

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.

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.



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.

LCQ1: New railway projects

Following is a question by Dr Hon Lo Wai-kwok and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (October 24):

Question:

The Railway Development Strategy 2014 (the Strategy) published by the Government in September 2014 has recommended that seven new railway projects be completed within the planning period of up to 2031, but such projects do not include a coastal railway between Tuen Mun and Tsuen Wan. So far, the Government has not yet announced the detailed proposals and the implementation timetables for the seven railway projects, resulting in the public waiting eagerly and railway construction personnel worrying about their subsistence as they will be jobless. In this connection, will the Government inform this Council:

(1) given that at present residents of a number of districts (particularly Kowloon East and Tuen Mun) often face serious traffic congestion, whether the Government will expedite the implementation of the railway projects recommended by the Strategy and at the same time consider afresh, adopting the thinking of "letting railway provide impetus for development", the construction of the coastal railway between Tuen Mun and Tsuen Wan; if so, of the details; if not, the reasons for that?

(2) given that the Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link has been commissioned and the Shatin to Central Link will be completed in the coming few years, and in order to avoid railway construction personnel suffering from the plight of "overworking to death at one time and starving to death at another time", whether the Government will consult the construction industry when it draws up the implementation timetable for each railway project so as to ensure that the various projects will commence in an orderly manner; if so, of the details; if not, the reasons for that; and

(3) as the Third Comprehensive Transport Study, which was completed as early as in 1999, has become outdated and irrelevant to the needs of Hong Kong's latest development, whether the Government will expeditiously embark on the fourth comprehensive transport study, so as to meet the needs for cross-boundary transport networks and support facilities arising from the Development Plan for a City Cluster in the Guangdong-Hong Kong-Macao Bay Area; if so, of the details; if not, the reasons for that?

Reply:

President,

My consolidated reply to Dr Hon Lo Wai-kwok's question is as follows:

Having regard to the indicative implementation window recommended in the Railway Development Strategy 2014 (RDS-2014), the Transport and Housing Bureau (THB) had invited the MTR Corporation Limited (MTRCL) to submit proposals for the implementation of the Tuen Mun South Extension, Northern Link (and Kwu Tung Station), East Kowloon Line, Tung Chung West Extension (and Tung Chung East Station) and North Island Line. MTRCL submitted proposals for these five railway projects to the Government in end December 2016, end March 2017, end July 2017, end January 2018 and end July 2018 respectively. The THB, the Highways Department and relevant bureaux/departments are evaluating the proposals and have requested the MTRCL to provide additional information and supplement details. In carrying out the evaluation, our main focus is to ensure that the proposals are practically feasible and can bring maximum benefits to the society.

Due to the tight housing supply and the potential housing supply that may be brought about by railway development, the Government is reviewing the proposals for the Tuen Mun South Extension and Northern Link (and Kwu Tung Station) and will strive to undertake public consultation on these proposals as soon as possible. We will also carry on with the detailed planning for the East Kowloon Line, Tung Chung West Extension (and Tung Chung East Station)

and North Island Line, and will embark on detailed planning for Hung Shui Kiu Station and the South Island Line (West).

In line with established procedures, prior to the finalisation of any new railway scheme, we will consult the public, including the Legislative Council and the relevant District Councils, on the detailed alignment, locations of stations, mode of implementation, cost estimate, mode of financing and actual implementation timetable of the scheme. The construction industry may also express their views through relevant channels. The Government (including the Development Bureau) reviews manpower of the construction industry and co-ordinates implementation of public works of the Government, so as to implement the public works (including infrastructure projects) in an orderly manner.

Besides, when formulating the RDS-2014, our consultant at that time evaluated in detail the feasibility of constructing a railway along the coastline between Tuen Mun and Tsuen Wan. According to the consultant's analysis, the local population is mainly concentrated at the eastern and western ends of the coastline between Tuen Mun and Tsuen Wan; while the development density of the remaining areas is relatively low and no basis for new source of passengers is anticipated. Meanwhile, due to the technical difficulties involved, solely the construction cost of a railway along the coastline between Tuen Mun and Tsuen Wan is expected to be very high. The RDS-2014 states that the cost-effectiveness of Tuen Mun-Tsuen Wan Link can hardly be established, according to the information at that time; and in longer term, the Government would consider revisiting the railway proposal if there are further changes in the planning circumstances and population as well as an increase in transport demand in the coastal areas between Tuen Mun and Tsuen Wan, or other relevant new considerations in the planning for development in the region.

The Chief Executive just mentioned the "Lantau Tomorrow Vision" in the Policy Address. A part of the proposed railway corridor as referred to in the "Lantau Tomorrow Vision" is similar to the alignment of Tuen Mun-Tsuen Wan Link (Tuen Mun to Tsing Lung Tau). The THB plans to take forward the "Strategic Studies on Railways and Major Roads beyond 2030" (RMR2030+ Studies) on the basis of the conceptual spatial requirements to be firmed up under the "Hong Kong 2030+: Towards a Planning Vision and Strategy Transcending 2030" ("Hong Kong 2030+ Study"), which is being conducted by the Development Bureau and the Planning Department. Based on the latest planning information, including cross-boundary transport data, RMR2030+ Studies will examine the demand and supply of the transport infrastructure, including railways and major roads, in Hong Kong between 2031 and 2041, and study the loading of the heavy rails in the Northwest New Territories beyond 2030. We will consider the planning studies and the recommended strategic transport corridors in relation to the "Lantau Tomorrow Vision", as well as look into the layout of the proposed railway and major road infrastructure with regard to the transport infrastructure required for the longer-term strategic growth areas of "Hong Kong 2030+ Study" (such as the New Territories North), to ensure that the planning of large scale transport infrastructure can meet the needs of the overall long-term land use developments of Hong Kong. RMR2030+

Studies will also examine the impact of the proposed transport infrastructure on the existing transport network and formulate corresponding strategies. The Panel on Transport expressed support for the above studies in June 2017. Since "Hong Kong 2030+ Study" has not yet been finalised, we will seek funding approval in due course for implementing RMR2030+ Studies.

The Government completed the third comprehensive transport study (CTS) in October 1999. The study comprised three main aspects: (i) planning of transport infrastructure; (ii) the roles, positioning, and co-ordination of each public transport mode; and (iii) other topical transport studies. The third CTS laid down a number of broad directions, including (1) better integration of transport and land use planning; (2) better use of railway as the backbone of the passenger transport system; (3) provision of better public transport services and facilities; (4) wider use of advanced technologies in traffic management; and (5) implementation of more environmentally-friendly transport measures. These broad directions remain applicable today.

After completion of the third CTS, the THB has been conducting different studies for the various aspects of the CTS. On planning of transport infrastructure, the Government announced the "Railway Development Strategy 2000" and "Railway Development Strategy 2014" in 2000 and 2014 respectively. The Government also conducted regular internal reviews on the planning of strategic road projects in Hong Kong; took forward major road projects including Central-Wan Chai Bypass and Island Eastern Corridor Link, Central Kowloon Route, Tseung Kwan O-Lam Tin Tunnel, Cross Bay Link, etc. in a timely manner; and will commence the RMR2030+ Studies. On public transport services, the Government recently announced the "Public Transport Strategy Study" in June 2017. On topical transport studies, the Government will continue to implement various measures to relieve road traffic congestion, including conducting a study to comprehensively review the hierarchy and level of tolls of all government tolled tunnels and the Tsing Ma and Tsing Sha Control Areas, and taking a series of short-term and medium to long-term measures to relieve inadequate parking spaces in various districts by increasing their supply, and actively prepare for the Electronic Road Pricing Pilot Scheme in Central and its Adjacent Areas, etc.

The above studies on different transport topics can basically serve the purpose of a CTS. Moreover, compared to the previous approach of conducting an one-off CTS to cover the above three main aspects, THB considers that the arrangement of conducting studies on different aspects and topics at appropriate times, on one hand, allows flexibility to respond effectively to the ever-changing traffic demand arising from local developments. On the other hand, it is a more suitable approach to complete the studies in an orderly and flexible manner for early promulgation of the findings of each study, without undergoing protracted preparatory and co-ordination process for an extensive study and with resources progressively deployed.

Thank you, President.

LCQ13: Visa applications under “General Employment Policy” and “Admission Scheme for Mainland Talents and Professionals”

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (October 24):

Question:

Last month, the Government rejected an application for renewal of employment visa lodged by a foreign national, who was the Asia news editor of the United Kingdom-based Financial Times (FT). According to FT, this is the first occasion on which the Government rejected an employment visa application lodged by a foreign correspondent. The press, various trade associations and the international community were concerned about the incident, and requested an explanation from the Government about its decision. Regarding the vetting and approval of employment visa applications by the Immigration Department (ImmD), will the Government inform this Council:

(1) of the policy and considerations adopted by ImmD for vetting and approval of employment visa applications;

(2) of the mechanism adopted by ImmD for the vetting and approval of employment visa applications and renewal applications lodged by foreign correspondents; apart from the considerations mentioned in (1), whether there are other considerations in the vetting and approval of such applications;

(3) of the respective numbers of employment visa applications and renewal applications (i) received and (ii) rejected by ImmD in each of the past five years and, among them, the respective numbers of applications which were lodged by foreign correspondents; and

(4) as both the Chief Executive and the Chief Secretary for Administration have indicated earlier that upon deciding to reject an employment visa application, ImmD will not disclose to any person (including the applicant) the reasons behind its decision, of the justifications for adopting such a practice; whether it has assessed if such a practice is in line with the legal principles concerning procedural justice under the common law and the laws of Hong Kong?

Reply:

President,

The reply to the question is as follows:

(1) and (2) Applicants who possess special skills, knowledge or experience of value to and not readily available in the Hong Kong Special Administrative Region (HKSAR) may apply to come to work in the HKSAR under the General Employment Policy (GEP) (which is not applicable to Chinese residents of the Mainland of China) or the Admission Scheme for Mainland Talents and Professionals (ASMP) (which is applicable to Chinese residents of the Mainland of China). Both the GEP and ASMP are non-sector specific. An application may be favourably considered if:

(a) there is no security objection and no known record of serious crime in respect of the applicant;

(b) the applicant has a good education background, normally a first degree in the relevant field, but in special circumstances, good technical qualifications, proven professional abilities and/or relevant experience and achievements supported by documentary evidence may also be accepted;

(c) there is a genuine job vacancy;

(d) the applicant has a confirmed offer of employment and is employed in a job relevant to his academic qualifications or work experience that cannot be readily taken up by the local work force; and

(e) the remuneration package including income, accommodation, medical and other fringe benefits is broadly commensurate with the prevailing market level for professionals in the HKSAR.

In processing each application, the Immigration Department (ImmD) will examine whether the applicant meets the specific eligibility criteria under the relevant admission scheme and normal immigration requirements, and take into account the individual circumstances of each application, so as to ensure that only applicants who meet the relevant immigration policies will be admitted into Hong Kong for employment. While the ImmD endeavours to facilitate the entry of genuine visitors, at the same time the ImmD has the responsibility to uphold effective immigration control so as to safeguard the public interest of Hong Kong.

(3) The numbers of applications for visa/entry permit and extension of stay received and rejected under the GEP or ASMP during the past five years are at Annex. The ImmD does not maintain the breakdown statistics in respect of journalists.

(4) In processing each application, the ImmD acts in accordance with the laws and policies, and decides whether to approve or refuse the application after careful consideration of individual circumstances of each case. According to its established practices, the ImmD will normally not inform the applicant of the specific reason when rejecting an application. There is no requirement under the Immigration Ordinance or the common law for the ImmD to provide the reason for rejecting an application to the applicant who is not granted

permission to land in Hong Kong by ImmD.