

# LCQ21: Providing financial assistance to victims of marine traffic accidents

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 29):

Question:

In response to a vessel collision incident near Lamma Island that happened on October 1, 2012, the Government announced on October 18, 2012 that the Marine Department (MD) would, in consultation with the trade, explore the implementation of 10 improvement measures. One of the measures was to consider, by drawing reference from the Traffic Accident Victims Assistance (TAVA) Scheme, whether a Marine Traffic Accident Victims Assistance (M-TAVA) Scheme should be introduced. On the other hand, the Government set up a Steering Committee on Systemic Reform of the Marine Department (Steering Committee) on May 3, 2013 to advise and steer the Director of Marine on undertaking a comprehensive systemic review and reform. The Steering Committee indicated in its final report published in April 2016 that having considered the findings of a consultancy study, it had agreed not to introduce an M-TAVA Scheme at the present stage. In this connection, will the Government inform this Council:

(1) of the assistance schemes through which the Government currently provides financial assistance to victims of marine traffic accidents;

(2) in respect of each of the assistance schemes mentioned in (1), of (i) the respective numbers of marine traffic accident victims to whom financial assistance was provided, and (ii) the total amounts of subsidy granted to such persons, in each year since 2012; and

(3) whether it will consider extending the scope of the TAVA Scheme to cover victims of marine traffic accidents; if so, of the details; if not, the reasons for that?

Reply:

President,

In response to the Hon Holden Chow's question, in consultation with the Marine Department (MD), the Social Welfare Department and the Home Affairs Department, our reply is as follows:

In October 2012, the Government announced that it would take forward 10 measures to enhance marine safety. One of these measures was to consider, by drawing reference to the Traffic Accident Victims Assistance (TAVA) Scheme, whether a Marine Traffic Accident Victims Assistance (M-TAVA) Scheme should be set up. Subsequently, MD engaged a consultant to study the feasibility of establishing the M-TAVA Scheme, as well as whether or not the TAVA Scheme

could be extended to cover victims of marine traffic accidents. After careful examination and consultation with the trade, the consultant found that the definition of a marine traffic accident was more complicated than that of a road traffic accident and that the probability of a marine traffic accident was relatively lower. The severity of marine traffic accidents was also found to be different from that of road traffic accidents. Furthermore, should the coverage of the relevant assistance scheme be expanded to cover victims of marine traffic accidents, a levy would need to be imposed on the vessel trade to cover the financial assistance granted in cases of marine traffic accidents. Since the number of vessels was much smaller than that of vehicles, it was estimated that a rather high levy would need to be charged and the vessel trade would have concern with regard to the associated financial burden. In view of the considerations above, the consultant concluded that it was impracticable to expand the coverage of the existing TAVA Scheme to include victims of marine traffic accidents. The Government accepted the findings and recommendations of the consultancy study, and reported the relevant findings of the study to the Legislative Council Panel on Economic Development in 2015, and received support from Members.

While at present there is yet to be a dedicated financial assistance scheme set up for victims of marine traffic accidents, there are nonetheless numerous charitable trusts and funds administered by the Government or other organisations which could provide emergency financial relief to victims of marine traffic accidents. These include the Hong Kong Jockey Club Charities Trust, the General Chinese Charities Fund, the Special Aid Fund, the Tang Shiu Kin and Ho Tim Charitable Fund, etc. Given the various charitable trusts and funds involved, the large volume and diverse backgrounds across different types of application cases they receive, as well as the individual processes and mechanisms of handling, sorting and recording approved cases used in each charitable trust/fund, we do not have the readily available breakdown on the financial assistance granted to victims of marine traffic accidents by each assistance scheme and thus cannot provide the relevant information.

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## **FHB welcomes recommendations to enhance private health insurance product standard and transparency**

The Food and Health Bureau (FHB) welcomed the Consumer Council's report released today (May 29) which recommended enhancing the standard and transparency of private health insurance products to improve consumer choice and protection.

The Consumer Council's report, entitled "Creating Sustainable Value for

the Private Health Insurance Market in Hong Kong", concluded with a number of recommendations to enhance the product standard and transparency of product information in the market, including to standardise definitions of key policy terms to facilitate comparison and require insurance companies to provide sample policy contracts and premium levels on an open platform for consumers to look into the information before purchase.

A spokesman of the FHB said, "We are glad to note that the perspectives and actions recommended in the report align well with the design of the Voluntary Health Insurance Scheme (VHIS) and its key features, including standardised policy terms and conditions, guaranteed renewal without re-underwriting, transparency of product and premium information, coverage of unknown pre-existing conditions and extension of the application age to the age of 80.

"We have been maintaining close liaison with the Consumer Council to ensure the interests of the consumers are well protected. We are grateful for the valuable advice offered by the Council in our deliberation on the implementation details of the VHIS, and look forward to its continued support and collaboration in our work related to the VHIS in the future."

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## **Adjustment of parking fees of government public car parks managed by TD from Saturday**

â€‹The Transport Department (TD) today (May 29) reminded motorists that the parking fees of 11 government public car parks under its management will be increased with effect from June 1.

"In considering the adjustment of parking fees of the 11 government public car parks, the TD has taken into account several factors, including the inflation rate since the last parking fees adjustment, the charges of nearby public car parks operated by private sector and the utilisation of the government car parks," a spokesman for the TD said.

The 11 car parks are Kennedy Town Car Park, Rumsey Street Car Park, Star Ferry Car Park, City Hall Car Park, Tin Hau Car Park, Shau Kei Wan Car Park, Aberdeen Car Park, Yau Ma Tei Car Park, Sheung Fung Street Car Park, Kwai Fong Car Park and Tsuen Wan Car Park.

Unless otherwise indicated, the adjustment of parking fees of the 11 car parks is summarised as follows:

Vehicle Type	Hourly Rate	Day Park	Night Park	Quarterly Parking Ticket	Monthly Parking Ticket
Private Car/Van	+\$1	+\$20	+\$5 (Note 1)	+\$300	+\$100 (Note 2)
Motorcycle	—	+\$2	+\$1	+\$60	+\$20
Taxi	—	—	—	+\$150	+\$50

Note 1: The Night Park rate of Kwai Fong and Tsuen Wan Car Parks remains unchanged.

Note 2: The monthly fee of a reserved parking space in Star Ferry Car Park remains unchanged.

For details of the new parking fees, please visit the TD's website ([www.td.gov.hk/en/transport\\_in\\_hong\\_kong/parking/carparks/](http://www.td.gov.hk/en/transport_in_hong_kong/parking/carparks/)).

The car park operators will put up notices inside the car parks in advance to inform motorists of the fee changes.

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## [LCQ7: Use of mobile phones or telecommunications equipment while driving](#)

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 29):

It is not uncommon to see traffic accidents which were caused by drivers of vehicles for hire via telephone getting distracted as a result of their communicating with customers on mobile phones while driving. In 2017, traffic accidents caused by inattentive driving resulted in 5 735 casualties. In this connection, will the Government inform this Council:

- (1) of the number of fixed penalty notices issued since January last year by the Police to motorists who used a mobile phone by holding it in his hand or between his head and shoulder while the motor vehicle being driven by him was in motion;
- (2) whether the Police have reviewed the effectiveness of the law enforcement operations mentioned in (1); whether they will step up efforts in promoting the importance of attentive driving among motorists in the coming year; and
- (3) as the Government indicated in May last year that, in respect of whether further restrictions should be imposed on motorists' use of smart

phones/devices, it was conducting a study on the impacts of such restrictions on motorists and other road users as well as the regulation, enforcement and other related details, of the progress of the study?

Reply:

President,

To ensure road safety, motorists should always drive attentively and avoid being distracted. Therefore, motorists should avoid using mobile phones or other smart devices as far as possible while driving. The Road Traffic Ordinance (Cap. 374) has stipulated stringent provisions on "dangerous driving" and "careless driving". If a motorist uses a mobile phone or smart device while driving in such a way as to affect his driving, he may have committed the offence of "dangerous driving" or "careless driving", irrespective of whether his driving has caused a traffic accident. In addition, pursuant to the Road Traffic (Traffic Control) Regulations (Cap. 374G), if a motor vehicle being driven by a motorist is in motion, it is an offence for the motorist to use a mobile phone while holding it in his hand or between his head and shoulder, or use other telecommunications equipment while holding it in his hand.

My reply to the various parts of the Hon Chan Kin-por's question is as follows:

(1) From January 2018 to April 2019, the numbers of enforcement actions taken by the Hong Kong Police Force against a motorist who uses a mobile phone or a piece of telecommunications equipment by holding it in his hand or between his head and shoulder while driving were 25 712 in 2018 and 8 574 in January to April 2019. Enforcement actions taken include issuing fixed penalty notices and summonses, and arresting the offenders. The Police do not maintain any breakdown of the cases showing the number of fixed penalty notices issued.

(2) According to the Police, the number of cases of enforcement actions against a motorist who uses a mobile phone or a piece of telecommunications equipment by holding it in his hand or between his head and shoulder while driving recorded a year-on-year increase of 15 per cent in January to April in 2019. The Police will continue to step up enforcement actions to combat offences relating to inattentive driving under the "Selected Traffic Enforcement Priorities".

As regards publicity, the Transport Department (TD) and the Police, as in the past, will continue to work in collaboration with the Road Safety Council to get across messages of driving attentively and avoiding the use of mobile phones and other devices while driving so as to raise motorists' awareness of road safety. Publicity efforts are made through different channels and modes, such as social media platforms and carnival activities. In the second quarter of 2019, the Government launched a new announcement in the public interest on the theme of "one good turn deserves another", reminding motorists of, among others, the importance of driving attentively. In addition, through regular meetings with the transport trades, the TD also

calls on commercial vehicle drivers to keep driving attentively and avoid using mobile phones and other devices while driving.

(3) The Government notes the concern of the society about motorists placing several mobile phones or other devices on the dashboard, while understanding that motorists may have practical needs to use mobile phones or other devices for, say, obtaining navigational information. As to whether further restrictions should be imposed on the use of mobile phones and other devices by motorists, the Government would need to exercise great caution in balancing the views of different parties. In this connection, we are examining the impact of such restrictions on motorists and other road users, as well as the regulation, enforcement and other related details. Upon the formulation of concrete proposals, the Government will consult the Legislative Council and various stakeholders.

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## LCQ2: Regulation of sales of first-hand residential units by way of tender

Following is a question by Hon Wilson Or and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 29):

Question:

It has been reported that recently, some units of a residential development were offered for sale by way of tender. According to the tender results, a certain unit was sold unexpectedly at a price of \$470,000 higher than that of another unit with the same orientation and size but 12 storeys higher, which was sold on the same day, and five other units with the same size and orientation but on different floors were sold surprisingly at the same price. There are comments that the sale of units by way of tender has resulted in a lack of information transparency, thereby placing prospective purchasers in an unfavourable position. Besides, as the payment terms drawn up by developers are multifarious, it is difficult to calculate their cash equivalents, rendering the "transaction prices" shown on the registers of transactions (RT) unable to reflect the actual prices at which the units were sold. In this connection, will the Government inform this Council:

(1) whether it will consider, by making amendments to the Residential Properties (First-hand Sales) Ordinance, stepping up the regulation of the sale of residential units by way of tender, e.g. requiring that only units larger than a certain size may be sold by way of tender, and no more than a certain proportion of the units of a development may be sold by way of

tender; and

(2) given that although developers are required to set out, in the RT of developments, the payment terms for the units sold (including any discount on the price as well as any gift, financial advantage or benefit offered to the purchaser), it is difficult for ordinary prospective purchasers to compare the payment terms across different developments and different units, whether the Government will require developers to make public in the RT the cash equivalents of the payment terms calculated in accordance with a prescribed formula, so as to make it easier for prospective purchasers to grasp the actual prices at which the various units were sold?

Reply:

President,

The objectives of the Residential Properties (First-hand Sales) Ordinance are to strike a balance between enhancing the transparency as well as fairness in the sales of first-hand residential properties to strengthen protection of consumers, and allowing vendors the flexibility in making business decisions with a view to providing a level playing field for the first-hand residential properties market. Though the requirement on the provision of price lists does not apply to developments sold by way of tender, the Ordinance stipulates that other provisions relating to sales brochure, show flat and Register of Transactions disclosing transaction information still apply.

The Government has all along been closely monitoring the implementation of the Ordinance and will intervene appropriately when necessary. We have adopted a three-pronged approach to enforce the Ordinance in regulating the sales of first-hand residential properties: firstly, monitoring developers' and concerned persons' compliance with the Ordinance and taking enforcement action when necessary; secondly, issuing timely guidelines to the trade when necessary for the more effective and practical compliance with the Ordinance; thirdly, fostering public awareness of the Ordinance to better protect consumer interests. Irrespective of the methods of sales, developers and concerned persons' must strictly comply with the Ordinance to ensure open, transparent and fair transaction information.

In respect of law enforcement, the Sales of First-hand Residential Properties Authority (SRPA) has spotted by proactive surveillance that sales practices and the transaction information of some individual first-hand residential properties sold by tender recently were not transparent enough. On one of the cases, the SRPA has completed the work of evidence collection and initiated prosecution. The case will be heard on July 9. The SRPA is taking follow up action on the rest of the cases. The SRPA does not rule out the possibility of further prosecution action subject to evidence available.

On enhancing the trade's compliance with the Ordinance, section 61 of the Ordinance states that the purpose of Register of Transactions of a development is to provide a member of the public with the transaction

information relating to the development for understanding the market conditions. Prospective purchasers can thus get accurate transaction information timely to make a decision when purchasing first-hand residential properties. The SRPA has earlier issued a Reminder to the Trade and a Frequently Asked Question and Answer requiring vendors to set out full details of the terms of payment in the Registers of Transactions of first-hand residential developments, and has reminded vendors that in the sales of first-hand residential properties, if they have offered any discount, gift, financial advantage or benefit (whether in terms of cash or not) to purchasers, they should set out the full details of the terms of payment as agreed between the vendor and the purchaser for each specified residential property. Moreover, the Register of Transactions should be self-contained so that prospective purchasers do not have to refer to other documents or materials for details of the terms of payment. Having issued the Reminder, the situation has generally improved and prospective purchasers can better understand the actual transaction information of individual units.

To promote public awareness of the Ordinance, the SRPA launched a new radio Announcement in the Public Interest on May 17, named "Bidding First-hand Residential Properties". The purpose is to remind prospective purchasers that before bidding a first-hand residential property, they should obtain the prices, rebates and benefits of similar properties of the development from the Register of Transactions.

Meanwhile, the Estate Agents Authority (EAA) is conducting investigation to ensure that estate agents are strictly observing the Estate Agents Ordinance and EAA's guidelines when participating in the sales of residential properties by tender. The EAA has also issued a Letter to Licensees reminding all licensees to comply with the Estate Agents Ordinance and the relevant guidelines set out in the Practice Circular issued by the EAA, regardless of the method of sales adopted by developers for selling their properties. In particular, the EAA reminds licensees that without obtaining a vendor's written endorsement, they must not issue any materials promoting the sales of any first-hand residential properties by tender, including the materials containing information on the suggested bidding price.

On further enhancing the trade's compliance with the Ordinance, the SRPA intends to issue a Best Practice for the Trade in the near future illustrating how a developer should list out various discount, financial advantage or benefit in monetary terms in the Register of Transactions in a clear and orderly manner so that prospective purchasers could have a better grasp of the transaction information of individual units.

The SRPA will also upload case examples on its website to elaborate the calculation of various discount, financial advantage or benefit in the Register of Transactions so that prospective purchasers could have a good grasp of the methods of calculating the actual prices of the units to make a decision.

The Government will continue to implement the above measures. The SRPA and the EAA will monitor closely the sales of first-hand residential



properties by tender and take necessary measures to ensure the level of transparency of the sales of first-hand residential properties by tender is the same as that for open sales with price lists with a view to safeguarding consumer interests.