

LCQ15: Employment visas for personnel of Taipei Economic and Cultural Office

Following is a question by the Hon Lam Cheuk-ting and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (November 14):

Question:

It has been reported that the former Director General of the Taipei Economic and Cultural Office (TECO) (the Taiwan authorities' representative office in Hong Kong) left Hong Kong at the end of July this year upon completion of his term of office, and his successor has so far been unable to come to Hong Kong to take office because he has not been granted an employment visa by the Hong Kong Special Administrative Region (SAR) Government. In this connection, will the Government inform this Council:

(1) whether the SAR Government is required to consult the Central Authorities beforehand on matters relating to the granting of employment visas to TECO's personnel; if so, of the details;

(2) whether it has explained to the Taiwan authorities why it has not granted an employment visa to the Director General – designate of TECO; if not, of the reasons for that; and

(3) whether it has assessed the impacts of leaving the office of TECO's Director General vacant for several months on (i) the operation of TECO, (ii) the economic, trade and cultural exchange activities between Taiwan and Hong Kong, and (iii) the relationship between the authorities of both places; if it has assessed, of the outcome; if not, whether it will conduct such an assessment expeditiously?

Reply:

President,

Our consolidated reply to Hon Lam's question, after consulting the relevant bureaux, is as follows:

The economic, trade and cultural exchanges between Hong Kong and Taiwan have all along been ongoing. Last year, Taiwan was Hong Kong's third largest trading partner and Hong Kong was Taiwan's fourth largest trading partner; there were also over two million visitor arrivals from Taiwan, which was Hong Kong's second largest visitor source market after the Mainland. Meanwhile, arts groups in the local communities of Hong Kong and Taiwan also visit one another from time to time. The Hong Kong Week, which aims to showcase the cultural characteristics of Hong Kong, has been held in Taiwan for six years.

In 2010, the Hong Kong-Taiwan Economic and Cultural Cooperation and Promotion Council (ECCPC) and the Taiwan-Hong Kong Economic and Cultural Co-

operation Council (THEC) were established in Hong Kong and Taiwan respectively to promote exchanges and co-operation between the two places. Achievements have been made in various areas. We will continue to foster economic, trade and cultural exchanges and co-operation between Hong Kong and Taiwan through the ECCPC-THEC platform in a pragmatic manner.

The Hong Kong Special Administrative Region Government will not comment on individual cases or make public information concerning individual cases. In handling each application, the Immigration Department acts in accordance with the laws and policies, and decides whether to approve or refuse the application after careful consideration of circumstances of each case.

Fraudulent websites related to The Shanghai Commercial & Savings Bank, Ltd.

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by The Shanghai Commercial & Savings Bank, Ltd. on fraudulent websites, which has been reported to the HKMA. Hyperlink to the press release is available on [the HKMA website](#) for ease of reference by members of the public.

Anyone who has provided his or her personal information to the websites concerned or has conducted any financial transactions through the websites should contact the bank concerned using the contact information provided in the press release, and report to the Police or contact the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force at 2860 5012.

LCQ2: Enhancing information security and the protection for privacy of personal data

Following is a question by the Hon Charles Peter Mok and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (November 14):

Question:

In recent years, incidents involving massive leakage of personal data by government departments and private organisations have occurred frequently. Not until half a year after learning of the leakage of the data of about 9.4 million passengers did an airline announced it last month. In addition, in less than a month after the launch of the Faster Payment System, a number of fraud cases occurred in which the fraudsters committed crimes by making use of the personal data of members of the public and taking advantage of the loopholes in the process of setting up direct debit authorisation by electronic wallets users, thereby causing financial losses to the members of the public. On enhancing information security and the protection for privacy of personal data, will the Government inform this Council:

(1) whether it will, by making reference to the General Data Protection Regulation of the European Union, study prescribing in the Personal Data (Privacy) Ordinance the obligations of data processors, and that data users are required, in the event of data leakage incidents, to notify the Office of the Privacy Commissioner for Personal Data and the data subjects within specified time limits; and

(2) whether it will comprehensively assess the information security risks currently faced by government departments, industries such as finance and telecommunications as well as public utilities, formulate a cross-sector information security strategy, and step up the training for information security talents (e.g. by setting up a specialised college)?

Reply:

President,

Regarding the respective parts of the question raised by Hon Charles Mok on enhancing the protection of personal data privacy and capability of responding to information security risks, our reply in consultation with the Innovation and Technology Bureau (ITB) and the Security Bureau (SB) is as follows:

(1) The Personal Data (Privacy) Ordinance (PDPO) was enacted in 1995 and has been in operation since 1996. Subsequent to the public consultation on the PDPO and the relevant legislative amendments conducted by the Government between 2009 and 2010, the Personal Data (Privacy) (Amendment) Bill was introduced in the Legislative Council (LegCo) in 2011 and was passed by LegCo in June 2012.

During the above-mentioned consultation exercise on the PDPO, one of the issues for consultation was the personal data breach notification system. The primary consideration on the issue back then was whether a notification system should be instituted to require relevant organisations to notify the Office of the Privacy Commissioner for Personal Data (PCPD) and the affected individuals in the event of a personal data leakage, so that they could take measures to mitigate the risks posed by the data leakage, and whether the

notification system should be voluntary or mandatory. Of the public views received, about half were in support of a voluntary notification system, while around one-quarter favoured a mandatory notification system. Respondents who supported a voluntary system considered that a mandatory system would impose undue burden on data users. Taking into consideration the possible impact of implementing a mandatory notification system, the Government decided to start with a voluntary notification system. To assist data users in giving data breach notifications, the PCPD issued the "Guidance on Data Breach Handling and the Giving of Breach Notifications" (Guidance) in June 2010, and subsequently made amendments to the Guidance in October 2015. The Guidance issued by the PCPD provides guidance and assistance to data users on the steps to be taken in handling data breaches. A data breach notification form is also attached to the Guidance to make it more convenient for data users to give notifications.

The Government and the PCPD noted that in the light of rapid development and wide use of technology in recent years, the processing of personal data has become massive and digitalised, resulting in higher risk posed to data users and owners as the amount of data involved in personal data leakage incidents has increased. There are views that this Cathay Pacific incident has revealed that there is room for refining and enhancing the PDPO. In this connection, the Constitutional and Mainland Affairs Bureau will keep close watch on the PCPD's investigation results and recommendations regarding the incident. Meanwhile, we have started a review in collaboration with the PCPD on the stipulations and penalties under the PDPO. While noting that there are views calling for the requirement for data users to give timely notification in data breach incidents, we are also aware of concerns in some quarters on how "data breach" should be defined, as well as the compliance capability and operational costs of businesses. We will examine carefully how the regulation of data protection and the notification arrangements could be enhanced.

(2) To protect government's information systems and data assets, having made reference to international standards, the Office of the Government Chief Information Officer (OGCIO) has formulated a comprehensive set of "Government IT Security Policy and Guidelines" (Policy & Guidelines) which covers many different aspects including security requirements for information security management framework and human resources, protection and encryption requirements for information systems and data assets, connection and access control, network and outsourcing service security, incident response and recovery, etc. OGCIO will conduct regular audits to ensure that all departments comply with the Policy & Guidelines, as well as review and update the Policy & Guidelines from time to time to address the ever-changing cyber threats.

For infrastructure facilities owned by key industries and organisations and those not owned by government, the relevant regulatory bodies will formulate regulatory measures. In view of their unique business nature, the information security strategy, incident response and business recovery arrangements formulated by different industries vary. Industries can make reference to the Policy & Guidelines available at OGCIO's website in developing information security policies and measures that meet their needs.

When necessary, OGCIO will also exchange views with the relevant regulatory bodies and give advice.

Furthermore, OGCIO, the Cyber Security and Technology Crime Bureau (CSTCB) under the Hong Kong Police Force and the Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) work closely to provide cyber security related information and support to different stakeholders including government departments, key industries and organisations, and the general public, as well as publish information on major incidents and recommend preventive and remedial measures. To prevent and combat technology crimes, CSTCB has been dedicated to help enhancing critical infrastructure operators' awareness to cyber security, and their capability in handling cyber security incidents; and conducting timely cyber threat audits and analyses so as to prevent and detect cyber attacks on critical infrastructure.

For the industries, HKCERT works with industry associations to promote cyber security awareness and best practices in different sectors, as well as provide public and private organisations and the public with news on information security incidents, guidelines for defence against cyber threats and support services. OGCIO also implements the cross-sector "Cyber Security Information Sharing Collaborative Platform" to exchange information with public and private organisations as well as cyber security experts, and share risk mitigation measures, so as to more effectively enhance the overall cyber security in Hong Kong. CSTCB has also been hosting quarterly cyber security seminars to strengthen the overall defensive capabilities of such service sectors as banking and finance, transport and aviation, communications, public utility and government services in handling cyber security incidents.

Since 2014, the CSTCB has been conducting various types of cyber security drills together with industry stakeholders and local critical infrastructures. Through various simulated incident scenarios, cyber security drills test the capabilities of incident analysis, the standing incident response procedures and the communication protocol of the participants. The simulated cyber attacks incidents include the common scenarios with profound impacts, such as distributed denial-of-service attacks, web defacement, intrusion of network and information systems, ransomware, malware and sensitive data breaches. In addition, CSTCB co-organised in January 2018 the second Inter-departmental Cyber Security Drill with the Government Computer Emergency Response Team Hong Kong, in which 40 government bureaux and departments, through different scenarios of simulated cyber attacks, strengthened their cooperation in cyber security and capabilities in emergency response.

On education work, OGCIO and CSTCB also join hands with HKCERT to proactively promote the nurturing of talents in cyber security professionals, and co-organise activities with different organisations, such as the Cyber Security Professionals Award, cloud security professional certification seminars and Information Security Summit to enhance the information security knowledge and skills of IT practitioners. The Government also encourages tertiary institutions to strengthen information security modules in their IT-related programmes, and promote information security education in primary and secondary schools to cultivate the youth's interest in and concern about

information security.

Thank you, President.

LCQ4: Monitoring extra-curricular activities organised for students

Following is a question by the Hon Luk Chung-hung and a reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (November 14):

Question:

Earlier on, an organisation invited, through the schools concerned, some 200 primary school students, who were accompanied by 400 parents, to go to Thailand to take part in an international mathematics contest. Some of the students and their parents joined a related group tour arranged by the organisation. Some parents have reproached the organisation for making inadequate preparation for the contest as well as the inappropriate reception and itinerary arrangements of the group tour, undermining the rights and interests of the parents and students concerned. Regarding the monitoring of extra-curricular activities organised for students, will the Government inform this Council:

(1) whether it received in the past three years requests for assistance and complaints about students taking part in courses and activities held overseas; if so, of the details; how the implementation and quality of such courses and activities are currently monitored, with a view to safeguarding the rights and interests of the parents and students; and

(2) given that the Government has put forward in this year's Policy Agenda the setting up of a Student Activities Support Fund with the total amount of \$2.5 billion to support, through a subsidy, students with financial needs to participate in out-of-classroom learning activities starting from the next school year, of the authorities' measures to monitor the use of the subsidy by schools; whether it will consider setting up a recognition system for, or a register of, organisations which may collaborate with schools in organising extra-curricular activities, and issuing guidelines setting out matters such as the scope of use of the subsidy, as well as the issues that schools should bear in mind when organising extra-curricular activities in collaboration with other organisations; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the questions raised by the Hon Luk Chung-hung is as follows:

(1) Courses or activities outside Hong Kong for students are mostly arranged by parents or organised by schools.

Regarding study tours for students organised by travel agents engaged by parents, the Travel Industry Council of Hong Kong (TIC), being the regulator of the tourism industry, has promulgated the Code of Business Practice on Study Tours under the existing regulatory framework of the tourism industry to impose strict requirements on travel agents in organising study tours. Such requirements include: all travel products or services arranged by travel agents shall be provided by licensed or legally registered suppliers; all participants should purchase appropriate comprehensive travel insurance; study tours must be accompanied by holders of valid Tour Escort Pass issued by TIC, who will assist the tour groups in liaising with local service suppliers and related organisations, and handling emergencies, so as to safeguard the interest of the participants. During the past three years, the Tourism Commission has not received any requests for assistance or complaints in relation to students participating in courses and activities outside Hong Kong.

Furthermore, the Trade Descriptions Ordinance (Cap. 362) prohibits six offences of unfair trade practices, including false trade descriptions, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payment.

During the past three years, the Customs and Excise Department (C&ED) received 11 complaints (involving four traders) related to traders who organised courses or activities outside Hong Kong for students, allegedly in contravention of the Trade Descriptions Ordinance. After investigation, the C&ED initiated prosecution against the person-in-charge of a trader who was involved in four of the complaint cases. The person-in-charge was convicted by the court and was sentenced to 180 hours community service order, and was ordered to make a total compensation of \$69,380 to four consumers. Regarding the remaining seven complaint cases, five are under investigation, while no contravention of the Trade Descriptions Ordinance by traders was found in the other two cases.

The Government and the Consumer Council are committed to encouraging "smart consumption" through publicity and public education. Parents, as consumers, should get to know the quality of services provided by the organisations, and consider carefully their own needs and the relevant terms and conditions before making a consumption decision.

If the activities (including learning activities outside Hong Kong) are organised by schools, they are regulated by the Education Bureau (EDB). The EDB has provided schools with various guidelines (such as the "Guidelines on Extra-curricular Activities in Schools", "Guidelines on Study Tours Outside

Hong Kong" and "Guidelines on Conducting Trading Operations") to ensure that the programmes and activities outside the classroom provided for students by schools (including those co-organised with other organisations) can be conducted effectively as well as in accordance with the related requirements in administrative and financial arrangements to safeguard students' safety and interests. If the activities organised by schools are conducted outside Hong Kong, school teacher(s) should be appointed to escort participating students to take part in visits, exchange programmes, studies or services, and make reference to the "Guidelines on Study Tours Outside Hong Kong" (Guidelines) compiled by the EDB. The Guidelines are drawn up with a primary aim of reminding schools to ensure the safety of participants of study tours. Schools should also make reference to the curriculum guides on different Key Learning Areas to design suitable study tour programmes according to their respective school-based curriculum and needs of students. The Guidelines are not applicable to study tours arranged by non-school organisations.

From the 2015-16 to 2017-18 school years, the EDB received two complaints from parents/students regarding schools arranging for students to take part in courses or activities held outside Hong Kong, including a case of students participating in a mathematics contest held overseas and a case of school arranging an overseas exchange tour. Regarding the case of the exchange tour, the parent of a participating student was dissatisfied with the arrangements for flight and accommodation. After investigation, it was confirmed that the school had followed the EDB's guidelines on organising exchange tours and the complaint was not substantiated. As regards the case of overseas mathematics contest, after the investigation by the EDB, it was confirmed that there were schools which had assisted their students in enrolling to the organiser on the preliminary contest in Hong Kong but no schools had participated in or recommended students to join the overseas contest concerned. It was considered an activity joined by the parents on their own accord. Regarding the case, the C&ED and the Police are taking follow-up actions.

(2) The Government proposes to set up the Student Activities Support Fund to provide schools with the Student Activities Support Grant, to replace the Hong Kong Jockey Club Life-wide Learning Fund which will end by the close of the current school year, to continue to support financially needy students to participate in life-wide learning (LWL) activities organised or recognised by the schools, so as to enable them to gain learning experiences that are difficult to be obtained in the classroom. These are different from interest classes and activities that parents arrange for their children. Since the curriculum reform in 2001, schools have accumulated considerable experience in promoting LWL through different means, including hiring outside services, to organise LWL activities for students to enable them to learn in authentic contexts for whole-person development. On financial management, schools have all along been required to put in place effective procedures to ensure proper use of public funds and that the resources are being deployed effectively for educational purposes. Schools will be required to set up a separate ledger for the Student Activities Support Grant, which will be monitored by the School Management Committee/ Incorporated Management Committee of the respective schools. We will consult the school sector on the operational

details of the Grant in due course, and issue circulars and relevant guidelines to schools. Under the principle of school-based management, schools should adhere to the guidelines on the utilisation of the Grant to enhance student learning, as well as submit annual audited account reports to ensure that public funds are not being abused. In addition, the EDB will conduct school visits to understand the use of the Grant and provide advice to schools as appropriate. On hiring outside services, schools should adhere to relevant the EDB circulars and guidelines to ensure students' safety and the appropriateness of the activities. There are many organisations offering after-school activities for students, and schools have been deploying relevant grants to smoothly collaborate with different organisations. The EDB does not see a need to set up a registration mechanism or a register of collaborating organisations at present.

Thank you, President.

LCQ13: Village Expansion Areas scheme

Following is a question by the Hon Kenneth Lau and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (November 14):

Question:

According to the Small House Policy, a New Territories male indigenous villager over 18 years old is entitled to one concessionary grant during his lifetime to build one small house. To cater for the housing needs of the indigenous villagers who do not own any land, the Government introduced a Village Expansion Area (VEA) scheme in 1981. Under the scheme, the Government will form suitable sites on the government lands and resumed private lands within a VEA, and eligible indigenous villagers may apply for private treaty grants of the lands there to build small houses. However, the Government has frozen the scheme since 1999, pending a review of the Small House Policy. Some indigenous villagers have relayed that among the 10 VEAs currently frozen, land resumption procedure has yet to be initiated for eight of them, rendering the indigenous villagers unable to apply for building small houses even though they hold the private lands there; and land resumption has been completed for the remaining two VEAs (namely Pai Tau and Sheung Wo Che VEA and Ha Mei San Tsuen VEA), but there has been no progress for twenty years. In this connection, will the Government inform this Council:

(1) whether it will consider unfreezing the private lands of the eight aforesaid VEAs in respect of which land resumption has yet to be initiated, and allow indigenous villagers to apply for building small houses on the private lands they hold; if so, of the details; if not, the reasons for that;

(2) when it will submit funding applications to the Finance Committee of this Council to take forward the scheme in the two aforesaid VEAs in respect of which land resumption has been completed; and

(3) whether it will study suitably increasing the development intensity of the sites for small houses (e.g. constructing multi-storey "small buildings") so as to achieve more efficient use of the limited land resources; if so, of the details; if not, the reasons for that?

Reply:

President,

The Village Expansion Area (VEA) Scheme was implemented in 1981. Under the VEA Scheme, through resuming private land within the proposed VEAs, assembling government land and thereafter conducting site formation and other relevant public works, the Government allows indigenous villagers to apply for building small houses within the VEAs. The VEA Scheme aimed at providing for better planning of village developments.

In February 1999, in view of the review of the Small House Policy, the Government decided to suspend the implementation of VEA projects for which the related public works had not commenced at that time. In 2002, the Government explained to the Legislative Council (LegCo) that no new VEA projects should be initiated before completion of the Small House Policy review. As for VEA projects which were at an advanced stage of planning, the Government also stated to the LegCo at that time that the individual merits of those cases would be considered to see if there was any scope to implement them before completion of the Small House Policy review.

In the course of the Small House Policy review, complicated issues in aspects such as legal, environment, housing, land use planning and demand on land are inevitably involved, all of which require careful examination. Currently, the Small House Policy review is still ongoing. Nevertheless, as the Development Bureau has to accord priorities to other more pressing policy issues under its purview, we have stated on various occasions that the review of the Small House Policy is not our priority task for the time being.

Since the introduction of the VEA Scheme, the Government has completed works for 36 VEAs. Amongst the remaining 10 frozen VEA projects, the Government has completed land resumption for two of them (i.e. VEA projects in Pai Tau and Sheung Wo Che, Sha Tin and Ha Mei San Tsuen, Yuen Long), while land resumption has not yet commenced for the other eight projects (i.e. VEA projects in Siu Lek Yuen, Sha Tin; Wo Liu Hang, Sha Tin; Sheung/Ha Keng Hau and Hin Tin, Sha Tin; Yuen Long Kau Hui; Ling Hill, North District; Ng Uk Tsuen, North District; Mang Kung Uk, Sai Kung; and Chuen Lung, Tsuen Wan).

My reply to various parts of the question is as follows:

(1) With regard to the aforementioned eight VEA projects with land not yet resumed, during the past few years in which the implementation of those projects was suspended, the Government stated that any applications for

building small houses on private land owned by indigenous villager landowners within the boundary of those VEAs would not be processed. In recent years, Heung Yee Kuk (HYK) expressed for a number of times that these indigenous villager landowners were concerned about their land being frozen for years. The HYK has hoped that the concerned land can be "unfrozen" as early as possible, and has suggested that the "unfreezing" proposal can be implemented in some proposed VEAs first, so that indigenous villagers can apply for building small houses on their own private land.

Taking into consideration that the Small House Policy review takes time and that the HYK's proposal involves only private land located within the "Village Type Development" zone, where small house applications are still possible even when there are no VEA projects, the Government is willing to consider the partial "unfreezing" proposal on the prerequisite that any developments on the private land of individual proposed VEAs must be in compliance with the existing policy frameworks in planning, land administration, etc. Furthermore, given the release of private land for individual developments, the HYK and the concerned recognised villages have to accept that the originally planned VEA projects will no longer be applicable.

Based on the above direction, the Lands Department is prepared to resume receiving and processing small house applications on private land within the proposed VEAs in Mang Kung Uk, Sai Kung and Siu Lek Yuen, Sha Tin in accordance with the applicable procedures from January 2019 onwards. As for the other six VEA projects for which land resumption has not yet commenced, we will continue to liaise with HYK on the way forward.

(2) With regard to the two VEA projects for which land resumption has been completed (i.e. VEA projects in Pai Tau and Sheung Wo Che, Sha Tin and Ha Mei San Tsuen, Yuen Long), the Government will seek funding for the relevant works from the Finance Committee of LegCo at an appropriate juncture upon considering the overall arrangements in public works.

(3) The possibility of building multi-storey small houses on sites in the "Village Type Development" zone is discussed in society from time to time. We note that any suggestion of this kind will inevitably involve a number of complicated issues, including compatibility with the intent of the Small House Policy, planning control, provision of infrastructures, environmental impact, as well as legal and public interest considerations. In examining such suggestion, those issues must be holistically considered.