

LCQ11: Quality Migrant Admission Scheme

Following is a question by the Hon Chung Kwok-pan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (January 6):

Question:

The Government launched the Quality Migrant Admission Scheme (QMAS) in June 2006 to attract highly skilled or talented persons globally to settle in Hong Kong so as to enhance the international competitiveness of Hong Kong. Given that the number of applications received under QMAS has increased significantly after the first "Talent List" was released in August 2018, the Government last year increased the annual quota of QMAS from 1 000 to 2 000, with a view to enlarging Hong Kong's talent pool. In this connection, will the Government inform this Council:

(1) of the total number of talents granted approval to come to Hong Kong under QMAS since 2006, with a tabulated breakdown by (i) the year in which they came to Hong Kong, (ii) the industry/occupation in which they were engaged before coming to Hong Kong, and (iii) the countries/places from which they came;

(2) whether it has assessed (i) the effectiveness of QMAS in catering for the needs of various industries for talents, thereby promoting local economic and social development, and (ii) the actual benefits that QMAS has brought to Hong Kong society; if so, of the details; whether it knows the number of talents who continue to stay in Hong Kong for career development after obtaining the right of abode in Hong Kong; and

(3) whether it will, targeting at the development needs of Hong Kong's economy and industries (such as the innovation and technology as well as financial industries), step up publicity efforts and attract talents of the relevant industries to apply for coming to Hong Kong for career development; if so, of the specific plans (including which places the talents of which will be approached)?

Reply:

President,

(1) A total of 7 127 applicants were allotted a quota under the Quality Migrant Admission Scheme (QMAS) since its launch in June 2006. The breakdowns of quotas allotted under QMAS by year of approval, the industry/sector to which the applicants belonged, and the places from which they came are tabulated as follows:

Year	No. of applicants with quotas allotted
2006 (June to December)	83
2007	239
2008	564
2009	593
2010	329
2011	286
2012	298
2013	332
2014	373
2015	208
2016	273
2017	411
2018	555
2019	874
2020	1 709
Total	7 127

Industry	No. of applicants with quotas allotted
Financial and Accounting Services	1 767
Information Technology and Telecommunications	1 625
Architecture, Surveying, Engineering and Construction	535
Commerce and Trade	462
Academic Research and Education	438

Manufacturing Industries	429
Arts and Culture	310
Legal Services	275
Business Support and Human Resources	274
Human Health and Veterinary Services	215
Broadcasting and Entertainment	187
Sports	185
Logistics and Transportation	149
Catering and Tourism	47
Others	229
Total	7 127

Places where applicants came from	No. of applicants with quotas allotted
Mainland China	6 179
USA	159
Australia	130
Canada	127
Others	532
Total	7 127

(2) QMAS is always an important channel for Hong Kong to attract highly skilled or talented persons globally to settle in the city, thereby enhancing our international competitiveness. With their international and Mainland perspectives, talents who have settled in Hong Kong under QMAS help the city fully capitalise on its advantages in closely connecting places around the world and Mainland China, and strengthen its status as Asia's World City.

QMAS is not sector-specific. Eligible applications will be short-listed for further assessment by the Advisory Committee on Admission of Quality Migrants and Professionals (the Advisory Committee). The Advisory Committee

comprises official and non-official members from various sectors of the society appointed by the Chief Executive. Through a rigorous selection process by the Advisory Committee, quotas under QMAS will be allotted to highly skilled or talented persons who meet Hong Kong's development needs. The Advisory Committee will consider the socio-economic needs of Hong Kong, the backgrounds of the candidates (such as academic attainment, professional training/qualification, work experience, international perspective, language proficiency and future development plan in Hong Kong) and other relevant factors, and make recommendation to the Director of Immigration on the best approach to allocate the quotas.

ã€€ã€€The Government will continue to review the arrangement and effectiveness of QMAS to attract more highly skilled and talented persons to develop their careers and settle in Hong Kong with a view to enlarging Hong Kong's talent pool.

(3) Attracting talents is one of the key foci in this year's Policy Address. The Government is stepping up publicity on QMAS through the Hong Kong Economic and Trade Offices and Invest Hong Kong's overseas offices, with a view to attracting highly skilled or talented persons globally to settle in Hong Kong.

ã€€ã€€Eligible applicants who meet the requirements of the Talent List of Hong Kong (the Talent List) may enjoy immigration facilitation under QMAS after assessment to support Hong Kong's development into a high value-added and diversified economy. Currently the Talent List comprises 11 professions. Talented persons under the Talent List are those most needed by Hong Kong in the immediate to medium term for the development of economy (details at www.talentlist.gov.hk/). QMAS will continue to support the Talent List so as to attract, in a more effective and focused manner, high-quality talent to develop their careers in Hong Kong.

ã€€ã€€Apart from QMAS, the Government also launched the Technology Talent Admission Scheme in June 2018 to provide a fast-track arrangement for non-local technology talents. Companies which have succeeded in application will be allotted a quota to admit those talents to undertake research and development work for them.

LCQ19: Extraterritorial effect of the Criminal Procedure Ordinance

Following is a question by the Hon Mrs Regina Ip and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (January 6):

Question:

Mr Hui Chi-fung, who has resigned from the office of a Legislative Council Member, was earlier charged with nine criminal offences and granted bail by the court pending trial. In early November of last year, Hui applied to the court for return of his passport on grounds of overseas duty visit and the application was approved. On December 3, Hui announced in Denmark that he had gone into exile. On December 8, a Danish politician openly admitted that he had sent a fake invitation letter to Hui for an overseas duty visit in order to assist him in going into exile, and the visit itinerary was fabricated by him with the assistance of several Danish politicians. In this connection, will the Government inform this Council whether the Department of Justice has studied if section 89 of the Criminal Procedure Ordinance (Cap. 221) (which provides that: any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence) may be invoked to institute prosecutions against these Danish politicians; if it has studied and the outcome is in the negative, of the reasons for that; if the reasons include that the provision has no extraterritorial effect, whether the Government will consider amending the provision for this purpose; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Department of Justice (DoJ), the reply to the Member's question is as follows:

Hui Chi-fung is an absconder who has openly jumped bail. He was prosecuted for being suspected to have committed various offences in Hong Kong, including criminal damage, access to computer with dishonest intent, administering to any other person noxious thing with the intent to injure, aggrieve, or annoy such person etc. which amount to nine offences. An offender who fabricates false reasons and lies to the court in an attempt to abscond adds to the severity of his crime. Escaping from court trial by jumping bail and running away after breaking the law, and using such self-deluding excuse of the so-called "going into exile" to shift his responsibility and deceive others, are shameful and hypocritical acts of a coward.

The Government strongly condemns any attempt seeking to evade legal liabilities. Persons who are wanted for prosecution of offences and have absconded from Hong Kong are fugitive offenders. The Hong Kong Special Administrative Region Government will hold all fugitive offenders criminally responsible and make them face the sanctions of the law. In light of the circumstances of each case, the Police will track down the whereabouts of the fugitive offenders through various means in accordance with the law and pursue them.

As the case mentioned in the question is still under investigation, it

is not appropriate for us to discuss the details of the case. Wherever any person (including foreign politicians) is suspected of having committed the crime for organising, planning or aiding the abscondence, the Police will actively investigate and pursue their legal liabilities under the existing legal framework.

Section 89 of the Criminal Procedure Ordinance (Cap. 221) stipulates that any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence. On the other hand, section 159A of Crimes Ordinance (Cap. 200) provides for the offence of conspiracy. As supported by the relevant case law, the offence may cover such circumstances as that if a person has made a conspiracy agreement outside Hong Kong and the course of conduct under that agreement involves committing a substantive offence triable in Hong Kong, that person, if subsequent in Hong Kong, could be prosecuted in Hong Kong for allegedly committing the offence of conspiracy.

The offence(s) to be charged in each case would depend on the actual evidence and facts of that case and cannot be generalised. As in all criminal cases, the DoJ will, according to the information provided by the Police upon investigation, decide independently in strict accordance with evidence, applicable laws and the Prosecution Code on whether or not to prosecute and consider the applicable charge(s).

[LCQ18: Support for Hong Kong's film industry](#)

Following is a question by the Hon Ma Fung-kwok and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (January 6):

Question:

With the Coronavirus Disease 2019 (COVID-19) pandemic persisting, Hong Kong's film industry has been hard hit. The Government announced in July last year that it would allocate around \$260 million under the Film Development Fund (FDF) to implement five measures for supporting the film industry, so as to increase local film productions, nurture talents for the industry, and help the film industry tide over the difficult times. In this connection, will the Government inform this Council:

- (1) whether it knows the number of local films the filming of which started in 2020; among such films, the number of those which have benefited from the relevant support measures under FDF;
- (2) of the number of applications for location filming received by the Film

Services Office of Create Hong Kong since 2020; the number of such applications in respect of which the relevant government departments gave no-objection in principle notices, and the support such departments provided to the film crews concerned, as well as the number of such applications in respect of which such departments refused to give no-objection in principle notice and the reasons for that;

(3) of the implementation situation of the aforesaid five measures for supporting the film industry:

(i) the number of films which are in the pipeline under the "Directors' Succession Scheme", and in respect of each film, the expected filming commencement date, employment opportunities to be created and expenditure involved;

(ii) the number of applications received since the implementation of the relaxation measures for the "Film Production Financing Scheme", the expected date on which the result will be announced and expenditure involved;

(iii) the number of submissions received under Phase 1 of the "Scriptwriting Incubation Programme"; the expected dates on which the whole programme will be completed and winning scripts announced, and expenditure involved;

(iv) the number of training courses organised under the measures for sponsoring the trade to offer free short-term advanced training courses and, in respect of each course, the main contents as well as the expected number of beneficiaries and expenditure involved; and

(v) the production progress of the various winning film proposals under the enhanced sixth "First Feature Film Initiative" and the expenditures involved;

(4) whether it has further gained an understanding from members of the film industry about their needs amid the epidemic, so as to introduce more support measures; and

(5) whether it will, by drawing reference from its practice of supporting the arts and culture sector, disburse subsidies to grassroots workers of the film industry through the industry's practitioner organizations; if so, of the details; if not, the reasons for that?

Reply:

President,

(1), (3) to (5) The Government understands that various sectors have been hard-hit by the COVID-19 pandemic. When formulating measures to support the local film industry, we have all along consulted the Film Development Council (FDC) and the trade and invited relevant stakeholders to provide views on implementation details, with a view to ensuring that the measures are practicable and can benefit practitioners of different disciplines in the industry. We announced in July 2020 that around \$260 million under the Film Development Fund (FDF) would be earmarked to implement five major measures to

increase the number of local film productions, nurture young directors and scriptwriting talents and enhance professional training, so as to add value to the trade and help the trade practitioners tide over this challenging period. An overview of the latest development of the five major measures is as follows –

(i) Directors' Succession Scheme – There are five director teams participating in the first round of the Scheme. Each film production would be granted a subsidy of around \$9 million. Principal photography of the film projects is expected to commence within 2021 the earliest. With reference to past experience, a small-to-medium budget film production involves around 170 crews. Actual number of crew members involved would be subject to individual film production needs. Therefore, the more films to be produced, the more practitioners from different film disciplines would be benefitted.

(ii) The Film Production Financing Scheme (FPFS) – The six-month relaxation measures to the FPFS has been implemented since July 15, 2020. As at end-December 2020, we have received eight applications, with one application approved, one rejected, one withdrawn and the remaining five under consideration. In addition, we understand that the trade is preparing at least another six film project proposals for submission to the FDC soon.

In response to the positive feedback from the trade, we announced on December 20, 2020 the extension of application deadline under this initiative for six months to July 14, 2021, with a view to increasing the number of local film productions under the pandemic and providing relief to film practitioners during this challenging period. We expect around 10 film productions would benefit from the measures, involving a total Government financing of \$100 million.

(iii) Scriptwriting Incubation Programme – Application was closed on October 14, 2020. The response was overwhelming, with around 1 550 applications received. The vetting process is underway. The announcement of shortlisted entries to enter the next phase of the competition is scheduled for Q1 of 2021, with the completion of the entire Programme by end-2021. We have earmarked a funding of around \$8 million for implementing the Programme.

(iv) Sponsoring the trade to provide free short-term advanced training courses – The Federation of Hong Kong Filmmakers (FHKF) and the Hong Kong Film Directors' Guild (HKFDG) have received a total of \$20 million subsidies from the FDF to organise free short-term advanced professional training for the trade since the second half of 2020, namely the Skills Programme for Hong Kong Filmmakers and the Hong Kong Film Directors' Guild's In-depth Professional Training respectively, with a view to advancing the professional knowledge and skill level of film practitioners.

Under the Skills Programme for Hong Kong Filmmakers, experienced filmmakers have led a production crew in producing videos on different themes for teaching purpose. With aid of the video illustrations, ten professional seminars on different film-making skills have been/would be organised to allow participants to obtain professional knowledge of different film

disciplines. As for the four-month Hong Kong Film Directors' Guild's In-depth Professional Training, four professional training courses of different themes (namely audio post-production, computer graphics, film colourisation and printing, as well as film marketing and distribution) were organised for participants to have full exposure to the film-making and distribution process.

Both programmes have received overwhelming responses from the trade. The FHKF organised the first four online seminars in end-December 2020, and would hold the remaining six seminars in early-January 2021; while the HKFDG has completed all the 19 classes comprising 228 training sessions. Around 2 000 trade practitioners have benefitted from the two training programmes.

(v) First Feature Film Initiative (FFFI) – The five winning projects of the 6th FFFI were announced in mid-July 2020, involving a total funding of \$31 million. The winning teams are now taking forward the preparation work. Principal photography is expected to commence within 2021.

Through liaison with the sector and the subsequent launch of a series of measures and support as mentioned above, we receive positive response from the film sector. The sector considers that the support measures are practical and sustainable, and help increase the number of high-quality local film productions and nurture more film specialists, thereby benefitting both the sector and practitioners of different film professions.

We have also launched three rounds of Cinemas Subsidy Scheme under the Anti-epidemic Fund (AEF) to provide one-off subsidies to cinemas licensed as a place of public entertainment with commercial operation in specified periods in order to sustain their businesses; and the Pyrotechnics and Special Effects Operators Subsidy Scheme to provide one-off subsidy of \$7,500 to eligible persons holding valid licence of special effect operator or special effect assistant during specified period. In addition, the Government has introduced various support measures under the 2020-21 Budget and the AEF to cover a wide range of sectors (including the film sector), such as the Employment Support Scheme, enhancement measures to the SME Financing Guarantee Scheme, etc., from which relevant film companies and practitioners will also benefit.

The Government will continue to support projects initiated by the trade that are conducive to the long term development of Hong Kong film industry through various funding schemes under the FDF, such as the FPFS, the FFFI and the Scheme for Funding Other Film-related Projects, etc., with a view to enhancing local film productions, nurturing talents of different film professions, expanding markets and building audience. As far as we are aware of, around 30 local film productions have been completed or are in principal photography since early-2020, eight of which are subsidised by different funding schemes under the FDF.

(2) The Film Services Office (FSO) under Create Hong Kong is committed to assisting production crews to conduct location filming in Hong Kong, by liaising and coordinating with relevant government departments on

applications to use public places (especially when involving road closure) and other venues (such as government premises), in order to obtain permission from relevant departments for location filming. FSO will issue "no objection letter" to successful applicants. In 2020, FSO had issued a total of 534 "no objection letters" relating to location filming. No application was rejected.

LCQ17: Road infrastructure and traffic congestion

Following is a question by the Hon Chan Han-pan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 6):

Question:

Regarding road infrastructure and traffic congestion, will the Government inform this Council:

(1) of the numeric and percentage growth in the aggregate length of the roads, road tunnels and flyovers in Hong Kong in each of the past 10 years, as well as the relevant number and percentage estimated for each of the coming five years (set out in a table);

(2) of the average vehicular speeds of the various trunk roads during the morning and evening rush hours in each of the past 10 years; and

(3) given that in recent years, the number of private cars has substantially increased and that traffic congestion has frequently occurred on a number of trunk roads during rush hours, of the Government's new measures to address the situation where road infrastructure is unable to catch up with traffic demand?

Reply:

President,

Hong Kong is a densely populated city with scarce land resources. Owing to limited road space, the Government can hardly resolve the traffic congestion problem solely by the continuous construction of roads. Over the years, the Government has adopted a multi-pronged strategy to alleviate road traffic congestion, encompassing efforts to improve transport infrastructure, expand and enhance the public transport system, and manage the use of roads. Having consulted the Transport Department (TD), my reply to the various parts of the Hon Chan Han-pan's question is as follows:

(1) The aggregate length of roads, road tunnels and flyovers in Hong Kong and the relevant year-on-year numeric growth and percentage growth in the past 10 years are tabulated below:

Year	Length of roads (Note)		
	Aggregate length (km)	Numeric growth (km)	Percentage growth (per cent)
2009	2 050	Not Applicable	Not Applicable
2010	2 076	26	1.27
2011	2 086	10	0.48
2012	2 090	4	0.19
2013	2 093	3	0.14
2014	2 099	6	0.29
2015	2 101	2	0.10
2016	2 107	6	0.29
2017	2 112	5	0.24
2018	2 123	11	0.52
2019	2 127	4	0.19

Note: Public roads maintained by the Highways Department.

The Government has been taking forward transport infrastructure projects progressively to cope with traffic needs. Major roads of which construction works have just been completed or those which are scheduled for implementation or completion in the coming five years include Tuen Mun-Chek Lap Kok Link Northern Connection, Tseung Kwan O-Lam Tin Tunnel, Cross Bay Link, Tseung Kwan O, Central Kowloon Route, Trunk Road T2 and Cha Kwo Ling Tunnel. The above-mentioned major roads add up to more than 19 kilometres in length.

Moreover, the Government is planning for various major road projects to address the traffic needs in the longer term. They include Fanling Bypass, Trunk Road T4 in Sha Tin, Route 11 (between North Lantau and Yuen Long), Tsing Yi-Lantau Link, etc.

(2) The car journey speed at major roads in various districts during the morning and afternoon peak hours in the past 10 years is as follows:

Year	Speed (km/hour)			
	Hong Kong Island	Kowloon	New Territories	Overall
	Morning/afternoon	Morning/afternoon	Morning/afternoon	Morning/afternoon
2010	19.8/14.0	23.7/18.4	39.9/48.5	30.1/19.4
2011	20.1/14.1	24.2/18.2	40.2/45.0	30.5/19.3
2012	20.8/14.3	23.9/20.5	40.4/51.4	30.7/20.6

2013	21.4/15.1	23.5/19.6	39.9/49.6	30.5/20.2
2014	20.4/19.3	21.5/22.1	36.3/48.2	27.9/21.8
2015	21.2/19.8	21.7/21.2	39.5/46.4	29.3/21.9
2016	20.2/17.6	21.2/18.3	38.3/40.2	28.3/21.8
2017	21.0/17.3	20.9/20.3	37.9/38.1	28.3/21.9
2018	20.6/17.7	21.5/27.1	38.4/45.8	28.6/30.8
2019	21.5/18.9	20.6/24.4	38.3/46.1	28.6/30.8

(3) Given that there are only limited land and road space in Hong Kong, in order to reduce road-based traffic, the Government will continue to develop a transportation system which is central upon public transport with railway as the backbone. We will continue to pursue improvement to transport infrastructure, including development of major roads and railway network, enhancement of road infrastructure under various highway and development projects, and facilitation of non-vehicular means of commuting by, for instance, constructing hillside escalator links and elevator systems as well as improving pedestrian facilities, existing cycling tracks and bicycle parking facilities.

In fact, about 90 per cent of passenger trips in Hong Kong are made on public transport every day, the usage of which is one of the highest in the world. The Government will continue to improve public transport so that the public can enjoy efficient, convenient and diversified public transport services.

Moreover, the Government will continue to take forward progressively short-, medium- and long-term measures recommended by the Transport Advisory Committee in its Report on Study of Road Traffic Congestion in Hong Kong, with a view to optimising the use of road space and alleviating traffic congestion.

Meanwhile, the TD is undertaking a study on "congestion charging" to comprehensively review the toll levels of all government tolled tunnels. The objective of the study is to adjust traffic flow and alleviate traffic congestion through appropriate adjustment of tolls. The Government is also actively pursuing the Free-flow Tolling System to enable motorists to pay tolls remotely and more conveniently using toll tags, thereby minimising disruption to traffic flow caused by vehicles stopping or slowing down at toll booths for manual toll payment.

Besides, the Government is taking forward a host of short- and medium- to long-term measures to increase car parking spaces as appropriate. We have been encouraging other government departments and operators of non-government car parks to disseminate more parking vacancy information with a view to reducing the traffic caused by cars circulating on roads in search of parking spaces. To reduce the number of cars driving into congested areas, the Government will continue to encourage various organisations (including MTR Corporation Limited) to promote wider use of the existing Park-and-Ride (PnR) facilities, and explore the expansion of such facilities to car parks that

have yet to provide PnR concessions. The Government will also monitor the growth rate and size of private car fleet closely so as to formulate corresponding measures in a timely manner.

LCQ16: Public servants to take oath or make declaration

Following is a question by the Hon Kwok Wai-keung and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (January 6):

Question:

Article 6 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region (National Security Law) stipulates that, "(a) resident of the Region who stands for election or assumes public office shall confirm in writing or take an oath to uphold the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and swear allegiance to the Hong Kong Special Administrative Region of the People's Republic of China in accordance with the law", and Article 35 stipulates that a public servant who has taken the aforementioned oath or made the aforementioned declaration shall, upon conviction of an offence endangering national security by a court, be removed from his or her office, and be disqualified from standing for elections or holding any of the aforementioned posts. However, the interpretations of "public servant" and "public officer" in the existing legislation are not consistent. For example, the Interpretation and General Clauses Ordinance (Cap. 1) provides that "public servant" has the same meaning as "public officer", and both mean any person holding an office of emolument under the Government, whereas in the Prevention of Bribery Ordinance (Cap. 201), "public servant" means not only any person holding an office of emolument under the Government, but also any employee of a specified public body, etc. In this connection, will the Government inform this Council:

(1) whether it will standardise the interpretations of "public officer" and "public servant" in various pieces of legislation;

(2) as the Government has indicated earlier on that it is conducting a study on what categories of officers are holding offices which fall within the "public office" referred to in Article 6 of the National Security Law, whether the study has been completed; if so, of the outcome, and the deadlines for the officers concerned to take the oath or make the declaration; and

(3) whether it has studied if the existing legislation can align with the implementation of the requirements on public servants under Article 35 of the

National Security Law; if it has studied and the outcome is in the affirmative, of the details; if the outcome is in the negative, whether the Government will amend the relevant legislation?

Reply:

President,

My consolidated reply to the various parts of the Hon Kwok Wai-keung's question is as follows:

The existing laws of Hong Kong each have their own legislative objective, applicability and target regulatees. It is therefore necessary to consider a host of factors in determining whether it is appropriate to standardise the interpretations of the relevant terms across various legislation.

The Government is actively studying the subject matter, and will announce the implementation details of the relevant provisions of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region at an appropriate juncture.