures put in place to ensure compliance by individual owners of the parking spaces with the land lease conditions (in particular the user restriction clauses); whether, in the past three years, it instituted prosecutions against or imposed punishments on those persons who had violated the relevant land lease conditions of the parking spaces; if so, of the details and the number of such cases; and

(4) whether it has measures in place to ensure that the prospective buyers of individual parking spaces know if the land leases concerned contain user restriction clauses, e.g. by making public whether individual parking spaces in such car parks are subject to such clauses?

Reply:

President,

Having consulted the Transport and Housing Bureau (THB), my consolidated reply to various parts of the question is as follows.

(1) Based on the information provided by the THB, the details of the relevant car parks are at Annex I.

(2) In 2005, the Hong Kong Housing Authority divested commercial and car parking properties to LINK, including 178 car parks. The lease conditions for 176 of these car parks contain restrictions on the user of parking spaces. Should waiver applications be made by the owners for waiving the relevant restrictions on user of car parks under leases, the Lands Department (LandsD) would process these applications in accordance with the established procedures, which include consulting the District Offices concerned, the

Planning Department, the Transport Department, the Housing Department, and other relevant policy bureaux/government departments. Based on LandsD's currently available information, as at end-August 2018, LandsD has approved 20 temporary waivers permitting the use of relevant car parks by users other than those specified under leases, which involve a total of 261 parking spaces in 20 car parks. The details of these 20 waivers are at Annex II.

The waiver fee is assessed on the basis of the increase in rental value of the premises with the user permitted after the issuance of the waiver letter. As the waiver fee assessment for different housing estates/courts is subject to different effective dates, locations, and other restrictions, etc., it would not be appropriate to draw any general comparisons merely based on the average waiver fee.

(3) A land lease is a private contract signed between the Government and a land owner. Lease enforcement actions are undertaken by LandsD in its capacity as the landlord in accordance with the lease conditions, and do not involve law enforcement or prosecution measures.

In respect of lease enforcement, as with other private properties, LandsD mainly acts on complaints and referrals about breaches of the leases, by conducting inspections and taking follow-up actions in accordance with the existing procedures. Depending on the circumstances, LandsD will also consult the relevant policy bureaux/government departments and seek legal advice. If breaches of the lease conditions are confirmed, LandsD will take appropriate lease enforcement action.

Generally speaking, land leases do not require the owners to pay punitive damages in breach of lease conditions. If breaches of the lease conditions are substantiated, LandsD will handle the cases based on individual circumstances, including demanding the owners to rectify the breaches. Where the breaches have not been rectified, LandsD will consider taking further actions, including registering warning letters at the Land Registry (commonly known as "imposing an encumbrance"), and re-entry of land or vesting the relevant interests in The Financial Secretary Incorporated by invoking the provisions of the Government Rights (Re-entry and Vesting Remedies) Ordinance (Cap. 126).

Over the past three years, with regard to the relevant car parks divested in 2005, LandsD received complaints concerning the alleged breaches of user restriction by the owners of 13 car parks, and conducted 22 site inspections and issued 24 follow-up letters in accordance with existing procedures. After conducting investigations and seeking legal advice, no breach of the relevant lease conditions have been substantiated.

(4) The transaction of parking spaces is no different from that of other properties. Prospective purchasers should pay attention to the contents of important documents, such as the conditions of relevant land lease, deed of the property, and deed of mutual covenant, etc., and seek independent professional advice.

With regard to the conditions of individual leases, including any restrictions on the user of parking spaces and their specific details, prospective purchasers may inspect the relevant leases at the Land Registry.

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## **LCQ7: Handling of complaints by Medical Council of Hong Kong**

Following is a question by the Hon Chung Kwok-pan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (March 27):

Question:

This Council passed in March last year the amendments to the Medical Registration Ordinance (Cap. 161) to reform the composition of the Medical Council of Hong Kong (MCHK), its mechanisms for complaint investigation and disciplinary inquiry, etc., including allowing MCHK to set up more than one Preliminary Investigation Committee (PIC) and inquiry panels. In this connection, will the Government inform this Council:

(1) whether it knows the number of complaints received by MCHK in each of the past three years and, among such cases, the respective numbers of those (i) determined by PICs of MCHK as having a prima-facie case and (ii) found to be substantiated by the inquiry panels of MCHK; the current number of complaints pending handling, and the estimated time needed to finish handling those cases;

(2) whether it knows (i) the progress of the follow-up actions undertaken by MCHK on the aforesaid legislative amendments and (ii) how the number of complaints handled and the handling time taken (including the time spent on inquiry proceedings) after Cap. 161 was amended compare with the relevant figures prior to that; and

(3) whether the Government has, since March last year, conducted reviews to see if (i) MCHK's progress in handling complaints is satisfactory, (ii) the administrative measures implemented by MCHK are effective, and (iii) any new measures can be put in place to expedite the clearing of the backlog; if it has conducted reviews, of the details; if not, the reasons for that?

Reply:

President,

My reply to the question raised by the Hon Chung Kwok-pan is as follows:

(1) The figures for complaints received by the Medical Council of Hong Kong (MCHK) in the past three years are set out below.

(i) Complaints received by the MCHK from 2016 to 2018

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(ii) Disciplinary inquiries handled by the MCHK (Note 1)



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Note 1: including cases referred by the Preliminary Investigation Committee (PIC) for disciplinary inquiry in or before the year

Note 2: one of the cases involved two doctors

As at the end of 2018, there were 546, 527 and 103 complaint cases pending handling by the MCHK at Pre-PIC, PIC and inquiry stages respectively.

(2) and (3) Since the passage of the Medical Registration (Amendment) Bill 2017 (the Bill) in March 2018, the Government has been closely liaising and held a number of meetings with the MCHK Secretariat to follow up on various relevant issues, including exploring ways to improve the complaint and inquiry mechanism (the mechanism). Upon the passage of the Bill, the MCHK set up a task force to, amongst others, look into how to improve the mechanism. The task force convened its first meeting in May 2018 to discuss ways to improve the mechanism and made recommendations to the MCHK. In July 2018, the MCHK endorsed the task force's recommendations, including the setting up of an additional Inquiry Panel and an additional PIC in the third and the fourth quarters of 2018 respectively.

The new PIC has convened four meetings since its establishment. As at March 2019, it discussed a total of 199 cases, while the deemed PIC continued to process backlog cases as usual, discussing about 35 cases on average each month. As each complaint case varies in nature, type and complexity, the MCHK, in considering a case, often requires the complainants or relevant institutions to provide further information. Where necessary, the MCHK will

also seek opinions from independent experts and legal advice to ensure that the case is considered in a comprehensive, objective and impartial manner. The new PIC is still at the early stage of establishment, and an accurate estimation of the time it takes to process cases cannot be made at the moment. Nevertheless, the MCHK expects that the backlog of cases can be cleared in three years.

The task force will convene its second meeting shortly to continue reviewing the progress and effectiveness of the work on complaint handling. The MCHK expects that the majority of the cases that require inquiry can be concluded within two years after the existing backlog has been cleared.

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## LCQ17: Importation of labour

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (March 27):

Question:

Since February of last year, the seasonally adjusted unemployment rate in Hong Kong has remained at 2.8 per cent, which is a record low since 1998. Operators of quite a number of industries have relayed that as they have encountered difficulties in staff recruitment, they hope that the Government will relax the criteria for vetting and approval of applications for importation of labour under the Supplementary Labour Scheme (the Scheme). In this connection, will the Government inform this Council:

(1) given that from 2015 to 2017, the success rates of applications for labour importation under the Scheme for the (i) transport, storage and communications industries and (ii) financing, insurance, real estate and business services industries were lower than those for other industries, whether the Government has looked into the causes for that; if so, of the outcome; whether it will review the Scheme, with a view to raising the success rates of applications for importation of labour for those industries;

(2) whether it will (i) consider afresh setting industry-specific quotas for labour importation, and (ii) relax the manpower ratio requirement of two full-time local workers to one imported worker under the Scheme; and

(3) as the Chief Executive stated in last year's Policy Address that the Government would consider allowing a greater flexibility for subsidised elderly service and rehabilitation service units to import carers, of the details and progress of the relevant work; whether the Government will examine allowing a greater flexibility also for other industries to import labour; if so, of the details?

Reply:

President,

My reply to the Member's question is as follows:

(1) and (2) The Government operates different schemes for employers to apply for importation of labour on account of their actual operational circumstances so as to supplement skills not readily available in the local labour market and sustain the competitiveness and development needs of Hong Kong. Depending on the skill levels and/or educational requirements of the job vacancies concerned, employers may apply to the Immigration Department for admission of professionals or to the Labour Department (LD) for importation of workers at technician level or below under the Supplementary Labour Scheme (SLS).

SLS has not prescribed a quota ceiling of imported workers for the labour market as a whole or for individual sectors. Each application is considered on its actual merits, such as whether the employer has a genuine need for importation of labour, the number of local employees, and the employer's business and financial situation. Besides, in vetting applications, except for specific posts such as farm workers, LD normally requires a specific manning ratio, e.g., employers shall employ two full-time local workers for bringing in one imported worker from other places (i.e. 2:1), with a view to safeguarding the employment opportunities of local workers. The Government at this stage has no plan to adjust the above manning ratio.

(3) Relevant government bureaux and departments will closely monitor the manpower supply and demand of different sectors, as well as enhance training and attract new recruits. The Government appreciates that the elderly care service sector has manpower shortage problems. The Chief Executive's 2017 Policy Address announced that, on the premise of safeguarding local workers' priority for employment, consideration might be given to allowing greater flexibility for subsidised elderly service and rehabilitation service units to import carers. The Social Welfare Department (SWD) conducted a survey on subsidised elderly and rehabilitation service units in 2017 to understand the manpower situation of frontline care staff. The results of the survey showed that the vacancy rate of the relevant posts reached 18 per cent.

To help the sector recruit and retain frontline care staff, the Government has since 2018 allocated additional resources to subvented welfare service units to enhance the remuneration of frontline care staff. In this connection, LD staged a "Job Expo for Elderly and Rehabilitation Services" in July 2018 to help social welfare organisations recruit the staff required. SWD is currently conducting another survey on subsidised elderly and rehabilitation service units to gauge if additional resources to increase the remuneration for these organisations have changed the manpower situation of frontline care staff. The relevant data analysis is expected to be completed by mid-2019. The Government will study the relevant statistics in planning the way forward.