

Opening remarks by CE at LegCo Chief Executive's Question and Answer Session (with video)

Following are the opening remarks (English translation) by the Chief Executive, Mrs Carrie Lam, at the Chief Executive's Question and Answer Session in the Legislative Council (LegCo) today (February 4):

Mr President and Honourable Members,

Today is my first attendance at the meeting of the LegCo in 2021. I would like to take this opportunity to wish you all good health and success in this new year.

When I attended the LegCo Question and Answer Session as the Chief Executive for the first time on July 5, 2017, I had made it clear that I attached great importance to the relationship between the executive and the legislature. The Basic Law stipulates the respective functions of the executive authorities and the legislature of the Hong Kong Special Administrative Region (HKSAR). I respect the role of LegCo and also agree that the legislature's monitoring of the executive authorities forms an integral part of good governance. In the remaining term of Government of one year or so, I hope that LegCo, which has resumed its normal operation, can discharge its functions to exercise checks and balances as well as to supervise and support the work of the Government, so that we can strive ahead with renewed perseverance in this very challenging time of Hong Kong, and add new impetus to our economy and serve Hong Kong people.

I would like to express my gratitude to LegCo for the passage of the Motion of Thanks on the 2020 Policy Address on January 22. However, what drew my particular attention is the many practical suggestions put forward by Members on a wide range of policy areas during the three-day debate. I also noticed that the Chairman of the House Committee, the Honourable Starry Lee, had faithfully reflected during the recent weekly meetings with the Chief Secretary for Administration (CS) some Members' views on the Government's performance. These include views on long replies given by some Directors of Bureaux in response to Members' oral questions, late issue of discussion papers to LegCo panels, and vague answers provided by some officials to questions raised at meetings of the Finance Committee (FC) or the Public Works Subcommittee (PWSC). I often watch the live broadcast of the Council and its committee meetings and have a similar impression of the problems reflected by Members. I have therefore asked the CS to provide steer, take follow-up action on improvement measures and monitor their effectiveness.

In spite of the grumblings, Members have held discussions on various issues and handled the government proposals effectively amidst the lingering pandemic over the past three months. I am very pleased to learn that for the

public works which are crucial to our economy and the employment situation, the PWSC has endorsed the funding applications involving a total commitment of about \$97 billion, comprising the funding for 24 new works projects, an increase in the Approved Project Estimate and the block allocations for the next financial year. Of these, 15 new works projects of about \$38 billion and block allocations of about \$24 billion got approved by the FC. This will facilitate the immediate commencement of these works projects, which can inject impetus to our construction industry and the associated trades.

As for the staffing proposals of the Government, we fully accept Members' views. We have decided after review to submit only one permanent post involving the creation of a Justice of Appeal position in the Judiciary within the current legislative session, while other proposed permanent directorate posts will be replaced by time-limited supernumerary posts or even withdrawn for the time being. Our specific proposal for the latter is to create 20 directorate supernumerary posts, and retain or recreate 10 directorate supernumerary posts. I hope that Members will support the revised proposal.

Before answering the questions raised by Members, I would like to respond to the legislative proposals put forward by Members of this Council on which they have reached a consensus earlier. Some Members have raised these proposals again when we met on December 29 last year. Article 73 of the Basic Law stipulates that LegCo has the important power and function to enact, amend and repeal laws. The HKSAR Government has the responsibility to fully consider the views of Members in taking forward the legislative work. My response today will cover five legislative tasks.

(1) Stipulating oath-taking requirements by public officers in the law

Article 104 of the Basic Law provides that designated public officers must, in accordance with law, swear to uphold the Basic Law and swear allegiance to the HKSAR of the People's Republic of China. These are also the requirements of Article 6 of the National Security Law which is in compliance with the constitutional order under "One Country, Two Systems", and it is proper and right that Hong Kong must be governed by people who love the country and Hong Kong. On November 7, 2016, the Standing Committee of the National People's Congress adopted the interpretation of Article 104, which clearly explains the oath-taking requirements, including the legal form, content and proper attitude, and that the oath taker should bear legal responsibility in accordance with the law if he or she is in breach of the oath. In addition, after completion of the relevant study, the HKSAR Government takes the view that District Council (DC) members should be considered public officers who must take the oath in accordance with the law. Therefore, we will implement the oath-taking requirement on DC members and provide for related arrangements in this legislative amendment exercise. As for other public officers, we will handle the matter separately as soon as possible. The drafting of the legislation has reached the final stage, and the Secretary for Constitutional and Mainland Affairs will introduce the bill into LegCo for deliberation after the Chinese New Year.

(2) Enactment of legislation on the admission of non-locally trained doctors

With the rapid ageing of the local population and increasing demand for healthcare manpower, it is an indisputable fact that the public healthcare system is facing a shortage of doctors. At present, there is a shortfall of 660 doctors in the Hospital Authority. Regarding the Child Assessment Service of the Department of Health, which aims at identifying the special needs of children, the vacancy rate of doctors is as high as 40 per cent. As a result, the assessment of only about 60 per cent of the cases can be completed within six months. The remaining 40 per cent cannot complete assessment within six months. Without completed assessment, the Social Welfare Department cannot make arrangements for pre-school rehabilitation services. The situation is far from satisfactory.

The HKSAR Government has not overlooked the training of local talent. Over the past decade or so, the number of medical training places in the two medical schools has more than doubled from the original 250 each year to the present 530. The Government is also giving active consideration to further increasing medical training places in the next University Grants Committee funding triennium. As it takes time to train doctors, the training capacity of the medical schools cannot be expanded indefinitely, etc, we cannot tackle the problem of manpower shortage of doctors only by increasing local training places. It should be pointed out that before LegCo amended the Medical Registration Ordinance in 1995, doctors who had received their medical training in places including the United Kingdom, Australia, New Zealand, Ireland and Singapore were automatically registered as medical practitioners in Hong Kong. The ratio of non-locally trained medical practitioners to locally trained doctors each year was 1.2 to 1 on average then. In other words, we admitted at least one non-locally trained doctor vis-a-vis each locally trained doctor to increase the overall supply of doctors and enrich the talent pool of our medical sector. Dr Margaret Chan, former Director-General of the World Health Organization and former Director of Health; Professor the Honourable Arthur Li, former Vice-Chancellor and former Dean of the Faculty of Medicine of the Chinese University of Hong Kong; and Professor Gabriel Leung, Dean of the Faculty of Medicine of the University of Hong Kong, are all non-locally trained doctors who have been serving Hong Kong for a long period of time.

Drawing on the experience overseas, the HKSAR Government has decided to introduce the Medical Registration (Amendment) Bill to LegCo in the current legislative session with a view to putting in place new arrangements to allow more qualified non-locally trained doctors to practise in Hong Kong, on condition that the quality of healthcare services be ensured and that the shortfall of doctors in the public sector be alleviated. There are three key features in the legislative proposal as endorsed by the Executive Council (ExCo). First, non-locally trained doctors admitted must be Hong Kong permanent residents. Second, the applicant must have graduated from a recognised non-local medical school and must have registered as medical practitioner or obtained specialist qualification with the local authorities in the respective places. Third, all approved applicants must serve in the public sector for a longer period of time and cannot engage in private

practice, so as to better tackle the shortfall of doctors in the public sector. The Secretary for Food and Health will further introduce the proposed legislative framework at the meeting of the LegCo Panel on Health Services tomorrow (February 5). I have also invited two doctors from ExCo, i.e. Professor the Honourable Arthur Li and Dr the Honourable Lam Ching-choi, to assist in explaining the case for change to the public and enlist the support of doctors in both the public and private sectors.

(3) Enactment of legislation to impose the tenancy control of subdivided units

After months of discussions and study, the Task Force for the Study on Tenancy Control of Subdivided Units agrees in principle that the Government should implement suitable tenancy control on subdivided units to safeguard the interests of grass-roots tenants, while carefully balancing the interests of landlords. The Task Force aims to submit a report to the Government by the end of March. The Transport and Housing Bureau gauged the views of Members on the legislative proposal at the meeting of the LegCo Panel on Housing this Monday (February 1). The Secretary for Transport and Housing plans to submit in the current legislative session a bill which will take into account the recommendations of the Task Force and the views of Members.

Meanwhile, to protect tenants from being overcharged by landlords for use of water as soon as possible, I have, in accordance with Article 74 of the Basic Law, given my written consent to the Honourable Alice Mak for submitting a private bill to amend some provisions in the Waterworks Regulations. The amendments will stipulate that landlords can only recover the charges for water as prescribed in regulation 46 of the above Regulations. I hope that this move can demonstrate my respect for the constitutional functions of LegCo and my willingness to accept the proposals of Members.

(4) Enactment of legislation on enhancing fire safety in old buildings

Building safety and fire hazards in old buildings is an issue of great social concern. During my tenure as the Secretary for Development, I had implemented various policy measures, such as Operation Building Bright, to address the problem of dilapidated buildings. On enhancing the fire safety standards of old buildings, the Fire Safety (Buildings) Ordinance (the Ordinance), which came into operation in 2007, stipulates that the fire safety standards of composite and domestic buildings constructed in or before 1987 must be enhanced to better meet the requirements of the day. Over the past decade or so, the Fire Services Department (FSD) and the Buildings Department (BD) have taken vigorous enforcement action. Technical and financial support for owners of old buildings has also been provided, such as devoting \$5.5 billion to launch the Fire Safety Improvement Works Subsidy Scheme. However, owing to the characteristics of owners of old buildings and their limited management and organisational capabilities, many buildings, such as "three-nil" buildings, have yet to comply with the requirements of the Ordinance. So far, the FSD and the BD have completed the inspection of nearly 10 000 target buildings and issued a total of more than 280 000 Fire

Safety Directions, about 60 per cent of which have yet to be complied with or followed up.

Having taken into account the BD's experience in the work of building safety, the Government agrees that there is a need to improve the existing legal framework. Therefore, we accept Members' proposal to consider amending the Ordinance to empower the FSD and the BD to carry out fire safety improvement works for owners of old buildings who are incapable of complying with the requirements of the Ordinance, and to recover the costs incurred from such owners upon completion of the works. However, I must emphasise that improvement works for fire safety and removal of illegal structures with potential safety hazards are different in nature. We will make reference to a similar mechanism and its implementation under the prevailing Buildings Ordinance, and will do our best to resolve the legal and enforcement issues involved. The Secretary for Security will personally oversee the relevant legislative exercise, with a view to launching public consultation in the second half of this year in order to formulate a suitable mechanism and amend the legislation to empower relevant departments to carry out the related work.

(5) Enactment of legislation to combat acts of intrusion of privacy and dissemination of hate speech, discriminatory remarks or false information.

While the rapid development of technology brings convenience to our daily lives, it has caused or aggravated the intrusion of privacy or disturbance of social order. Amid the social unrest and the COVID-19 pandemic in the past two years, problems such as the inundation of doxxing activities, hate speech, discriminatory remarks and false information on the Internet, in particular in various social media, have been seen. In fact, such a phenomenon is not unique to Hong Kong. In recent years, governments worldwide have tried to tackle the problems with legislative or administrative means. Since this encompasses a wide spectrum of issues involving some degree of sensitivity, we will study the experiences and practices of other countries and places. It is therefore difficult to put forward a comprehensive legislative proposal in a short period of time. However, we will handle the more pressing problem of intrusion of privacy, or doxxing.

As the Privacy Commissioner for Personal Data (PCPD) pointed out last week (January 28), doxxing is like weaponising of personal data and should not be ignored. She further cited a court decision to point out the far-reaching impact of doxxing on the victims. In view of this, we will tackle the problem of doxxing through law enforcement and legislative amendment. On enforcement, since June 2019, the PCPD Office has referred over 1 460 cases of suspected contravention of the Personal Data (Privacy) Ordinance (PDPO) to the Police for criminal investigation and consideration of prosecution. The PCPD Office has also referred 57 cases of suspected breach of injunction order on doxxing to the Department of Justice for follow-up. In respect of legislative amendment, the Constitutional and Mainland Affairs Bureau (CMAB) and the PCPD Office are actively taking forward the legislative amendment work on the PDPO. The amendments include criminalising doxxing-related acts, conferring on the PCPD statutory powers to demand the removal of doxxing

contents from social media platforms or websites, and empowering the PCPD to carry out criminal investigation and institute prosecution, etc. The results of the questionnaire survey released by the PCPD Office last week show that at least two-thirds of the respondents supported the amendment of the PDPO. The CMAB aims to complete the drafting of the legislative amendments and introduce the bill to LegCo for scrutiny within this legislative year.

Another issue related to the protection of privacy is the use of public registers. At present, public registers maintained by the relevant government departments have been established for years. While the reasons and purposes of allowing access to such registers may vary, they are mainly aimed at assisting the public and service users in conducting searches for specific purposes, such as the sale and purchase of properties, vehicles and companies. Given the grave concern of the community over the protection of personal privacy, and the numerous acts of doxxing performed by obtaining the personal information of members of the public through searches of registers in recent years, relevant government departments are re-examining the legal requirements and administrative arrangements concerning public registers, with a view to balancing the interests of various parties. Adjustments will be made as necessary, and legislative amendments will be proposed later if necessary to ensure that the purposes of conducting searches can be met while better protecting the personal privacy of members of the public.

Conclusion

Mr President and Members, I reported in one go today five major legislative tasks involving different policy areas. Once the bills are submitted to LegCo, Members will have to shoulder the onerous task of scrutinising them. Relevant colleagues in the Government will be asked to cooperate fully with LegCo so as to secure the timely passage of these bills, which are of constitutional importance or are relevant to people's livelihood.

Next Friday will be the first day of the Lunar New Year. I wish you every success and the best of health in the Year of the Ox. I would also like to call upon everyone to reduce gatherings and spend this Lunar New Year in a way that is like no other – in a comparatively quiet ambience. With concerted efforts, we can prevail over the pandemic and welcome a healthy and vibrant year.

Thank you, Mr President.