

LCQ13: Liberal Studies subject under the senior secondary education

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (November 13):

Question:

In September this year, the Education Bureau (EDB) introduced professional consultancy services under which publishers may voluntarily submit their textbooks for the Liberal Studies (LS) subject under the senior secondary education to the EDB for a professional team to offer professional advice and recommendations on the contents of the textbooks in the light of the curriculum objectives and goals of the subject. The EDB will upload onto the EDB webpage a list of LS textbooks which have undergone the professional consultancy procedure and completed the follow-up actions on the recommendations received. On the other hand, it has been reported that some LS teachers have earlier been alleged to have distinct political stances, have made hostile remarks against the Police on the Internet, and have compiled for their schools LS teaching materials (self-compiled teaching materials) and examination questions with obviously biased views. Regarding the LS subject under the senior secondary education, will the Government inform this Council:

(1) of the names, number and proportion of the publishers which have so far indicated that they will use the professional consultancy services, and how such proportion compares with that anticipated by the EDB;

(2) of the following details of the professional consultancy services: (i) whether publishers are required to submit the full contents of their textbooks (if not, which parts or chapters are required to be submitted), (ii) the background of the members of the professional team, and (iii) the bases on which the team offers advice or recommendations to publishers;

(3) in relation to the LS textbooks which have not undergone the professional consultation procedure or have not been amended in the light of the advice or recommendations offered by the professional team, whether there will be other impacts on such textbooks, apart from their exclusion from the list of LS textbooks on the EDB webpage;

(4) whether publishers are required to pay for the professional consultancy services; if so, of the amount of money involved, and whether the EDB has assessed the impact of such an expense on textbook prices;

(5) whether the EDB will require or encourage schools to adopt only those textbooks which have undergone the professional consultation procedure as the main LS teaching materials;

(6) whether the EDB has plans to change the nature of the professional consultancy services from voluntary to mandatory;

(7) given that nowadays quite a number of schools use self-compiled teaching materials for the LS subject, how the EDB ensures that such self-compiled teaching materials meet the criteria of objectiveness, fairness and impartiality; whether the EDB has considered extending the professional consultancy services to self-compiled teaching materials;

(8) whether the EDB will study establishing channels for teachers, parents or students to make enquiries or complaints as to whether the contents of their schools' self-compiled LS teaching materials are biased or untrue;

(9) as it has been reported that the EDB has earlier appointed all the 11 Curriculum Development Officers of the Liberal Studies Section under the Curriculum Development Institute as inspectors and authorized them to visit schools for the purpose of inspecting LS teaching, of the details of such inspections; how the EDB will follow up the situation where the inspectors have found that there is room for improvement or improvement must be made in LS teaching of a certain school; and

(10) whether the EDB has formulated measures to ensure that LS teachers are of good characters and uphold professionalism and impartiality in teaching?

Reply:

President,

The Liberal Studies (LS) subject under the senior secondary curriculum aims at helping students enhance their awareness of personal, social, national and global developments as well as scientific and technological advancement; broaden their knowledge base; connect knowledge acquired from different subjects; and consider issues from multiple perspectives. It also seeks to develop students' positive values and attitudes towards life so that they can become informed and responsible citizens. Teachers should teach the subject in accordance with the curriculum aims and objectives in a serious and professional manner. A wide range of learning and teaching resources, including those developed by the Education Bureau (EDB), should be adopted flexibly. In view of the above features of the LS, and the evolving nature of most contemporary issues involved in the curriculum, there is no mechanism for submitting LS "textbooks" for review at the moment. Nor is there any Recommended Textbook List for this subject. However, books published in the form of "textbooks" are made available for sale in the market, and adopted by quite a number of schools.

In view of the social incidents in recent months, some members of the community, alleging some teaching materials used in lessons as containing biased views, are concerned that such materials may cause negative impacts on students. They are particularly concerned that classroom teaching and learning materials for senior secondary LS which are not objective and

impartial will mislead students who are mentally immature. The EDB fully understands such public concerns and, to safeguard the well-being of students, has introduced a special measure to provide a free professional consultancy service to publishers with the aim of reviewing the quality of published senior secondary LS "textbooks" to achieve the curriculum aims and objectives.

Our reply to the questions raised by the Hon Cheung Kwok-kwan is as follows:

(1) to (6) The special measure of providing a one-off professional consultancy service to publishers in ensuring the quality of the published senior secondary LS "textbook" is a consensus reached after discussion between the EDB and the Hong Kong Association of Professional Education Publishing Limited. It is generally supported by publishers. The publishers participate in the service on a voluntary basis and are not required to pay any fees to the EDB. They shall undertake to duly follow our professional advice and make amendments to enhance the quality of their LS "textbooks" as early as possible. As at mid-October 2019, seven major publishers of LS "textbooks" participating in the consultancy service have submitted a total of ten sets of all the latest versions of LS "textbooks" (including the English versions) to the EDB. According to our understanding, the senior secondary LS "textbooks" commonly used in schools are published by these seven publishers.

A professional team, comprising subject inspectors, university academics and education professionals, has been set up to provide feedback and advice professionally in accordance with the curriculum aims and objectives of the LS. The team will provide feedback and advice without any political considerations. The EDB will scrutinise the "textbooks" in phases and the publishers are expected to complete the refinements of their "textbooks" by the end of this school year. Where necessary, the EDB will exchange professional views with the publishers to further enhance the quality of LS "textbooks".

We have uploaded the list of voluntary publisher participants onto our webpage (www.edb.gov.hk/tc/curriculum-development/resource-support/textbook-info/ls.html). The list of LS "textbooks" and the relevant volumes which have undergone the professional consultation will be published on the EDB's webpage stepwisely in due course for schools and public's information. The EDB will also explain the consultancy service to schools and teachers continually through channels such as seminars for teachers, meetings with school councils/school heads associations and curriculum development visits. Schools may make reference to the relevant list of "textbooks" when selecting learning and teaching materials for the new school year.

The EDB will continue to develop learning and teaching resources for senior secondary LS, such as the LS Curriculum Resources Booklet Series covering all the modules of the curriculum, and develop the LS Web-based Resource Platform (ls.edb.hkedcity.net) with a broad diversity of contents,

for free use by schools. In addition, the EDB has disseminated, through circulars, to schools the requirements and criteria for selecting learning and teaching resources. Various kinds of professional training programmes have also been organised for teachers for this purpose. Teachers are required to select quality learning and teaching resources which are in line with the curriculum aims and objectives. Also, they should remain open-minded and impartial in teaching so as to enhance the effectiveness of learning and teaching and develop students' positive values and attitudes. Taking into account the experience of the professional consultancy service, the EDB will consider the long-term quality assurance measures for the subject, including the feasibility of extending the existing textbook review mechanism to cover LS "textbooks".

(7), (8) and (10) On school-based resource materials as well as learning and teaching, the school management has the responsibility for ensuring that school-based materials of various subjects, including the LS, are in line with the respective curriculum aims and objectives. Also, they should remind teachers to adopt suitable learning and teaching strategies, guide students in an objective, rational and impartial manner, respect different views and refrain from promoting their political views.

The EDB attaches great importance to teachers' professional conduct. Teachers should adopt a neutral stance and analyse issues using diversified resources from multiple perspectives. Teachers should guide students to express their views in a peaceful and rational manner. Teachers serve as students' role models through teaching by words and examples. Their words and actions must be in compliance with the professional conduct and meet the standard as expected by the public. If any complaints relating to suspected professional misconduct are received, the EDB will investigate each case, monitor the conduct of teachers in accordance with the Education Ordinance, and follow up on all suspected cases seriously. For serious cases, the registration of the teacher concerned may be cancelled. As employers, schools are responsible for managing their staff and monitoring their performance, including matters relating to teachers' conduct and discipline. For suspected cases of teachers' professional misconduct, the EDB will keep close contact with schools and urge the schools to follow up seriously. Should members of the public have any views on the teaching materials or teachers' professional conduct of individual schools, they may approach the schools concerned or the EDB.

(9) EDB officers have been monitoring the quality of learning and teaching through external school reviews, focus inspections on different subjects and curriculum development visits. The EDB has recently appointed officers from the LS Section of the Curriculum Development Institute (CDI) to double as inspectors. The purpose of engaging these officers is to sustain the professionalism in curriculum development through the collaborative efforts with inspectors from the Quality Assurance Sections (QAS) in conducting curriculum development visits-cum-focus inspections. The procedures, requirements and follow-up actions of focus inspections, including the focus inspections on the LS carried out jointly by the CDI and QAS, are consistent among all subjects. Through scrutiny of relevant documents (such as

curriculum documents, student assignments and examination papers), discussions with school personnel as well as observation of lessons and activities in relation to the subject concerned, inspectors get to understand the implementation of the curriculum in schools. Based on the school context, inspectors evaluate the subject performance and provide schools with specific professional advice for their continuous improvement in the implementation of the subject curriculum.

The synergy achieved from curriculum development visits-cum-focus inspections conducted jointly by Curriculum Development Officers of the LS Section and QAS inspectors can help schools continue to enhance the effectiveness of learning and teaching of the LS based on findings of focus inspections. Also, the CDI can improve the curriculum design and develop more suitable teaching resources with reference to the learning and teaching situation observed during inspection for promoting continuous development in learning and teaching. Should the quality of learning and teaching of a school fall short of satisfaction, the EDB will take follow-up actions in accordance with the established mechanism, such as urging the incorporated management committee/school management committee to make improvement based on the inspection report, encouraging the school to seek school-based support services from us, and, if necessary, arranging a follow-up inspection to ensure that the school has taken appropriate follow-up actions to address the recommendations made in the focus inspection for improving the learning and teaching effectiveness of the subject.

LCQ17: Value for money audits for the public health institutions

Following is a question by the Hon Chan Han-pan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 13):

Question:

In the past two decades, the Audit Commission conducted value for money audits on a number of occasions in respect of the work and services of particular areas under the purview of the Hospital Authority (HA) and the Department of Health (DH), and published eight and 16 reports respectively. However, such audits did not cover issues of overall operation of these two institutions. In this connection, will the Government inform this Council whether, in the past five years, the Government conducted on its own or commissioned consultants to conduct:

(1) comprehensive, large-scale and in-depth value for money audits on the overall services, use of integrated resources and administrative management

(i.e. rather than particular work and services) of HA and DH; if so, of the details (including the personnel responsible for the audits, the outcome and the recommendations); if not, the reasons for that;

(2) value for money audits on the cost-effectiveness (including the effectiveness on aspects such as shortening patients' waiting time, and enhancing the efficiency of administrative management and work of healthcare workers) of the additional funding allocated by the Government respectively to HA and DH in each of the past five years; if so, of the details; if not, the reasons for that;

(3) value for money audits respectively on four aspects of the work of HA and DH, namely (i) streamlining service procedures, (ii) optimising the use of human and financial resources, (iii) alleviating the work pressure on frontline healthcare workers, and (iv) boosting the work enthusiasm and morale of healthcare teams; if so, of the details; if not, the reasons for that;

(4) value for money audits on the service cross-referral and collaboration between HA and DH; if so, of the details; if not, the reasons for that; and

(5) a cross-institutional, comprehensive and integrated value for money audit in respect of the arrangements for division of labour in the provision of public healthcare services by HA and DH; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Financial Services and the Treasury Bureau (FSTB), Audit Commission, Hospital Authority (HA) and Department of Health (DH), my reply to the question raised by Hon Chan Han-pan is as follows:

(1) to (3) As an independent auditing body of the Government, the Audit Commission conducts value for money audits of government departments and related organisations from time to time with a view to examining their economy, efficiency and effectiveness when discharging their functions.

Since 1999, the Audit Commission has conducted eight and 16 value for money audits on the HA and the DH respectively. The issues examined included waiting time of the HA's patients for specialist outpatient services, drug management and public-private partnership programmes of the HA, and the DH's provision of health services for the elderly, efforts in tobacco control and provision of dental services, etc.

In addition to the audit work of the Audit Commission, the Government has been monitoring the operation and utilisation of resources of the HA and the DH through various channels.

HA

The HA is an independent statutory body established under the Hospital Authority Ordinance (Cap. 113). The Ordinance includes provisions specifying that the HA should use the hospital resources efficiently to provide hospital services of the highest possible standard with the resources obtainable.

To ensure accountability to the public for the management and control of the public healthcare services system, three Government officials are ex-officio members of the HA Board and participate in the governance of the HA. Moreover, the Government sets out the performance targets of the HA in the Controlling Officer's Report under Head 140 in the Government's Estimates each year. These performance targets cover various aspects, including access to services (such as waiting time), delivery of services, quality of services, cost of services and manpower, etc. Through regular reports submitted by the HA, the HA Board and the Government assess and examine the performance of the HA in accordance with these targets. Relevant service targets, performance and budget estimates are submitted for the vetting and approval of the Legislative Council (LegCo) every year. In the past three years, the Government has provided around 200 to 250 replies regarding funding for the HA and relevant services each year in response to questions raised by the LegCo Finance Committee Members during the examination of the annual estimates of expenditure by the Finance Committee.

In 2013, the Government established the Steering Committee on Review of the HA to conduct a comprehensive review of the operation of the HA to explore viable measures for enhancing the cost-effectiveness and quality of its services. The Steering Committee issued a report in July 2015 and the HA formulated an action plan in October of the same year with a view to implementing the recommendations of the Steering Committee within three years. The Government has been closely monitoring the progress of the HA's implementation of the recommendations. The HA submitted a final report to the Government in October 2018 concluding the completion of the implementation of the HA Review Action Plan. The HA will continue to implement the on-going and continuous initiatives for the enhancement of public healthcare services in Hong Kong.

The HA's Group Internal Audit Department is established under the HA's governance and control framework. It is operationally independent of the HA management and reports directly to the Audit and Risk Committee of the HA Board. The Group Internal Audit Department helps the HA to evaluate and improves the effectiveness of internal controls, risk management, and governance processes of HA through adopting a systematic and disciplined approach. Its scope covers HA-wide significant risk areas and includes examining value for money in terms of economical, efficient and effective use of resources.

Besides, the HA has established various key performance indicators, and measures the quality and efficiency of key service performance through the established performance benchmarks to drive service improvement. The HA also measures the performance outcome of initiatives against the pre-set targets or deliverables of the funded programmes formulated through the annual

planning exercise. In addition to submitting quarterly progress review reports, which set out the service performance on the key performance indicators of the HA and progress of funded programmes under the annual plan, to the Food and Health Bureau (FHB), the HA also reports quarterly to the HA Board on the relevant progress. Moreover, the HA will provide in the HA Annual Report an overview on the HA's performance and achievement for the year under report for public reference.

Regarding funding for the HA, the Government allocated \$68.8 billion to the HA in 2019-20, which was an increase of \$18 billion (or i.e. 35 per cent) over the \$50.8 billion allocation in 2015-16. The additional funding is mainly used to address the increasing demand for healthcare services, and to implement new measures and enhance services. Major areas of work are as follows:

- (1) opening new beds in public hospitals;
- (2) phased commissioning of the planned medical services of the completed hospital projects in a timely manner. Hospital projects completed in recent years include Tin Shui Wai Hospital, North Lantau Hospital (Phase 1) and Hong Kong Children's Hospital;
- (3) expanding palliative care services;
- (4) enhancing treatment and management of cancers and chronic diseases (such as renal diseases and cardiac diseases);
- (5) strengthening mental health services;
- (6) continuing to enhance access to accident and emergency, surgical, endoscopic, diagnostic imaging, specialist outpatient and general outpatient services;
- (7) strengthening support for chronic disease patients through adopting a multi-disciplinary approach in accordance with the primary care development strategy;
- (8) improving quality and safety of services, including strengthening support for clinical service delivery and enhanced response to contingencies;
- (9) widening the coverage of the HA Drug Formulary and extending the therapeutic applications of drugs;
- (10) providing appropriate and affordable drugs and treatments for patients with uncommon disorders; and
- (11) strengthening manpower, including implementing various measures to attract and retain staff.

Regarding healthcare manpower, the HA has been actively pursuing various human resources measures to retain talents and relieve pressure of frontline healthcare staff. The HA continues to recruit full-time healthcare staff, increase the number of Resident Trainee posts to recruit all qualified local medical graduates, and recruit qualified non-locally trained doctors through limited registration.

To enhance manpower support in the short term, the HA actively recruits part-time and temporary healthcare staff, as well as agency nurses and supporting staff. The HA has set up the Locum Office to promote the flexible recruitment of part-time healthcare professionals, and launched the Locum Recruitment Website in November 2018 to provide a more flexible and efficient

way of recruitment, so as to attract and recruit more part-time doctors and nurses to work in public hospitals with a view to strengthening manpower support. The HA has also implemented the Special Retired and Rehire Scheme to rehire the retired staff to continue to perform clinical duties in the HA.

In addition, the HA has since April 1, 2019 increased the Fixed Rate Honorarium for doctors, and enhanced the pay for serving Patient Care Assistants, Operation Assistants and Executive Assistants and the respective new recruits. The HA will also continue to enhance the promotion prospects of healthcare staff, increase flexibility of working arrangements, enhance training opportunities and preceptorship support, improve working environment, and recruit ward clerk and assistants to boost staff morale and retain manpower. The Government will continue to closely liaise with the HA to formulate other short, medium and long term measures, and examine the effectiveness of various measures with a view to alleviating the pressure on healthcare staff in the HA.

DH

The DH sets out the service targets in the annual Controlling Officer's Report under Head 37 and measures the quality and efficiency of performance of major services through established performance indicators. Relevant service targets, performance and budget estimates are submitted for the vetting and approval of the LegCo every year. In the past three years, the Government has provided around 100 to 200 replies regarding funding for the DH and relevant services each year in response to questions raised by the Members during the examination of the annual estimates of expenditure by the Finance Committee.

Besides, the DH is committed to providing quality services and implements the "Performance Pledges Scheme" covering 21 service categories, including elderly health services, family health services, student health services, tuberculosis and chest services, etc. The pledges for most of the services can be met. The DH also conducts regular customer satisfaction surveys to understand the users' satisfaction level with individual services of the DH and identify areas for improvement.

The DH has an Internal Audit Section for conducting internal audit for various service functions of the department covering operational workflow, payment workflow, fund management as well as value for money studies. It provides comments and suggestions on improving cost effectiveness and internal control measures for consideration by the Departmental Audit Committee.

In addition, advisory committees have been established for various public health programmes run by the DH. Independent statutory bodies (such as Councils and Boards) have also been set up to advise on the DH's enforcement of health-related legislation. These advisory committees and independent statutory bodies are composed of members from different sectors and professions, so as to facilitate monitoring of the implementation of public health programmes and enforcement of health-related legislation.

The total budget of the DH in 2019-20 is \$13.3 billion, representing an increase of \$6.8 billion (or i.e. 105 per cent) from \$6.5 billion in 2015-16. The increased provision is mainly for meeting the increasing service demands under the DH's programmes (including statutory functions, disease prevention, medical care and civil service medical and dental services, etc), implementing new measures and enhancing services. Some of the major items are as follows:

- (1) increase in personal emoluments and personnel related expenses mainly attributable to the increase in establishment and civil service pay adjustments;
- (2) optimisation of the Elderly Health Care Voucher Scheme, including the provision of an additional one-off medical voucher of \$1,000 in 2018 and 2019 to each eligible elders; and raising the maximum accumulation limit of medical voucher to \$8,000 in 2019;
- (3) increase in expense on reimbursement of medical fees and hospital fees for civil servants and eligible persons; and
- (4) implementation of other disease prevention and control measures, including the introduction of colorectal cancer screening programme and the conversion of the programme into a regular one; implementation and optimisation of various vaccination schemes (including the seasonal influenza vaccination scheme, the pneumococcal vaccine subsidy scheme, and cervical cancer vaccination scheme, etc); provision of health screening services for new boundary control points and increase in provision for medicine expenses for the DH's services.

Regarding the medical manpower, the DH has been recruiting talents in a multi-pronged manner to alleviate the shortage of medical manpower. Various measures include appointment of civil service and contract staff (including staff on non-civil service contract and post-retirement service contract terms), extension of service of civil service medical staff reaching normal retirement age; recruiting contract doctors (including doctors with limited registration) throughout the year; recruiting civil service doctors throughout the year since September 2019 and raising their entry salary point based on the applicant's experience and academic qualifications. In addition, the DH organises recruitment seminars for overseas and local medical students and interns; promulgates the recruitment exercises through the Internet and medical magazines; and provides suitable training support for the serving doctors of the DH including the provision of specialist training, provision of examination support for specialists by the two commissioned universities, and provision of sponsorship for them to pursue postgraduate courses. The DH reviews the effectiveness of various short, medium and long term human resource measures from time to time with a view to increasing the medical manpower and retaining talents.

The Government will closely monitor the various work and measures of the HA and the DH mentioned above to ensure efficient use of resources for providing suitable services to the public.

- (4) and (5) The DH and the HA are two major department and institution under

the Hong Kong public healthcare system and play their respective roles and responsibilities. The DH is the Government's health adviser. It performs public health functions including health promotion, disease prevention as well as regulation of drugs, healthcare professionals and healthcare facilities. Meanwhile, the HA provides the public with a wide range of curative and rehabilitative services through its hospitals, specialist outpatient clinics, general out-patient clinics and community outreach teams.

The HA and the DH have been complementing and facilitating promotion of the Government's policies in different areas such as health promotion, public health and public healthcare services through collaboration and service referrals at different levels to serve the public. The DH's units which provide primary healthcare services, such as Maternal and Child Health Centres, Student Health Service Centres and Elderly Health Centres, will refer their patients to the specialist outpatient clinics of the HA for follow-up treatment according to their needs. Similarly, the DH will also take on cases referred by the HA for specialist services, such as those provided in the DH's dermatological clinics, chest clinics and the clinical services for people infected with Human Immunodeficiency Virus. The DH and the HA have been working in tandem to offer medical services while performing their respective functions. In addition, the FHB coordinates inter-departmental efforts in public health and medical programmes through various platforms and communication channels, such as colorectal cancer screening programme, organ donation promotion and winter surge preparation. The HA will also report the progress of individual projects as required by the Government.

The Government will continue to liaise closely with the DH and the HA, and review the service arrangements when necessary with a view to providing comprehensive public health and medical services that meet the needs of the community.

LCQ4: Promoting attractions of Lei Yue Mun

Following is a question by the Hon Paul Tse and a reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (November 13):

Question:

It has been reported that with Hong Kong experiencing months of social turmoil, many industries have become languished, and the numbers of Mainland and overseas visitors have plunged (e.g. the number of visitor arrivals from the Mainland during the "National Day Golden Week" has dropped drastically by

56 per cent to a record low in nine years). The number of visitors to Lei Yue Mun, a famous tourist area in Kowloon East, has dropped significantly as well. As a result, a large number of tourism-related shops have closed down one after another. Earlier on, the Financial Secretary has introduced a \$19.1 billion package of measures to "support enterprises, safeguard jobs and relieve people's burden" (relief measures), which include a 50 per cent rental reduction for a period of six months for most short-term tenancies of government land for business use under the Lands Department (LandsD) and for public market stalls. However, some shop operators in Lei Yue Mun and the District Council members of the district have relayed to me that the aforesaid shop operators have successively received notices from LandsD that their rentals will be raised by 7 per cent shortly. They are afraid that such rental increase will give rise to a wave of closure of these shops, thereby leading to the fading out of a world-renowned tourist attraction in Hong Kong. In this connection, will the Government inform this Council:

(1) as some members of the public have criticised that the Government's policies are self-contradictory in that on the one hand it has implemented the relief measures and injected several million dollars to promote local gourmet food, but on the other hand it raises the rentals of shop operators in Lei Yue Mun who are facing operating difficulties, whether LandsD has, prior to making the rental increase decision, discussed with the policy bureau and government departments in charge of tourism affairs as well as the affected shop operators, so as to gain an understanding of the rate of decrease in the number of visitors to Lei Yue Mun since the eruption of the disturbances arising from opposition to proposed legislative amendments, as well as the pressure of rental increase to be borne by the shop operators in Lei Yue Mun; if so, of the reasons for LandsD's insistence on effecting the rental increase; if not, the reasons for that;

(2) whether it has assessed if the persistent decrease in visitors to Hong Kong and LandsD vigorously effecting the rental increase will compel more restaurants and shops in that district to close down one after another before and after the Lunar New Year holiday; and

(3) as some members of the public have criticised that with the two theme parks, namely the Ocean Park Hong Kong and the Hong Kong Disneyland, being "on saline drip" and operating with a loss, and local tourist attractions having, for a long time, "lived on established advantages" only, whether the authorities will step up publicity for Lei Yue Mun as a tourist attraction which has scenery of a traditional fishing village and offers gourmet seafood, and supplement such initiative with effective policies, e.g. reducing rentals directly, with a view to helping Lei Yue Mun maintain its appeal to visitors?

Reply:

President,

Thank you for the question raised by the Hon Paul Tse. The persisting protests and social unrest in recent months have resulted in disruption to

law and order, thereby causing a dramatic drop in the tourist arrivals. Local consumption has also been hit hard. Coupled with the austere external economic environment, the tourism and related sectors have in particular suffered a heavy blow.

To relieve the business operation pressure faced by the enterprises, the Government has announced three rounds of measures to support enterprises and safeguard jobs since mid-August with a view to assisting different sectors in reducing operating costs, financing, developing markets, etc. One of the measures is rental reduction by 50 per cent for six months with effect from October 1 this year for tenancies under various Government departments, including the Lands Department (LandsD), the Food and Environmental Hygiene Department, the Government Property Agency, the Marine Department, the Agriculture, Fisheries and Conservation Department and the Leisure and Cultural Services Department. The tenancies involved include catering establishments, retail stores, public market stalls, fee-paying public car parks.

Having consulted the Development Bureau and LandsD, my reply to the question raised by the Hon Tse is as follows:

(1) and (2) There are currently 19 Short Term Tenancies (STTs) sites in Lei Yue Mun (LYM) being used for Chinese restaurants and seafood/grocery stalls or other purposes. These tenants are already benefiting from the aforementioned measure. In other words, the tenants will enjoy a rental reduction by 50 per cent for six months from October 1, which is applicable to rent payable during those six months.

Under the existing mechanism, LandsD generally conducts rent review for each STT every three years according to the tenancy conditions to reflect the latest level of market rent. In accordance with this mechanism, LandsD has earlier conducted rent review for those 19 STTs in LYM to determine the rent for the three years commencing from January 2020. The rent review showed that the rent payable can be increased by about 6.6 per cent over the level three years ago if it is to reflect the latest level of market rent. LandsD informed the tenants of the rent review result in September this year. Nonetheless, having considered the current economic and social situation, LandsD has informed the tenants concerned that there is no need to pay regard to the rent review result for the time being for LandsD's further review on the arrangement. In other words, the 19 tenants are currently not subject to the rent increase of 6.6 per cent as originally proposed. I have also informed the Hon Tse of the above situation for his relaying the message to the tenants.

At the moment, the Government is looking into the handling of the rent review arrangement for tenancies under LandsD. Depending on the outcome of the review, the Government will further consider whether additional measures should be introduced to assist businesses to cope with the challenging economic environment at present.

(3) Characterised as a traditional fishing village, LYM is one of the popular

tourist spots in Hong Kong. The Hong Kong Tourism Board (HKTB) has been promoting the diverse tourism appeal and unique experiences of LYM, including the nearby attractions such as the seafood village and the Jockey Club Lei Yue Mun Plus through different channels, including website, visitor centres, visitor hotline, etc. Besides, the HKTB has also been promoting LYM travel products operated by the travel trade, including the gourmet tours at the seafood village.

Besides, with a view to enhancing the attractiveness of LYM as a seafood-dining destination with its pleasant seaside ambience, the Tourism Commission has been actively pursuing the implementation of the Lei Yue Mun Waterfront Enhancement Project (LYM Project) to improve facilities along LYM waterfront. The scope of LYM Project includes the construction of a public landing facility, a breakwater and a waterfront promenade; the provision of several lookout points and streetscape improvement works along the footpath linking up the lookout points; as well as the construction of a new viewing platform, etc. Recently, the Government has obtained the support of the local community, including shop operators, the respective District Council and the Harbourfront Commission for LYM Project. We target to seek funding support from the Legislative Council for the LYM Project in 2020. Subject to funding approval, the construction works are expected to commence in late 2020 for completion by phases from 2022 to 2024. We believe that upon the completion of the Project, the attractiveness of LYM to tourists would be enhanced and would thus help further promote the local economy. The HKTB will continue to promote the diverse tourism appeal of LYM to tourists alongside with LYM Project.

Thank you, President.

LCQ14: The rights and welfare of arrested children

Following is a question by the Dr Hon Fernando Cheung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 13):

Question:

Since June 9 this year, a number of large-scale public meetings and processions (public events) relating to the "anti-extradition to China" movement have occurred in Hong Kong. During those public events, a number of demonstrators and bystanders, including children under the age of 16, were arrested. It has been reported that subsequent to the arrests of three children aged between 13 and 15 on August 29 this year, despite confirmation from their parents that they would fulfil their duty to protect and care for

their children, the Police still filed applications to the juvenile court for Care or Protection Orders (C or P Orders). Such children were detained in Tuen Mun Children and Juvenile Home (TMCJH) of the Social Welfare Department (SWD), for 27 days in the longest case, while the court was awaiting reports from SWD. In this connection, will the Government inform this Council:

(1) of the number of cases of the Police arresting children under the age of 16 during public events since June 9, this year, and set out the following details of each case in a table by date of arrest: (i) the age of the arrestee, (ii) the location of the arrest, (iii) the offence(s) allegedly committed by the arrestee, (iv) the charge(s) laid (if a prosecution has been instituted), (v) the bail conditions (if applicable), and (vi) whether the Police have applied to the court for a C or P Order;

(2) given that although Chapter 49 of the Police General Orders (PGOs) provides that "[t]o ensure that the rights and welfare of persons with special needs are fully addressed, whilst the presence of an appropriate adult is mandatory for detained persons under the age of 16 and detained persons who are or suspected to be mentally incapacitated", some social workers who were at the scene of the aforesaid public events have pointed out that the Police refused to let these social workers accompany children under the age of 16 who had been arrested to the police station or accompany them throughout their detention, whether it has assessed if such practice of the Police has contravened the relevant requirements of PGOs;

(3) whether it has assessed if the Police's treatment of the aforesaid three children conforms to the requirements of Article 37 of the Convention on the Rights of the Child (i.e. "States Parties shall ensure that ... [t]he arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time"); and

(4) of the mechanism in place for dealing with requests from religious personnel and Members of this Council for paying official visits to children under the age of 16 who are being detained in TMCJH, including how the urgency of such visits is to be determined, and whether the views of the detainees will be sought beforehand?

Reply:

President,

Our reply to Dr Hon Fernando Cheung's question is as follows:

(1) There have been conflicts and violence arising from public protests and processions since June 9. As at October 31, the Police arrested 3 001 persons in total, of which 510 arrestees were charged with offences including rioting, unlawful assembly, possession of offensive weapons, criminal damage and using facial covering while at an unlawful assembly etc. Among the 165 arrestees under the age of 16, 19 were charged with alleged offences including those mentioned above. The Police do not maintain the number of

applications for care or protection orders.

(2) In general, a person upon arrest by the Police will be brought to the police station as soon as possible to confirm the legality of his custody and arrest before the Duty Officer. The arrestee will then be handed over to the Police's investigation team for further investigation. After completing the preliminary investigation, the Police will decide whether detention of the arrestee is required. The Police will consider releasing an arrestee on his own recognisance, on bail or unconditionally having regard to the circumstances of individual cases.

The Police have put in place clear guidelines on handling child or juvenile arrestees to protect their rights and welfare. According to the Police General Orders, if the arrested person is under the age of 16, the Police shall make all reasonable efforts to inform the parent(s) or guardian of the child or young person concerned to come to the station whilst the child or young person is being held. Under reasonable and practicable circumstances, the Police will request an "appropriate adult" to accompany the child or young person at the police station before carrying out investigation on the child or young person. An "appropriate adult" is defined as the following:

- (a) a relative, guardian or other person for care or custody of that person;
- (b) someone who has experience of dealing with a person with a particular special need, but who is not a police officer nor employed by police; or
- (c) failing either of the above, some other responsible adult who is not a police officer nor employed by the police.

The Police will arrange appropriate adults for arrestees according to established procedures and guidelines.

Before carrying out a custody search on a detained person under the age of 16, the Duty Officer will ensure the presence of an appropriate adult of the same gender as the arrestee. Subsequent investigations against a detained person, including the taking of statement, collecting intimate body samples, etc., must also be conducted in the presence of an appropriate adult.

The Police strives to protect the privacy and rights of detained persons at all times. The Police will ensure that males and females shall not be detained in the same temporary holding area, and that adults shall be detained separately from children and juveniles. Detained children and juveniles enjoy the same fundamental rights as ordinary persons, including the rights to request and receive medical treatment, seek legal service and assistance, communicate with a relative or friend, etc. If temporary care has to be arranged, the persons concerned will be transferred to the Tuen Mun Children and Juvenile Home (TMCJH) for detention.

Detained persons are entitled to the rights set out in the Notice to Persons in Police Custody or Involved in Police Enquiries. The Police will

issue and explain the notice to every detained child and juvenile in the presence of an appropriate adult, and the appropriate adult shall acknowledge the content by signing the notice. Besides, all appropriate adults will be issued with the Notice to "Appropriate Adult" for Person Assisting/under Police Enquiry/in Police Custody who is Mentally Incapacitated or Aged under 16 which explains the roles and responsibilities of an appropriate adult, so as to help them understand how they can provide appropriate support to arrestees.

(3) Under the Protection of Children and Juveniles Ordinance (Cap 213), a care or protection order may be issued to a person aged below 18 who requires care or protection. If any factor or circumstance below is found in respect of a child or juvenile, a police officer may apply to a juvenile court for issuance of such order to provide the child or juvenile in need with care or protection. According to section 34(2) of the ordinance, a child or juvenile in need of care or protection means a child or juvenile:

(a) who has been or is being assaulted, ill-treated, neglected or sexually abused; or

(b) whose health, development or welfare has been or is being neglected or avoidably impaired; or

(c) whose health, development or welfare appears likely to be neglected or avoidably impaired; or

(d) who is beyond control, to the extent that harm may be caused to him or to others, and who requires care or protection.

In considering whether to apply for a care or protection order, the Police have along follow the said ordinance by taking into account the circumstances of individual cases and determining if the person concerned meets the criteria to be identified as a child or juvenile in need of care or protection under the law at that time. Whether an order will be issued eventually is a decision by the court.

As an application for leave for judicial review on the relevant issue has been lodged, it is not appropriate for us to comment on any individual case at this stage.

(4) The Social Welfare Department (SWD) respects children's rights, including their freedom of religion and thought. SWD will, in collaboration with various religious organisations, provide after-school groups and support activities for children in juvenile homes under its purview to help them build meaningful community connections.

TMCJH under SWD provides refuge to children or juveniles aged 8 to below 18 who require care or protection. Given that persons detained in TMCJH are minors, if anyone other than their parents or guardians requests a visit, SWD's case social workers concerned will first make an assessment to ensure that the visit is relevant to the welfare plans of respective children or

juveniles in order to protect their privacy and rights. They must also obtain the consent of parents or guardians before issuing an instruction of approval for visit to TMCJH.

Based on the above criteria, SWD's case social worker concerned will, in accordance with the actual circumstances of individual cases, make corresponding assessments and decisions which meet the welfare needs of respective children or juveniles with regard to individual visit requests.

Immigration Department clarifies rumours on Internet

Regarding an online rumour claiming that, the Immigration Department (ImmD) shall refuse Hong Kong residents not in possession of the closed area permit to enter Hong Kong via land boundary control points due to the interruption of public transport services, ImmD stressed today (November 13) that such a rumour is totally unfounded. The ImmD will continue to provide immigration services to all passengers at all control points.