

LC: CS presents Government Minute in response to Report of Public Accounts Committee No. 71

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in presenting the Government Minute in response to the Report of the Public Accounts Committee No. 71 in the Legislative Council today (May 15):

President,

Laid on the table today is the Government Minute (GM) responding to Report No. 71 of the Public Accounts Committee (PAC).

When presenting Report No. 71 to the Legislative Council on 20 February 2019, the Chairman of PAC offered comments on a chapter in the Director of Audit's Report No. 71, namely, "Centre for Food Safety: Management of food safety". I welcome the Report of PAC and am grateful for the time and effort that the Chairman and Members of PAC devoted to examining this subject. The Government accepts PAC's various recommendations and sets out in detail the specific responses of the relevant bureaux and departments in the GM. I would like to highlight the key measures that the Government has taken in the above-mentioned policy area and the progress achieved.

The Government attaches great importance to safeguarding food safety. We agree that there are certain areas for improvement in the daily operation of the Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department, and accept the various recommendations raised by PAC. CFS will continue to discharge its food safety management responsibilities to ensure a stable and sound food safety regime and a high standard of food safety in Hong Kong.

CFS has set up a task group, chaired by its Controller, to take forward the recommendations of the Audit Commission and PAC. The task group has commenced comprehensive reviews on CFS' operational manuals and guidelines, staff management and supervision arrangements, training requirements, and manpower and resource requirements. CFS has started to roll out concrete and effective short-, medium- and long-term measures to enhance its effectiveness by phases, including updating the guidelines where there are inadequacies or ambiguities, enhancing training and supervision of the frontline staff and strengthening staff's law enforcement mindset and the keeping of data and records.

In addition, CFS already put in place a dedicated team in end-2017 to look closely at its operational workflow, revamp its information technology (IT) systems for higher efficiency, and enhance its mode of operation through IT to support the work of its frontline staff and reinforce its capability in

food import control, surveillance, incident management, risk assessment and traceability. Phased improvements to the IT systems of CFS will start from end-2019.

CFS is making efforts to enhance its risk assessment work. In particular, the second population-based food consumption survey (FCS) would be expedited for completion by mid-2021. CFS will also start the planning for a FCS on the younger population and the second total diet study. CFS will carry out various risk assessment studies having regard to its competing priorities.

CFS reviews the Food Surveillance Programme (FSP) on an annual basis and from time to time during the year as and when necessary. Under a risk-based approach, CFS has started to reallocate resources for testing relatively low-risk food hazards to testing of other food hazards. It has also increased the proportion of online food samples for microbiological testing. Regarding the collection of food samples under the FSP and the delivery of food samples to laboratories for testing, CFS has promulgated new operational guidelines to frontline staff and taken measures to enhance staff supervision and training to ensure their compliance with the guidelines.

As regards the management of food incidents and complaints, to minimise the lead time from taking food samples arising from food incidents or complaints to publicising the testing results of unsatisfactory samples, and to monitor the follow-up actions on food complaints more effectively, CFS has revised the relevant guidelines to enhance the sampling procedures and put in place the compilation of weekly complaint management information for review by its Food Complaint Risk Analysis Panel led by a directorate officer at regular intervals. CFS has also stepped up the monitoring of food recall exercises carried out by food traders, including publishing updated guidelines to specify clearly that food traders must dispose of the recalled foods under the supervision of CFS' staff. A template for food traders to submit regular progress reports and provide the required information has also been formulated.

CFS will continue to provide food safety information and advice to the public through various channels. In view of the increasing popularity of social media, CFS has further strengthened the use of its Facebook page and enriched its multimedia materials on the Internet to enhance communication with the public on food safety risks.

President, I would like to thank the Chairman and all Members of PAC again for their effort and guidance. Relevant bureaux and departments will strictly adhere to their responses in the GM and implement improvement measures as soon as possible to ensure the proper use of public funds.

Thank you, President.

LCQ6: Public Transport Fare Subsidy Scheme

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 15):

Question:

Since January 1 this year, the Government has implemented the Public Transport Fare Subsidy Scheme (the Subsidy Scheme) to provide members of the public with subsidies for public transport expenses. The amount of monthly subsidy is set at 25 per cent of the actual public transport expenses after deducting the first \$400, subject to a maximum amount of \$300. Members of the public may collect the subsidy of the previous month on and after the 16th of each month, and the time limit for collection of the subsidy is three months. In this connection, will the Government inform this Council:

(1) of the number of members of the public who collected the subsidies (with a breakdown by the group to which the subsidy amount belongs (each group spanning \$100) and their percentages), and the total amount of subsidies involved, in each month since the implementation of the Subsidy Scheme, and the average amount of subsidy received by each person each month;

(2) of the respective numbers of persons who have hitherto not collected the subsidies for January and February, as well as the respective amounts of subsidies involved;

(3) whether it will include all red minibus and Kaito routes in the Subsidy Scheme; if so, of the details; if not, the reasons for that; and

(4) given that according to the results of a questionnaire survey conducted earlier, half of the respondents received a monthly subsidy of about \$100 only (i.e. one-third of the maximum subsidy amount), whether the Government will study if the current threshold of \$400 for subsidy collection is too high and the subsidy rate is too low, and whether it will consider relaxing them with a view to increasing the number of beneficiaries and the amount of subsidy they may collect; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government implemented the non-means-tested Public Transport Fare Subsidy Scheme (the Scheme) on January 1, 2019 to relieve the fare burden of commuters who travel on local public transport services for daily commuting

and whose public transport expenses are relatively high. My reply to the various parts of Hon Chan Hak-kan's question is as follows:

(1) Based on the actual public transport expenses of commuters under the Scheme, the amounts of subsidy for January, February and March 2019 are about \$185.7 million, \$120.9 million and \$181.8 million respectively. It is believed that the smaller amount of subsidy in February as compared to that in January is attributable to the Lunar New Year holidays as well as fewer calendar days and working days in February. The distribution of the subsidy amount for beneficiaries from January to March is at Annex. The number of beneficiaries in the first three months is around 2.35 million, 1.94 million and 2.36 million respectively, and the average amounts of subsidy for each beneficiary in the first three months are around \$79, \$62 and \$77 respectively.

(2) As at May 12, there are about 330 000 commuters who have not yet collected their subsidy for January, involving a subsidy amount of around \$15 million. Separately, there are about 320 000 commuters who have not yet collected their subsidy for February, involving an amount of about \$12 million.

Having regard to that during the initial stage of the implementation of the Scheme, some members of the public may not be fully familiar with the Scheme's operation and therefore may have missed the subsidy collection period, the Government will introduce a 3-month temporary special arrangement to allow those who have not collected their subsidies for January-March 2019 within the subsidy collection period to apply within one month from the day following the expiry of the subsidy collection period for claiming the expired subsidies through the Scheme hotline (2969 5500). Generally speaking, the Scheme hotline staff will be able to confirm at once whether there is uncollected subsidy and the relevant subsidy amount. Upon confirmation of the application, such members of the public can credit the expired and uncollected subsidy to their Octopus through various subsidy collection channels from the 16th day of the month following the date of the application. The expired subsidy is valid for collection within three months.

(3) The Scheme covers the Mass Transit Railway, franchised buses, green minibuses, ferries and trams, as well as designated routes of red minibuses, Kaitos, non-franchised buses providing residents' services (RS) and employees' services (ES) approved by the Transport Department (TD).

Operators of RS, ES, red minibuses and Kaitos must observe the basic requirements (such as that the operator must be a legal entity holding a business registration; the vehicles/vessels concerned must be installed with the Octopus payment system; and details of the routes participating in the Scheme must be registered with the TD, etc.) before submitting applications to the TD. The operators must also undertake to comply with a set of prescribed operational requirements. For the proper use of public funds and risk management, the TD will carefully scrutinise each application to ensure that the operator complies with the above operational requirements and the TD can take appropriate monitoring measures effectively before approval is given to include the routes concerned under the Scheme.

The Government welcomes and encourages operators of the above four modes of public transport services to join the Scheme. In fact, the TD has been maintaining close communication with operators who are interested in joining the Scheme through meetings and telephone communication, answering their enquiries in detail and providing them with assistance for joining the Scheme. The TD will continue to receive and process applications for joining the Scheme from operators of the above four modes of public transport services, so as to benefit more passengers.

To facilitate more operators joining the Scheme, the Octopus Cards Limited has been offering special concessions to operators which apply for joining the Scheme for the first time and use the Octopus payment system. They can procure the Octopus processors and other relevant devices and services at discounted prices. If the operators choose the rental option of Octopus processors, the Octopus Cards Limited has offered rent-free concession for the first year.

(4) The Government will continue to closely monitor the Scheme's implementation to ensure its continuous and smooth operation, and will commence the first review of the Scheme around a year after the Scheme's implementation (i.e. early 2020) to examine its effectiveness and impacts on the overall strategic arrangement of public transport services, as well as its financial implications having regard to actual data.

LCQ10: Implementation of the revised Well-off Tenants Policies

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (May 15):

Question :

The Hong Kong Housing Authority (HA) has implemented, since October 2017, the revised Well-off Tenants Policies (the revised WTP) to safeguard the rational allocation of public rental housing (PRH) resources. Under the revised WTP, PRH tenants with a household income exceeding five times of PRH income limits (PRHILs) or with assets exceeding 100 times of PRHILs are required to vacate their PRH units. Tenants who are exempted include those whose household members are all aged 60 or above (all-elderly households). In this connection, will the Government inform this Council:

(1) of the number of cases in which approval was given by HA in each of the past three years for the deletion of family members from the PRH tenancy, with a breakdown by reason for the deletion;

(2) of the number of all-elderly households and its percentage in the total number of PRH tenants, in each of the past three years;

(3) of the number of cases in which HA conducted in each of the past three years random checks on the income and asset declarations made by PRH tenants, and the respective numbers of those cases in which HA conducted an in-depth investigation and identified false declarations; and

(4) of the number of PRH units recovered by HA to date under the revised WTP?

Reply:

President,

My reply to the Hon Kwok Wai-keung's question is as follows:

(1) In the past three years (i.e. 2016, 2017 and 2018), the number of approved cases for deletion of family members in the Hong Kong Housing Authority (HA)'s public rental housing (PRH) and their reasons are at Annex I.

(2) In the past three years, the number and percentage of All Elderly Members (AEM) households in HA's PRH are listed at Annex II.

(3) In the past three years, HA conducted random checking and in-depth assessment on about 5 000, 5 000 and 6 000 cases respectively on the income and assets declarations of PRH residents. There was an average of around 600 suspected false declaration cases every year.

(4) Since the implementation of the Housing Subsidy Policy and Policy on Safeguarding Rational Allocation of Public Housing Resources (Well-off Tenants Policies) from the declaration cycle in October 2017 till the end of March 2019, HA has issued about 580 Notice-to-Quits to households who possessed private domestic property in Hong Kong/ had their income or assets exceeding the relevant prescribed limit/ declined to declare. Among them, 134 households have already returned their PRH units.

However, the number of units eventually recovered by HA may be more than the figure mentioned above. This is because under HA's existing mechanism, if households have difficulties to move out of their PRH units on or before a specified date, they may apply to HA for a "Fixed Term Licence" to temporarily stay in their existing PRH units. The "Fixed Term Licence" takes effect from the date of termination of the Tenancy Agreement and is valid for a maximum of 12 months. Households meeting the eligibility for continuous renting of PRH units under the "Well-off Tenants Policies" during the validity period of the "Fixed Term Licence" may apply for the grant of tenancy and pay a rent at an appropriate level. If the application is approved, the households are not required to move out of their PRH units, otherwise they are required to move out before the expiry date specified in the "Fixed Term Licence" and return their PRH units to HA.

Application for new niches at Tsang Tsui and Wong Nai Chung Road columbaria opens today

The Food and Environmental Hygiene Department (FEHD) will allocate some 20 000 new extendable niches at Tsang Tsui Columbarium, Tuen Mun, and Wong Nai Chung Road Columbarium, Wan Chai, which are open for application starting from today (May 15).

An FEHD spokesman said today, "The FEHD will make available 163 320 new niches located at Tsang Tsui Columbarium for allocation in phases. With the 20 160 standard niches, including 7 080 smoke-free niches and 13 080 non-smoke-free niches, and 220 non-smoke-free large niches for allocation in the first phase, together with 855 smoke-free standard niches at Wong Nai Chung Road Columbarium, a total of 21 235 niches, all extendable, will be allocated in this exercise. The application period is from today till June 14."

Applicants should only file one application form to apply for either a large niche or standard niche for the same deceased person. When applying for a large niche, the applicant has to fill in at least three deceased persons' particulars in the application form. For applications for a standard niche, the applicant has to fill in at least one deceased person's particulars.

Starting from today, application forms can be downloaded from the FEHD's website (www.fehd.gov.hk) or obtained from the department's Hong Kong or Kowloon Cemeteries and Crematoria Office, District Environmental Hygiene Offices, Home Affairs Enquiry Centres, Post Offices on Cheung Chau, Lamma Island, Peng Chau and at Mui Wo and Tai O or by fax through enquiry hotline 2841 9111.

The completed application form together with copies of the required documents shall be submitted by fax (2333 1716), email (apply_newniche@feh.d.gov.hk), or in person to the Hong Kong or Kowloon Cemeteries and Crematoria Office or by post to the above offices. The applicant holding "Permit to Take Away Cremated Ashes" or "Certificates of Cremation" of the deceased issued by FEHD may fill in the electronic application form and submit the application online.

The spokesman added, "Since the type and number of niches (standard/large; smoke-free/non-smoke-free) available for allocation in the two columbaria are different, the chance of successful allocation varies. When deciding the type of niche to be selected for application, applicants may make reference to relevant information for assessing the chance of successful allocation."

The FEHD will notify the successful applicants by SMS, email, or post of the serial number of the designated niche allocated. Applicants can also check the results of their applications on the day after the drawing of lots and computer balloting at the FEHD's website, Hong Kong or Kowloon Cemeteries and Crematoria Office, Public Niche Allocation Office and through the enquiry hotline 2841 9111.

Leaflets about the arrangement of this niche allocation exercise are available for collection at the department's Hong Kong or Kowloon Cemeteries and Crematoria Office, District Environmental Hygiene Offices, Home Affairs Enquiry Centres, Post Offices on Cheung Chau, Lamma Island, Peng Chau or at Mui Wo and Tai O. For details, please visit the FEHD's website, or call 2841 9111 or email to enquiry_newniche@fehd.gov.hk for enquiries.

Information on the Cemeteries and Crematoria Offices and Public Niche Allocation Office of FEHD is as follows:

Hong Kong Cemeteries and Crematoria Office

Address: 1J, Wong Nai Chung Road, Happy Valley, Hong Kong

Tel: 2570 4318

Fax: 2591 1879

Kowloon Cemeteries and Crematoria Office

Address: Upper Ground Floor, 6 Cheong Hang Road, Hung Hom, Kowloon

Tel: 2365 5321

Fax: 2176 4963

Public Niche Allocation Office

Address: Upper Ground Floor, Block B, 6 Cheong Hang Road, Hung Hom

Tel: 2330 5635

Fax: 2333 1716

Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed at Shatin Magistrates' Courts yesterday (May 14).

Immigration Department (ImmD) investigators received a referral from the Hong Kong Police Force to further investigate an illegal employment case in April. Enforcement officers arrested a male Pakistani worker, aged 39, conveying vegetables in Kwai Fong. Upon identity checking, he was found to be a holder of a recognisance form issued by ImmD, which prohibits him from taking employment, and further investigation revealed that he was a non-refoulement claimant.

The illegal worker was charged at Shatin Magistrates' Courts yesterday

with taking employment after landing in Hong Kong unlawfully and remaining in Hong Kong without the authority of the Director of Immigration or while being a person in respect of whom a removal order or deportation order was in force. He pleaded guilty to the charge and was sentenced to 15 months' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase, and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.