

(Information Paper)

**Progress Report of the 11th Meeting of
the Kowloon City District Council**

Purpose

This paper aims to report on the major issues discussed at the 11th meeting of the Kowloon City District Council (KCDC) on 28 July 2005.

The Sixth Ministerial Conference (MC6) of the World Trade Organisation (WTO)

2. Representatives from the MC6 Co-ordination Office (MCO) of the Trade and Industry Department (TID) and the Hong Kong Police Force (HKPF) attended the meeting and briefed Members on the arrangements for the MC6 of the WTO to be held from 13 to 18 December 2005, the strategy adopted by the HKPF in preparation for the conference and the security measures to be taken during the event. Members recognised that the smooth conduct of such a major business event would boost Hong Kong's image and create business opportunities and, therefore, supported the HKPF's proposal for tightening security during the MC6 to prevent undesirable situations. Since numerous high-level and important foreign government officials would attend the MC6, Members urged the Government to be on the alert for terrorists taking advantage of the occasion to cause disturbances. Moreover, Members were concerned that the designation of the area around the Hong Kong Convention and Exhibition Centre (HKCEC) as a restricted access zone might push the demonstrators to the downtown area of Wan Chai and thus caused chaos. Members also considered that in order to make it more convenient for MC6 participants staying in the Harbour Plaza Hotel to attend the conference at the HKCEC, the Government should not suspend the ferry services from Hung Hom to Wan Chai since this would only exert greater pressure on the Hung Hom Cross Harbour Tunnel. Lastly, Members requested the HKPF to hold dialogues with people or organisations intending to stage protests and, as far as practicable, provide suitable venues and channels for them to express their views.

3. The MCO explained that since over ten thousand participants would attend this huge event, it was necessary to make special arrangements in Wan Chai District and around the HKCEC. The Administration proposed to the Legislative Council (LegCo) in July 2005 that a restricted access zone should be designated in Wan Chai

during the MC6. The area of the zone had already been kept to a minimum in order to strike a proper balance between the needs to maintain easy access to the meeting venue and to minimise the impacts on normal activities in Wan Chai. The Government would strive to co-ordinate with organisations that intended to stage demonstrations during the MC6 to enable them to express their views in a peaceful and orderly manner. So long as access to the HKCEC for MC6 participants was not affected in any way, sites nearer the meeting venue would be designated for demonstration. The HKPF added that according to intelligence reports, the risk of terrorist attacks on Hong Kong was not high. In the unlikely event that terrorists plotted an attack on Hong Kong, the police would be well prepared to take various counter-measures to deal with all kinds of emergencies. Furthermore, the police were very experienced in dealing with protest activities and would use their professional skills to facilitate the peaceful and orderly expression of views by organisations or individuals. They would, however, take decisive action against the use of violent or illegal means in the protests in order to protect the personal safety of the participants and the public. The HKPF would continue to negotiate with organisations that intended to stage demonstrations with a view to reaching an arrangement acceptable to both sides.

Recommendations on the Copyright Issue

4. The Intellectual Property Department (IPD) briefed Members on the results of a public consultation on the review of certain provisions of the Copyright Ordinance conducted in late 2004. While supporting the protection of intellectual property rights, Members expressed reservations about a few recommendations made by the Government. Members considered that compared with stipulating the number of copies of copyright works allowed to be made or the proportion of such works allowed to be copied, the proposed general non-exhaustive fair dealing approach was too abstract for easy compliance. In addition, Members did not understand why the Government proposed to restrict the parallel importation of only four categories of copyright works, namely, movies, television dramas or movies, and musical recordings. They said that the aim of the Copyright Ordinance was to safeguard the interests of copyright owners by protecting them against piracy; but parallel imported goods were genuine products. If restrictions were to be imposed on parallel imported goods, other such goods apart from the four categories specified should also be covered; otherwise, it would appear that the Government was protecting individual industries. Furthermore, Members suggested that the IPD should strengthen its support for small and medium enterprises by, for instance, laying down guidelines or providing channels for gathering information on owners of different kinds of

copyright works to facilitate compliance by these law-abiding entrepreneurs.

5. The IPD said that under the Copyright Ordinance, it was a criminal offence to deal in or to import otherwise than for private and domestic use a parallel imported copyright work if the work had been published for 18 months or less. Imported copyright works (with the exception of exempted items such as computer software) were all covered by the Ordinance. As regards Members' proposal for defining copyright infringement in terms of the proportion of a book copied, the IPD explained that this might not achieve the aim of safeguarding the interests of copyright owners in practice since the value of a book could not necessarily be fully quantified and the greatest value of a book might lie in just a few ideas or even a single paragraph. The Government had made reference to the existing measures adopted by various countries (including the US) to address the copyright issue before proposing the non-exhaustive fair dealing approach. The Government would draw the attention of the public to the amendments through publicity before the amended ordinance came into effect, and would consider holding talks for small and medium enterprises to help them better grasp the impacts of the amended ordinance on their respective industries.

Nuisance Caused by Salesmen of Telecommunications Networks in Residential Areas

6. Members expressed grave concern over the frequent door-to-door and telephone advertising activities arising from the increasingly intense competition in the telecommunications industry. These activities had virtually become a nuisance to the public. Sales tactics such as facsimile transmission in the middle of the night and mobile phone calls were particularly annoying. As such, Members hoped that the bill on fax and e-mail spam being drafted would come into effect at an early date and urged the Office of the Telecommunications Authority (OFTA) to take proactive measures to protect mobile phone users against excessive promotion activities of commercial operators.

7. While admitting that the various methods used by commercial operators to promote their products and services would sometimes disturb the public, the OFTA said that across-the-board regulation of all commercial promotion activities could interfere with normal business operation. The Government should, therefore, strike the right balance between protecting consumers and ensuring normal business operation. Although the Telecommunications Ordinance did not empower the Administration to take action against telecommunications operators whose promotion activities had become a nuisance, the OFTA had from time to time urged operators to

review their practices and exercise self-discipline. To combat the problem caused by the promotion activities of telecommunications companies, the Government proposed to legislate against the transmission of unsolicited electronic messages and would conduct a public consultation on specific provisions of the bill on spamming by the end of this year or early next year.

Telecommunications Problems

8. Members pointed out that a telecommunications company operating the 1083 telephone enquiry service had not yet improved the service even after it was disciplined by the OFTA for repeatedly not attending to enquiry telephone calls. Members understood that it was inadvisable for the Government to interfere too much in the operation of individual companies and recognised that the Government had been opening up the market to new operators to encourage fair competition and let the market forces to push up service quality and drive down charges. Unhealthy competition, however, would tempt some operators to deliberately lower the quality of their services to compensate for reduced charges. As such, Members urged the OFTA to play a more active regulatory role and severely punish those operators that provided sub-standard services so as to ensure satisfactory basic telecommunications services for the public. The OFTA said in response that, according to their licensing conditions, telecommunications operators had to provide services to the satisfaction of the Telecommunications Authority and the department would from time to time monitor the performance of operators and follow up complaints.

Urgent Need to Legislate against Clandestine Photographing or Video-shooting with Mobile Phones

9. Members urged the Government to act on the recommendations put forward by the Law Reform Commission (LRC) in its Consultation Paper on Civil Liability for Invasion of Privacy and enact legislation as soon as possible to combat tortious or even criminal acts that invaded privacy. The HKPF explained that while mobile phones with video-shooting function had recently been used for clandestine purposes, the existing legislation already provided for an offence of clandestine photographing. The HKPF could prosecute a suspect for causing any person reasonably to be concerned for his safety or well-being under the Crimes Ordinance or for disorderly conducts under the Public Order Ordinance. In addition, a suspect could also be prosecuted for committing an offence against public decency under common law.

Full Implementation of Whole-day Primary Schooling in Kowloon City District

10. Members asked the Education and Manpower Bureau (EMB) how it would

help the remaining two bisessional primary schools convert to whole-day schooling. The EMB responded that it would take a pragmatic and flexible approach to the issue. In addition, the EMB would work together with the two primary schools to formulate feasible plans, such as combining the morning and afternoon sessions in each school, merging with other whole-day primary schools facing under-enrolment or allocating vacant school premises to them. The target of the EMB was to reach an agreement on whole-day conversion arrangements with the two schools by 2007.

Improving the Services Provided by the Hung Hom Bay Post Office

11. Since a growing number of people used the services of the Hung Hom Bay Post Office (HHBPO), customers had to wait around 25 minutes before they were attended to. In view of this, Members urged the Hongkong Post (HKPost) to deploy additional staff to the HHBPO to cope with the growing demand. Members also suggested that the HKPost should discuss with other government departments the possibility of staggering their peak payment periods so that the public would not have to make payments at post offices at more or less the same time around January, April and July. In response, the HKPost said that it would deploy its staff flexibly to cater for the demand of the public and, if necessary, would consider redesigning or even expanding the HHBPO. The HKPost would explore together with other departments the possibility of staggering their peak payment periods as suggested by Members.

Combating the Sale of Counterfeit and Fake Drugs

12. Members pointed out that some pharmacies located in places frequented by Mainland visitors were suspected of selling fake drugs with packaging apparently different from the genuine products. The Customs and Excise Department (C&ED) responded that according to the number of complaints received and counterfeit drugs seized, the rate of selling drugs with false labels (i.e. counterfeit drugs) remained at a low level and was on a downward trend. In addition, a task force set up by the Department of Health (DH) inspected pharmacies and medicine companies regularly every year to ensure that the western drugs they sold had been registered in Hong Kong. In the cases mentioned by Members, pharmacies and medicine companies were probably promoting parallel imported drugs to the public for greater profits. Any person who disagreed with this way of doing business could seek help from the Consumer Council.

South East Kowloon Development Plan and Planning for the Development of South East Kowloon and the Central Kowloon Route (CKR)

13. Members expressed concern over the divided opinions of the public on the proposed reclamation works over the Kai Tak Nullah in the public consultation on the South East Kowloon Development Plan (Kai Tak Development Plan) conducted by the Planning Department (PlanD). In order to make the public recognise that the Government would have to pay a high price for the environmental hygiene problems arising from the non-reclamation option, Members suggested that the PlanD should make public as soon as possible the merits and shortcomings of the reclamation and non-reclamation options and the costs involved so that people holding different views could make informed decision on this issue. As regards the cruise terminal that needed to be built in Hong Kong, a Member suggested the Government should consider building a cruise terminal on an artificial island as in Japan in order to get around the reclamation issue.

14. Members requested the Government to study the feasibility of building a road tunnel to replace the East Kowloon Corridor (EKC) concurrently while building the planned CKR. By so doing, the EKC could be demolished and the long-standing problem of traffic noise it posed to the residents in To Kwa Wan area could be eliminated once and for all.

15. The PlanD said that as reclamation works would only be given consideration if they met the “overriding public need” test established by the Court of Final Appeal, the consultant commissioned by the PlanD was currently examining various options for dealing with the Kai Tak Nullah and collating relevant data for comparison. The public would be informed of the findings once they were available. Meanwhile, the PlanD was considering different options for building the cruise terminal along similar lines with a view to working out a plan acceptable to the public. Members’ views on the CKR project would be submitted through the KCDC Secretariat to the Highways Department for follow-up action.

Concern over the Queuing-for-a-tag System and Improving the Public General Out-patient Services

16. Members expressed concern over the absence of proper waiting areas at the public clinics in Kowloon City District for patients queuing for consultation chips, who were exposed to sun and rain. To improve the current situation, Members urged the Hospital Authority (HA) to set up suitable waiting areas at their clinics and study the feasibility of replacing the existing queuing-for-a-tag arrangement with an appointment system. In addition, the HA should implement a pre-arranged follow-up consultation system for the chronically ill to spare them the trouble of queuing for

consultation chips with other general out-patients. The HWFB said in response that since the HA took over the management of public clinics, it had allocated enormous resources to improve their services by hiring additional staff, computerising and streamlining work processes in phases and other measures. To better address the problems arising from the queuing-for-a-tag system, the HA was studying the following six measures that might be implemented at various clinics:

- Reviewing the queuing-for-a-tag arrangement;
- Informing out-patients of the clinics that had unused quota so that they could visit those clinics instead;
- Taking a more flexible approach in adjusting the number of consultation sessions and redeploying resources among clinics to cope with unforeseen demand;
- Prescribing the chronically ill who were in a stable condition medicines for use over a longer period so that they would not need to return to the clinics for follow-up consultation so often;
- Allowing patients to make appointments after consultation – general out-patient clinics could make appointments for the chronically ill immediately after consultation to save them the trouble of queuing for follow-up consultation again soon.
- Setting up an Interactive Voice Response System (IVRS) on a trial basis – the HA was considering conducting a trial scheme in one or two of its hospital clusters to study the feasibility and effectiveness of an IVRS-based appointment system. If such a system is implemented, patients could make appointments by telephone and would no longer have to queue for consultation chips.

The HA added that individual clinics had already advanced the allocation of consultation chips from 8:00am to 7:00am in order to shorten the queuing time. The initial response was encouraging and the arrangement would be extended to other clinics if it proved to be effective.

Kowloon City District Office

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