

LCQ16: Non-local students being admitted to funded universities through taking the Hong Kong Diploma of Secondary Education Examination

Following is a question by the Hon Ip Kin-yuen and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (May 9):

Question:

In this year's Budget, the Financial Secretary proposed that the Government pay the examination fees for candidates sitting for the 2019 Hong Kong Diploma of Secondary Education Examination (HKDSE). The measure applies to candidates who are enrolled in the 2018-2019 school year in registered schools approved for participation in the 2019 HKDSE and apply to sit for the 2019 HKDSE through their schools. On the other hand, it has been reported that some Mainland students have applied for admission and have been admitted to the eight universities funded by the University Grants Committee (UGC) (funded universities) through the Joint University Programmes Admissions System (JUPAS) by means of taking HKDSE in Hong Kong. Separately, under the prevailing policies, funded universities may admit non-local students to UGC-funded programmes only by way of over-enrolment of up to 20 per cent of the total approved student number. In this connection, will the Government inform this Council:

- (1) whether registered schools approved for participation in the 2019 HKDSE include tutorial schools registered in Hong Kong; if so, whether non-local students taking the HKDSE programmes offered by such tutorial schools are eligible to sit for the 2019 HKDSE for free;
- (2) of the number and percentage of non-local students among HKDSE candidates in each of the past five years, and the average number of subjects the examination on which such non-local students applied to sit for (with a breakdown by the place of origin of such students);
- (3) whether, under the prevailing policies, non-local students may apply for admission to funded universities through JUPAS on the basis of their HKDSE results; if so, whether the authorities know the number of non-local students who applied for admission to funded universities by such means and were admitted in each of the past five years (with a breakdown by the place of origin of such students and the name of the funded universities);
- (4) whether it knows if the funded universities concerned have used the subsidised places available for local students to admit the non-local students mentioned in (3); if so, whether such universities have correspondingly increased the number of places for application for admission

by local students; if not, how UGC ensures that the admission opportunities for local students will not be reduced as a result; and

(5) as some parents have relayed to me that although funded universities may admit non-local students only by way of over-enrolment of up to 20 per cent of the total approved student number, those students will still compete with local students for the limited places of the same programme, resulting in a lower chance for local students to be admitted to certain popular programmes, whether the authorities know if the various funded universities have at present set a ceiling on the percentage of non-local students in the total student number to be admitted to various programmes; whether the authorities will review the relevant arrangements with UGC?

Reply:

President,

My reply to the questions raised by the Hon Ip Kin-yuen is as follows:

(1) The participation of schools in the Hong Kong Diploma of Secondary Education Examination (HKDSE) is subject to the prior approval of the Hong Kong Examinations and Assessment Authority (HKEAA). At the time of application for participation, the school should provide evidence that it is a registered school and is running courses and operating classes in accordance with the Education Bureau registration requirements; and that the school agrees to comply with the examination regulations. The HKDSE Participating School List (as at December 15, 2017) is available on the HKEAA website:

www.hkeaa.edu.hk/en/HKDSE/admin/participating_schools/generalsch.html. The participating schools are not classified into categories by the HKEAA.

The measure for the Government to pay the examination fees for candidates sitting for the 2019 HKDSE is applicable to school candidates. Under normal circumstances, visitors from other places to Hong Kong would not be admitted to schools and become school candidates. The implementation details are elaborated in the ensuing paragraph.

Only bona fide Secondary 6 students in the school year 2018/2019 of registered schools approved for participation in the 2019 HKDSE (participating schools) may be entered as school candidates in the 2019 HKDSE. The students must be studying at the registered address of the schools. At present, schools have to refer to the relevant Education Bureau Circular to check whether the person is permitted by the Director of Immigration to reside in Hong Kong when offering a school place to a person who is not a resident of Hong Kong. The registration entries of all students who are presented for the HKDSE by the participating schools must be approved by the school principals and submitted through the schools. Unless clearance is obtained from the Director of Immigration, visitors from other places to Hong Kong would not be admitted to any school in Hong Kong and hence he would not be able to enter for the HKDSE as a school candidate or be eligible for the measure of Government's payment of examination fees for candidates sitting for the 2019 HKDSE.

(2) According to the information provided by the HKEAA, when enrolling for the HKDSE, candidates need to provide their relevant personal data on the Hong Kong Identity Card (HKIC) or valid identification document for making relevant examination arrangements and identity verification. The HKEAA will not collect and handle any personal data irrelevant to examination administration, including the place of origin of students. Hence, the HKEAA does not have related statistics on the number of non-local candidates of the HKDSE. Referring to the statistics of identification document used by candidates, only a very small number of candidates do not use HKIC to enter for the HKDSE every year. The number of candidates who did not use HKIC to enter for the HKDSE from 2014 to 2018, the percentage among all candidates and the average number of subjects entered by them are as follows:

Year of examination	No. of candidates not using HKIC to enter for the HKDSE (percentage among all candidates)	Average no. of subjects entered
2018	184 (0.3 per cent)	5.5
2017	55 (0.09 per cent)	5.0
2016	42 (0.06 per cent)	4.2
2015	41 (0.06 per cent)	3.7
2014	44 (0.06 per cent)	3.3

(3) to (5) Currently, the Government, through eight UGC-funded universities, provides 15 000 first-year-first-degree intake places annually. All these intake places must be used for admitting local students. In accordance with the prevailing policy, UGC-funded universities could only admit non-local students to UGC-funded programmes by way of over-enrollment of up to 20 percent of the approved student number, irrespective of the academic qualifications or results of any given examination used by non-local students for their applications. This 20 percent should all be outside the UGC-funded places. As such, non-local students would not compete with local students for UGC-funded places. In addition, to ensure public money would not be used to cross-subsidise non-local students, non-local students have to pay tuition fees at a higher level as compared to local students. At present, non-local students are paying about three to four times the tuition fees paid by local students.

Established in 1990, the Joint University Programmes Admissions System (JUPAS) aims at handling centrally applications for admission to university programmes by students holding specific public examination results (currently the HKDSE). It is noteworthy that JUPAS is a system for processing admission applications centrally. The decision for admission is made by respective universities having regard to the admission criteria of different programmes.

According to the information provided by the JUPAS Office and UGC-funded universities, the number of non-local students who applied for admission to UGC-funded universities through the JUPAS route with HKDSE results and the

number of such students admitted by the universities in the past five years are set out at Annex.

UGC-funded universities have put in place appropriate measure to ensure local students' opportunity for admission is not affected by JUPAS application submitted by non-local students. In brief, applications of non-local JUPAS applicants will be considered together with applications made by other non-local students through the non-JUPAS route. If a non-local JUPAS applicant is admitted, he/she will not take up any UGC-funded intake places that were for admission of local students and offered through JUPAS. Hence, non-local students will not compete with local students for UGC-funded intake places.

As a matter of fact, UGC-funded universities consider applications for admission, irrespective of whether they are made by local or non-local students, in accordance with the principle of fairness and merit-based selection. Each university administers its own admission policy and criteria as well as approved intake places to identify candidates that best fit the faculty's admission requirements. As in the past, the ranking of a JUPAS applicant in the offer list of a particular programme is not determined solely by HKDSE results. Other factors that are taken into consideration include performance in interviews/tests, banding of programme choices, the number of applicants of a given programme at a given year and other information provided in the online application forms.

LCQ1: Immigration Department steps up enforcement to combating bogus marriages

Following is a question by the Hon Gary Fan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 9):

Question:

A feature article published by the Census and Statistics Department in January this year pointed out that the number of divorces in Hong Kong had increased continuously in recent years, with the number of divorce decrees granted by the Court in 2016 standing at 17 196, which nearly tripled that in 1991. Meanwhile, the media have reported on numerous occasions that some cross-boundary bogus marriage syndicates provide one-stop services. Apart from arranging bogus marriages for their clients to facilitate their application for Permits for Proceeding to Hong Kong and Macao (commonly known as One-way Permits (OWPs)), such syndicates can also take care of the divorce

procedure on behalf of their clients after they come to settle in Hong Kong. In this connection, will the Government inform this Council:

(1) of the respective numbers of cases in each of the past three years in which people who had come to Hong Kong for settlement on OWPs for two years or below, three to four years and five to six years, or their spouses, applied for divorce in Hong Kong;

(2) whether the Immigration Department (ImmD) has taken the initiative to investigate the divorce cases mentioned in (1), so as to ascertain whether the people concerned have committed the crime of bogus marriage; if ImmD has, of the number of cases investigated, as well as the respective numbers of persons prosecuted and convicted for bogus marriage; and

(3) whether ImmD has plans to discuss with the mainland authorities if the Department may play a more active role in the process of vetting and approval of OWPs, such as working with the mainland authorities to draw up more stringent vetting and approval procedure in order to identify cases of bogus marriage; whether, in the long term, the Government will reconsider discussing with the mainland authorities ImmD taking over the responsibility of the vetting and approval of OWPs?

Reply:

President,

The Government has always been concerned about bogus marriages. The Immigration Department (ImmD) set up a special task force in 2006 to step up enforcement actions to combat such offences to prevent persons seeking entry into Hong Kong by means of bogus marriages and intermediaries aiding others to seek entry into Hong Kong through such means. When suspected bogus marriage cases are identified, ImmD will conduct in-depth investigations on parties alleged to arrange and participate in bogus marriages, collect evidence and initiate prosecution.

Any persons who make use of bogus marriage to obtain the requisite documents for the purpose of entering Hong Kong, or any persons who facilitate others to achieve such purpose through arranging bogus marriages for them, shall be guilty of an offence. In the course of contracting bogus marriages, and applying for entries into Hong Kong through such marriages, the persons involved may have committed offences such as conspiracy to defraud, making false representation to ImmD officers, making a false oath, giving false declaration, bigamy, etc., and are liable on conviction to imprisonment for up to 14 years.

The reply to the questions raised by the Hon Fan is as follows:

(1) To get a divorce in Hong Kong, one should file a petition or an application for divorce to the court, and it does not need to be processed by marriage registries under ImmD. In relation to the feature article published by the Census and Statistics Department (C&SD) in January 2018 and the

statistics raised in the question, we have consulted the Judiciary and the C&SD. It is noted that they do not maintain the statistics mentioned in the question. ImmD also does not have relevant figures.

(2) ImmD has been strengthening enforcement via different channels to combat bogus marriages with a multi-pronged and all-rounded approach, and is not limited to investigating suspicious cases in which the subjects have entered into Hong Kong with One-way Permits (OWPs). Various measures include:

To step up immigration examination on arrivals

When conducting immigration examinations on arriving passengers, ImmD will critically scrutinise doubtful visitors coming to visit their spouses in Hong Kong on the strength of "exit endorsement for visiting relatives" and refuse their entries if their purposes of visit are in doubt. In case any persons are found to have violated the laws of Hong Kong, such as making false representation to ImmD officers, enforcement officers of ImmD will carry out in-depth investigations and handle the cases in accordance with the law.

To combat illegal workers

Since those entering Hong Kong by means of bogus marriages mainly aim to take up illegal employment in Hong Kong, ImmD will pay particular attention to Mainland residents holding "exit endorsement for visiting relatives" during anti-illegal worker operations. In-depth investigations will be mounted against any suspected cases of obtaining "exit endorsement for visiting relatives" via bogus marriages and the cases will be handled in accordance with the law.

To step up operations against intermediaries

Many bogus marriage cases in the past involved intermediaries arranging Mainland residents to contract bogus marriages with Hong Kong residents and then apply for the requisite documents to enter Hong Kong. ImmD has always kept an eye on and conducted investigations into doubtful intermediaries. It also cooperates with the Mainland authorities by exchanging intelligence with a view to combating intermediaries and bogus marriage syndicates involved in cross-border crimes.

Besides, ImmD is also aware that criminal syndicates publish advertisements with wordings such as "making quick cash" and "intermediary for Mainland-Hong Kong marriages" to allure people to engage in bogus marriage on social networking and instant messaging mobile applications, as well as newspapers and web pages. Taking into account the individual circumstances of each case, ImmD will deploy officers in decoy operations to collect evidence to combat illegal activities of bogus marriage intermediaries.

To step up checking of doubtful marriage registration cases

To facilitate effective identification of suspected cases of contracting bigamous marriages on the Mainland and in Hong Kong, ImmD's Enforcement Division established in 2008 a standing checking mechanism with a checking company, which is the only one authorised by the Ministry of Justice of the Mainland to set up in Hong Kong, against suspected bigamy cases. Besides, marriage registries have stepped up examination on suspicious marriage registrations by checking information with the authorised checking company. In handling suspicious marriage cases, the registries will conduct immediate assessment and expedite the checking procedure, and pass the information to the Enforcement Division for analysis at the same time. In addition, suspicious cases identified by the registries will also be referred to the Enforcement Division for intelligence analysis and follow-up actions.

To exchange intelligence and cooperate with Mainland authorities

ImmD will notify Mainland authorities of information on Mainland residents who have committed offences relating to bogus marriage, enabling strict scrutiny of their applications for exit endorsements in future. Mainland residents who have been convicted of offences related to bogus marriage in Hong Kong will normally be barred by the Mainland authorities, upon receipt of ImmD's notification, from obtaining exit endorsements and travel documents for a period of two to five years, depending on the circumstances. This prevents them from revisiting Hong Kong for illegal activities. Mainland authorities will also refer cases of suspected bogus marriage to ImmD for follow-up actions. Mainland and Hong Kong authorities will conduct joint enforcement operations as necessary.

To prevent people from giving birth in Hong Kong through bogus marriage

ImmD set up a task force in November 2012 to collect the delivery booking records of Mainland pregnant women from private hospitals for analysis and investigation, with a view to deterring them from attempting to give birth in Hong Kong by obtaining the Confirmation Certificate on Delivery Booking through bogus marriage. As in March 2018, a total of 49 persons were successfully prosecuted. Among them, there were 15 Mainland pregnant women, 28 Hong Kong resident husbands and 6 intermediaries. The task force also forwards information of suspected cases to immigration control points for reference, so that the relevant pregnant women will be closely scrutinised when they arrive in Hong Kong.

To step up publicity

To remind members of the public, including young people, of the possible consequences of participating in bogus marriages and the serious implications of committing related offences, ImmD has from time to time disseminated information on crackdowns on bogus marriage syndicates and successful prosecutions of intermediaries and participants through press conferences, press releases, media interviews, etc. In addition, ImmD will continue to disseminate information from different and popular publicity channels. For example, a video clip was produced and uploaded to the Hong Kong Immigration Department YouTube channel last year.

With an array of measures against bogus marriage, Mainland residents' applications to come to Hong Kong by way of bogus marriage will be handled seriously and investigated thoroughly by ImmD. Prosecution will be initiated when there is sufficient evidence. For persons who are found to have obtained their residence in Hong Kong by fraudulent means, regardless of whether they are holders of Hong Kong Permanent Identity Card or Hong Kong Identity Card, ImmD will have their identity cards or residence status invalidated according to the laws. They will also be subject to removal to their places of origin.

In 2015, 2016 and 2017, ImmD investigated a total of 1 542 suspected bogus marriage cases and arrested 3 010 persons, among them 296 were successfully prosecuted and convicted. Those successfully prosecuted include intermediaries and parties to bogus marriages. Apart from individual cases where the convicted were sentenced to Community Service Orders of 80 hours or above, the majority of the convicted were sentenced to imprisonment from 4 to 24 months. The head of a syndicate was sentenced to imprisonment for 48 months in a past case.

(3) ImmD has maintained close liaison with the Mainland authorities to combat crimes related to bogus marriages. In the processing of OWP applications by the Mainland authorities, ImmD facilitates at case level, including rendering assistance in verifying the supporting documents submitted by the applicants and their claimed relationship with relatives in Hong Kong (e.g. husband and wife, parent and child, etc.) when necessary. Where a case is found to be suspicious or when factual discrepancies are identified, ImmD will inform the Mainland authorities and will request the applicant to provide further documentary proof.

In processing OWP applications under the category of "reunion with spouses" and in case the husband-and-wife relationship is in doubt, the Mainland authorities will pass the particulars of the applicants and their spouses in Hong Kong to ImmD for verification of the personal particulars of the Hong Kong residents, their certificates of registration of marriage in Hong Kong or other relevant records. ImmD will initiate follow-up actions and notify the Mainland authorities of the verification results.

ImmD has an established mechanism for handling cases of obtaining OWPs by fraudulent means. ImmD will also initiate investigation into doubtful marriages, receive intelligence and collects evidence from various sources and through different channels in order to investigate thoroughly the parties to suspected bogus marriage cases and the intermediaries involved. The relevant persons will be prosecuted when there is sufficient evidence. Once a case is substantiated, ImmD can declare the invalidation of a person's Hong Kong Identity Card, regardless of whether that person is a holder of Hong Kong Permanent Identity Card. In addition, regardless of his years of residence in Hong Kong, ImmD has the authority to remove him from Hong Kong.

OWPs are documents issued by relevant authorities in the Mainland. The application, approval and issuance of OWPs fall within the remit of the Mainland authorities. According to Article 22 of the Basic Law and the

interpretation by the Standing Committee of the National People's Congress in 1999, Mainland residents who wish to enter Hong Kong for whatever reason must apply to the relevant authorities of their residential districts for approval in accordance with the relevant national laws and administrative regulations, and must hold valid documents issued by the relevant authorities. The HKSAR Government does not deem it necessary and justifiable to change the existing OWP system and relevant approval practice.

LCQ6: Disposable plastic tableware

Following is a question by the Hon Paul Tse and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (May 9):

Question:

The results of a study have shown that the disposable plastic food containers used by quite a number of fast food chains would have an overall migration exceeding the limit resulting in food contamination when they were used to hold food with temperatures of over 100 degrees Celsius. On the other hand, the results of a sampling test on local wild flathead grey mullets have shown that 60 per cent of the samples contained plastic fragments, the constituents of which are commonly used in the making of disposable plastic tableware. Some green groups have pointed out that the persistent organic pollutants (POPs) adhered to microplastics can cause cancer after entering the human body via the food chain. In addition, the governments of France and Taiwan have decided to ban the use of disposable plastic tableware in 2020 and 2030 respectively. In this connection, will the Government inform this Council:

- (1) whether it has studied and assessed, among the new confirmed cases of cancers in the past three years, the percentages of those which were related to POPs;
- (2) whether it has investigated (i) restaurants' use of disposable plastic food containers which have an overall migration exceeding the limit when coming into contact with high temperatures, and (ii) restaurants' massive use of disposable plastic food containers;
- (3) whether it formulated policies and measures in the past three years to encourage school lunch box suppliers as well as operators of restaurant chains and canteens in government office buildings to give greater consideration from the perspectives of reducing microplastics entering the food chain, protecting the environment and safeguarding public health, and switch to the use of reusable food containers or plastic-free disposable food containers;

(4) whether it formulated policies and measures in the past three years to (i) change the restaurants' undesirable practice of massively using disposable plastic food containers, and (ii) develop among members of the public a habit from childhood to bring their own tableware and avoid using disposable plastic food containers; and

(5) in view of the results of a study by an American university which showed that more than 90 per cent of the samples of bottled water contained microplastic particles which can cause cancer, whether the Government will (i) step up its efforts to persuade members of the public to purchase less bottled water and to switch to bringing their own water bottles and using the drinking fountains provided in public places instead, and (ii) install in places with high pedestrian flow higher-grade drinking fountains (such as those adopting medical-grade and reverse osmosis filtration technologies) so as to provide members of the public with drinking water that meets high water quality standards?

Reply:

President,

Having consulted the Food and Health Bureau (FHB), the Education Bureau, the Financial Services and the Treasury Bureau, the Agriculture, Fisheries and Conservation Department (AFCD), the Department of Health (DH), the Government Property Agency (GPA) and the Hospital Authority (HA), our consolidated reply to the question raised by the Hon Paul Tse is as follows:

(1) According to the DH, cancer is generally multifactorial and some common causes include ageing, unhealthy lifestyle, genetic and environmental factors, etc. As for the impact of microplastics on the ecological environment, it is an emerging topic of global concern and scientists worldwide are still exploring and studying the issue. The FHB has not commissioned any studies on this specific topic. Neither does the HA keep any statistics on the relation between new cancer cases and plastic pollution. On the other hand, while scientists have yet to fully understand the impacts of microplastics on human health including its carcinogenicity, the international understanding is that precautionary measures should be put in place as early as possible to reduce plastics entering the environment.

(2) No study has been carried out by the Government on restaurants' provision of plastic food containers to customers. That said, the Environment and Conservation Fund (ECF) has sponsored a green group to conduct a survey in 2018-19 on the provision of plastic containers and tableware by specific restaurants to customers. The project is underway and estimated for completion in October 2018.

(3) and (4) The Government has been striving to promote green lunch in schools. The Environmental Protection Department (EPD) holds talks for schools and provides them with practical guidelines and circulars, and advises lunch suppliers to use washable and reusable food containers instead of disposable ones. Under the Food Wise Hong Kong Campaign, the EPD has also issued the Food Waste Reduction Good Practice Guide for Educational Sector,

encouraging schools to, inter alia, facilitate students to bring and use reusable tableware, containers and water bottles, thereby reducing the use of disposable plastic food containers and tableware. To further nurture the habit of waste reduction at source among students, the EPD has implemented the On-site Meal Portioning Funding (OMPF) Scheme since 2009, under which the ECF has earmarked \$150 million to subsidise schools to conduct basic conversion works and install facilities necessary for implementing on-site meal portioning on campus, thereby promoting the "food wise" culture, as well as reducing food waste and the use of disposable plastic food containers and tableware. So far, over 120 schools have been subsidised to run OMPF projects.

On the other hand, the EPD is committed to facilitating the general public and different sectors of the community to reduce the use of disposable food containers and plastic tableware. For example, the EPD engages the catering sector from time to time to encourage restaurants to phase in green measures, such as providing dine-in customers with only reusable food containers and tableware, avoiding the use of styrofoam food containers for take-away food and welcoming customers to bring their own food containers for take-away food. Under the Sustainable Development Fund, the Government has also earlier supported the food and beverage sector to formulate guidelines on green procurement by the trade, with the aim of encouraging various types of restaurants and eateries to practise green procurement, including the use of recyclable or plant-fibre tableware instead of disposable plastic ones to help reduce plastic pollution. Furthermore, under the Hong Kong Awards for Environmental Excellence and the Hong Kong Green Organisation Certification, the EPD appeals to food and beverage caterers to take measures to encourage customers not to ask for disposable tableware and food containers. The ECF also subsidises local non-profit-making organisations run various projects to promote less use of disposable tableware and food containers in the community, thereby inspiring citizens and students to use reusable tableware and food containers.

At present, the tenancies entered into by the GPA for government departments with operators of canteens in government properties would also generally prescribe that the operator shall use decomposable lunch boxes for take-away services.

The Government will continue to take the lead in adopting a green procurement policy, such as avoiding the use of single-use disposable items (including tableware and food containers) and purchasing products with improved recyclability, higher recycled contents, less packaging and greater durability as far as practicable.

In addition, the Government strives to take forward the implementation of relevant policies and regulations in order to rise up to the challenge of waste management. It is expected that the future implementation of municipal solid waste charging scheme could effectively, through economic incentives, drive behavioural change to reduce waste generation, thereby reducing the overall waste disposal quantity.

(5) To create a social environment where the public is encouraged to

cultivate the habit of bringing their own reusable water bottles with a view to promoting waste reduction at source, the Government has required all policy bureaux and departments to gradually cease the sale of water in plastic bottles (measuring 1 litre or less) through automatic vending machines at government venues under their purview (e.g. sports complexes, performance venues, government offices, parks, country parks, government car parks, public transport interchanges or ferry piers). The arrangement took effect on February 20, 2018 and is applicable to relevant contracts, tenancies/tenancy agreements or permits tendered on or after that date. As for existing automatic beverage vending machines at such premises, the policy bureaux and departments will discuss with the suppliers/operators concerned and ask them to voluntarily implement the new arrangement of ceased sale as early as possible.

The AFCD promotes waste reduction and a responsible attitude towards the environment through the "Take Your Litter Home" public education programme. Members of the public are encouraged to plan ahead before visiting the country parks, such as to bring along reusable water bottles and food containers so as to avoid and reduce the generation of waste, and take away their waste after visiting the country parks. In addition, the AFCD has launched the "Bring Your Own Water Bottle" Reward Scheme since 2014 to encourage country park visitors to reduce waste at source and avoid consumption of one-off bottled drinks. Country park visitors who have brought along their reusable water bottles will be given stamps for redemption of souvenirs as reward.

Meanwhile, the EPD is co-ordinating with various policy bureaux and departments to install additional water dispensers as necessary at new government venues and suitable existing government venues when conducting renovation works, subject to actual circumstances and technical feasibility. Water quality and hygiene of such dispensers will be maintained in accordance with relevant guidelines by the various policy bureaux and departments.

In addition, in December 2017, the EPD launched a Waste Reduction Guidebook for Large Scale Event Organisers (Guidebook), which provides clear information and practical examples to assist event organisers and participants in achieving waste reduction at source. The Guidebook recommends, among other things, that organisers set up on-site water refilling stations at the event venues and encourage participants to bring their own bottles. We also encourage government departments to set a role model by making reference to the Guidebook and implementing the recommended measures therein as far as practicable.

LCQ2: Vetting and approval of plans

submitted in respect of building works of modular housing/container housing

Following is a question by the Hon Jeremy Tam and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 9):

Question:

Section 16 of the Buildings Ordinance (Cap. 123) provides that if plans of building works submitted to the Building Authority (BA) (i.e. the Director of Buildings) are not endorsed with or accompanied by a certificate from the Director of Fire Services (DFS) certifying that (i) no fire service installation or equipment is necessary in connection with the building that will result from the carrying out of the building works shown on the plans or (ii) in the opinion of DFS, the fire service installations and equipment shown on the plans have met the minimum requirements, BA may refuse to give his approval of the plans. It has been reported that the Hong Kong Council of Social Service (HKCSS) is planning to build three modular housing blocks of three storeys each at 202-220 Nam Cheong Street, Sham Shui Po for temporary residential purpose (HKCSS modular housing). Regarding the issues relating to the issuance by DFS of the aforesaid certificate for the building works of modular housing/container housing and the vetting and approval by BA of plans submitted in respect of such kind of works, will the Government inform this Council:

- (1) (i) of the criteria adopted by DFS for determining whether the aforesaid certificate should be issued for the building works of HKCSS modular housing, and (ii) whether DFS has issued the certificate;
- (2) of the criteria adopted by BA for determining whether approval should be given to the plans submitted in respect of the building works of HKCSS modular housing; the number of times for which BA has so far received the relevant plans submitted by HKCSS, and on each occasion, (i) the date of receipt of such plans and (ii) the amount of fees charged; whether BA has approved the relevant plans; if so, of the approval date;
- (3) of the details of the applications for constructing temporary modular housing/container housing received by BA and DFS in the past five years, including (i) the dates of application, (ii) the locations of the modular housing/container housing concerned, (iii) the amounts of fees payable by the applicants, (iv) the number of revisions made to the plans and (v) the outcome of vetting and approval (set out in a table); (vi) the number of applications received and (vii) the number of applications approved by BA and DFS in each of the past five years, as well as (viii) the amount of fees charged, (ix) the amount of processing time and (x) the number of revisions made to the plans, per application on average; and
- (4) regarding each of the cases in which the plans submitted in the past five

years to BA for approval which were subsequently rejected, of the proposed location(s) of the modular housing/container housing concerned and the justifications of BA for not granting approval?

Reply:

President,

My consolidated reply to the various parts of the question raised by the Hon Jeremy Tam is as follows:

For building plan applications submitted by an Authorised Person (AP) in accordance with the Buildings Ordinance (BO), regardless of the proposed construction method (including the Modular Integrated Construction (MiC) technology), the Buildings Department (BD) must process the building plans in accordance with the BO and its subsidiary legislation. The BD's officers will scrutinise whether the planning, design and construction of the building and its building works shown on the building plans comply with the statutory requirements and will also refer the building plans to other relevant departments through the centralised processing system for their assessments on areas of concern or requirements under their purview. Other than the conditions or grounds listed under section 16 of the BO that the Buildings Authority (BA) may refuse to give his approval of any plans of building works, BA must approve the building plan submission.

MiC technology refers to a construction method whereby free-standing integrated modules (completed with finishes, fixtures and fittings) are manufactured in a prefabrication factory and then transported to site for installation into a building. To provide clearer and more specific guidance on the use of MiC technology to the industry, the BD has promulgated a practice note in December 2017, setting out general guidance on design requirements for compliance with BO and relevant factors to be considered for projects using MiC technology. The relevant practice note can be found at the following link: www.bd.gov.hk/english/documents/pnap/ADV/ADV036.pdf

Regarding the development proposal at 202-220 Nam Cheong Street at Sham Shui Po, the concerned building plans were submitted to the BD on December 6, 2017 and were approved by the BA in accordance with BO on February 2, 2018. Nevertheless, the BD has not received the related structural plans and drainage plans yet. As the development proposal concerned is a non-profit-making community facility, the BD has exempted the payment of plan processing fees under section 42 of the BO.

Regarding the fire service installations and equipment on the building plans, upon receipt of the building plans referred under the centralised processing system, the Fire Services Department (FSD) has issued a certificate to the AP concerned on December 28, 2017, confirming that the fire service installations and equipment shown on the building plans complied with the requirements set out in the prevailing "Code of Practice for Minimum Fire Service Installations and Equipment" (i.e. for residential buildings of three storeys or less, fire extinguisher(s) should be provided on each floor).

Up till April 30, 2018, other than the above mentioned proposed development project, the BD and FSD have not received similar building plan submissions, viz. temporary housing development projects using MiC technology.

LCQ4: Safety of banana boats and jet-skis

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 9):

Question:

Every summer, many people flock to the waters of Hong Kong to engage in a variety of water sports activities, including riding on a banana boat towed by a speed-boat and jet skiing. It is learnt that accidents involving such recreational activities which resulted in deaths and injuries have occurred from time to time. In this connection, will the Government inform this Council:

- (1) of the respective numbers of water sports accidents involving banana boats and jet-skis recorded by the authorities in the past five years;
- (2) whether the existing legislation governing vessels regulates jet-skis and non-mechanised vessels such as banana boats; if so, of the details, including the specific requirements under the various provisions and whether such facilities are required to be registered or licensed; if so, of the details; if not, the reasons for that; and
- (3) whether the relevant government departments have conducted inspections regularly on the safety of banana boats and jet-skis; if so, of the details; if not, the reasons for that?

Reply:

President,

The reply to the Hon Holden Chow's question is as follows:

- (1) From 2012 to 2017, the Marine Department (MD) recorded three accidents involving jet-skis but none involving banana boats (neither banana boats nor pleasure vessels (PVs) towing them).
- (2) According to Schedule 1 to the Merchant Shipping (Local Vessels)

(Certification and Licensing) Regulation (Cap. 548D), jet-skis fall within the vessel type of open cruiser under Class IV vessels (i.e. PVs), for which an Operating Licence (OL) for Local Vessel and a valid third party risks insurance certification must be obtained. An operator must also possess the Pleasure Vessel Operator Certificate of Competency for operating jet-skis. To enhance safety, the MD has endorsed corresponding conditions in the OLs for jet-skis, including permitting the use of jet-skis at daytime only, requiring operators to wear lifejackets and jet-skis to be installed with an equipment commonly known as "kill cord" (i.e. device enabling the engine of a jet-ski to automatically switch off once the operator leaves his seat).

OLs of local vessels are not required for non-mechanised inflatable vessels including banana boats. However, a PV owner who intends to use his vessel for towing inflatable vessels should submit an application in writing to the MD. Upon approval of the application, the MD will endorse the OL of the PV concerned with conditions pertaining to the towing of inflatable boats, including keeping proper lookout on the PV; providing every person on board the vessel being towed with a seat and an independent handhold; and ensuring that each of these persons shall wear a life-jacket.

(3) Apart from conducting regular inspections of PVs, the MD also steps up its patrols and launches anti-speeding operations at popular sites for water sports during the summer. In the summer of 2017, 1 100 inspections of PVs and nine anti-speeding operations were conducted. On the publicity and education fronts, to remind the public to pay attention to their own safety and that of others when taking part in water sports or waterborne recreational activities, the MD collaborates with the Leisure and Cultural Services Department and the Hong Kong Police Force in organising the Water Sports Safety Seminar annually, with a view to raising public awareness of water sports safety. The MD also distributes pamphlets on water sports safety to the public with advice on the safe operation of banana boats and jet-skis. As summer draws near, the MD will continue with its relevant work in patrol and education to ensure water sports safety.