

LCQ13: Regulation of the sale of contact lenses

Following is a question by the Professor Hon Joseph Lee and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 28):

Question:

Under the law, only specified classes of registered healthcare professionals are allowed to prescribe, fit or supply on prescription optical appliances (including contact lenses). However, the law does not impose any restrictions on the sale of contact lenses by persons who are not registered healthcare professionals. Earlier on, some optometrist organisations found, after sending people to make test purchases, that some shops had sold contact lenses to customers without (i) performing optometric check-ups for the customers and (ii) asking the customers to produce prescriptions of contact lenses. Also, there were some shopkeepers who were not registered optometrists conducting optometric check-ups for customers. In this connection, will the Government inform this Council:

(1) whether the authorities instituted any prosecutions in the past five years against persons, who were not registered healthcare professionals, for prescribing and selling corrective contact lenses in physical shops or online; if so, of the number and details of the cases; if not, the reasons for that;

(2) of the respective numbers of cases in the past five years in which the Customs and Excise Department conducted investigations (i) on its own initiative and (ii) upon receipt of complaints, in respect of contact lenses suspected of not complying with the requirements of the Consumer Goods Safety Ordinance (Cap 456), as well as the number of prosecutions instituted against the persons concerned by invoking the Ordinance;

(3) as the Government indicated in its reply to my question in January this year that the legislation on regulating medical devices, which was being drafted, would cover product safety and quality of non-corrective contact lenses, of the progress of the law drafting work; and

(4) whether it will, by making reference to the practice of the Government of the United Kingdom, enact legislation to prohibit persons who are not registered healthcare professionals from selling corrective and non-corrective contact lenses; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of the question raised by the Professor Hon Joseph Lee is as follows:

(1) The Optometrists Board (Board), under the Supplementary Medical Professions Council (Council), is a statutory body established under section 5 of the Supplementary Medical Professions Ordinance (Cap 359). The Board is responsible for registration of optometrists and regulation of their professional conduct and practice. At present, the Board handles complaints related to optometrists in accordance with the Optometrists (Registration and Disciplinary Procedure) Regulation (Cap 359F).

According to section 21 of the Supplementary Medical Professions Ordinance and section 6 of the Optometrists (Registration and Disciplinary Procedure) Regulation, only registered optometrists in Part I, Part II and some in Part IV of the register, or persons who are exempted from regulation by the above ordinance according to Schedule 4 to the Optometrists (Registration and Disciplinary Procedure) Regulation (such as registered medical practitioners practising medicine), are allowed to prescribe, fit or supply on prescription optical appliances (including corrective contact lenses). Any person who practises the optometry profession without being registered or exempted from registration, or employs a person who is not registered or exempted from registration to practise the optometry profession, commits an offence and is liable on conviction to a fine of \$5,000 and imprisonment for six months.

Members of the public may report any suspected violation of the Supplementary Medical Professions Ordinance to the Police. In the past five years, the Council and the Board have not received any requests from the Police for their professional advice on cases related to the prescription and supply of corrective contact lenses by non-registered healthcare professionals.

(2) In the past five years, in accordance with the Consumer Goods Safety Ordinance (Cap 456), the Customs and Excise Department (C&ED) has investigated six complaints related to non-corrective contact lenses. After investigation, no contravention of regulation was found and no person concerned was prosecuted by C&ED under the ordinance.

(3) and (4) The Government is currently drafting a bill on the regulation of medical devices. The bill covers pre-market control and post-market control of medical devices to ensure that medical devices comply with the requirements on safety, quality, performance and efficacy before they can be placed on the market, and that swift control measures can be taken against defective or unsafe medical devices. Although non-corrective contact lenses (such as decorative contact lenses) do not fall within the defined scope of medical devices, their use and the potential risks posed to the human body are similar to those of corrective contact lenses, which are defined as medical devices. The Government will consider bringing non-corrective contact lenses under regulatory control. According to the legislative proposal now being drafted, both corrective and non-corrective contact lenses are

classified as general medical devices at a medium-low or medium-high risk level. Such devices and their authorised representatives (ARs) are required to be registered with the Department of Health (DH), and their manufacturers (if products are manufactured locally), importers and distributors must have obtained a licence from the DH before supplying such devices in Hong Kong. ARs, licensed manufacturers, licensed importers and licensed distributors or suppliers of such devices are also subject to the requirements of reporting and investigating adverse incidents related to such devices as stipulated by the DH, and implementing remedial measures to the satisfaction of the DH. The Government plans to introduce the Medical Devices Bill into the Legislative Council for consideration in the current legislative session.

At present, the Supplementary Medical Professions Ordinance does not impose any restrictions on the sale of contact lenses by non-registered healthcare professionals. To enhance public education on the proper use of contact lenses, the DH has produced and uploaded to its website information leaflets on using contact lenses (including decorative contact lenses), namely "Know More About Contact Lenses" and "Tips on Using Contact Lens Solution", as well as a video on "Proper Use of Contact Lenses", which is broadcast regularly at public venues. The information leaflets and video remind members of the public to strictly follow the instructions of qualified registered optometrists or ophthalmologists to ensure proper use and care of contact lenses. The DH also promotes the message of "Proper Use of Contact Lenses" during festivals such as Halloween, Christmas and New Year through television and radio broadcasting.

LCQ14: Public dental services

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (November 28):

Question:

Among the dental clinics under the Department of Health (DH), 11 of them provide free emergency dental treatment (general public dental session) to the public. It is learnt that as there are limited consultation quotas for the service and its scope does not include denture-fixing and tooth-filling, the dental services needed by members of the public are mainly provided by dental clinics operated by the private sector and non-governmental organisations. In this connection, will the Government inform this Council:

(1) of the (i) consultation quota and (ii) attendance (with a breakdown by age group) of the general public dental session provided by each of the 11 aforesaid clinics in each of the past three years;

(2) whether it has plans to improve the general public dental session service, including :

- (i) increasing the service quotas,
- (ii) adding service quotas for the elderly,
- (iii) providing additional dental clinics so that there will be at least one clinic in each District Council district, and
- (iv) providing dental services apart from emergency treatment;

if so, of the details; if not, the reasons for that;

(3) as the Government indicated in October last year that it would review the oral health goals for 2025 which had been set some years ago, of the progress of the work; whether it will set oral health goals for the elderly; if so, of the details; if not, the reasons for that;

(4) whether it will, by making reference to the School Dental Care Service currently offered by DH, provide basic and preventive dental treatment for the elderly; if so, of the details; if not, the reasons for that; and

(5) as some elderly persons have relayed that the annual voucher amount of \$2,000 per person offered under the Elderly Health Care Voucher Scheme is insufficient to cover their expenses on using various types of private healthcare services (including services provided by medical practitioners, Chinese medicine practitioners, dentists and allied health professionals), whether the Government will launch a separate voucher scheme on dental care for the elderly; if so, of the details; if not, the reasons for that?

Reply:

President,

(1) The consultation quota and attendance of each general public dental session provided by each dental clinic in each of the past three years are as follows:

Dental clinic with general public sessions	Service session	Max. no. of discs allocated per session	No. of attendances		
			2015-16	2016-17	2017-18
Kowloon City Dental Clinic	Monday (AM)	84	5 177	5 329	5 234
	Thursday (AM)	42			
Kwun Tong Dental Clinic	Wednesday (AM)	84	4 028	4 295	3 990
Kennedy Town Community Complex Dental Clinic	Monday (AM)	84	5 905	6 903	6 599
	Friday (AM)	84			

Fanling Health Centre Dental Clinic	Tuesday (AM)	50	2 218	2 356	2 262
Mona Fong Dental Clinic	Thursday (PM)	42	1 952	1 909	1 898
Tai Po Wong Siu Ching Dental Clinic	Thursday (AM)	42	1 978	2 026	2 011
Tsuen Wan Dental Clinic	Tuesday (AM)	84	7 193	7 567	7 808
	Friday (AM)	84			
Yan Oi Dental Clinic	Wednesday (AM)	42	2 071	2 152	2 015
Yuen Long Jockey Club Dental Clinic	Tuesday (AM)	42	3 769	3 999	3 851
	Friday (AM)	42			
Tai O Dental Clinic	2nd Thursday (AM) of each month	32	97	95	90
Cheung Chau Dental Clinic	1st Friday (AM) of each month	32	192	152	199

The distribution of attendance for the general public dental session service by age group in each of the past three years is as follows:

Distribution of attendances of general public sessions by age group (%)			
Age group	2015-16	2016-17	2017-18 (up to January 31, 2018)*
0-18	2.1%	1.8%	1.9%
19-42	14.2%	14.4%	15.1%
43-60	27.5%	27.7%	26.2%
61 or above	56.2%	56.1%	56.8%

*Data for the whole year of 2017-18 is not available yet.

(2) and (4) The Government's policy on dental services seeks to improve oral health through promotion and education, thereby raising public awareness of oral health, and facilitating the development of proper oral health habits of the public.

In addition to the above, the Government provides free emergency dental

treatments to the public through designated sessions (i.e. general public sessions) in 11 government dental clinics (GDCs) of the Department of Health (DH). The services include treatment of acute dental diseases, prescription for pain relief, treatment of oral abscess and teeth extraction. Professional advice is also given by dentists to patients with regard to their individual needs. The dental clinics under DH are mainly for the Government to fulfill the terms of employment for provision of dental benefits to civil servants/pensioners and their dependents under the contracts of employment with civil servants. Hence, their dental services are essentially for the above clients. Currently, the government dental clinics are at full service capacity, that is, reaching almost 100 per cent occupancy of all appointment time slots. It is not possible for DH to allocate more slots for general public sessions on top of the existing schedule.

Moreover, providing comprehensive dental services for the public requires substantial amount of financial resources. Therefore, besides publicity, education (including the School Dental Care Service) and promotion on oral health, the Government shall allocate resources to provide emergency dental services to the public and prioritise resources for persons with special dental care needs, in particular elderly with financial difficulties. In recent years, the Government has implemented a series of initiatives to particularly take care of those persons in need of special dental treatment. Among them, the Government has provided low-income elders with special needs with dental care support, including the Outreach Dental Care Program and Community Care Fund Elderly Dental Assistance Programme. Besides, the Elderly Health Care Voucher Scheme also allows elderly persons using the Voucher to receive private dental services.

To help those who have financial difficulties, the Comprehensive Social Security Assistance (CSSA) Scheme currently provides a dental grant for its recipients who are aged 60 or above, disabled or medically certified to be ill-health to cover the actual expenses of the dental treatments items. Eligible persons can approach the 67 dental clinics designated by the Social Welfare Department (SWD) for dental examination and cost estimation. They may then choose to obtain the relevant dental treatments from any registered/non-SWD designated dentists in Hong Kong or those SWD designated dental clinics.

(3) The Department of Health is now preparing to set up a working-level committee with a view to inviting academics and experts of dental public health specialty as well as representative from the relevant sectors to form an expert group. The expert group will, taking into account the report of the Oral Health Survey 2011 and the local situation, review and formulate appropriate goals on oral health for the population of Hong Kong.

(5) At present, the Elderly Health Care Voucher (EHV) Scheme (the Scheme) subsidises eligible elders aged 65 or above with an annual voucher amount of \$2,000 to use different private primary care services, including dental services. To provide elders with greater flexibility, the accumulation limit of EHV was raised to \$5,000 in June this year. As of end October this year, around 1 030 dentists have registered to join the Scheme and will accept EHV from eligible elders at around 1 890 practice locations in 18 districts in

Hong Kong.

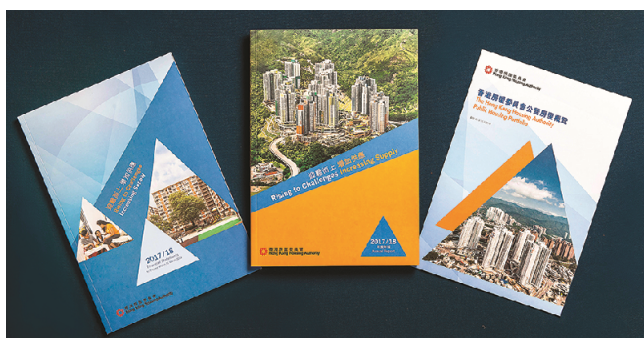
[HA Annual Report 2017/18 published \(with photo\)](#)

The following is issued on behalf of the Hong Kong Housing Authority:

The Annual Report and Financial Statements of the Hong Kong Housing Authority (HA) for the year 2017/18 were published today (November 28) and made available on the Housing Authority/Housing Department (HA/HD) website.

The theme of this year's Report is "Rising to Challenges, Increasing Supply". The challenges mainly come from a shortfall in housing supply and an upward trend in the cost of housing in Hong Kong, forming a major barrier to the aspirations of the less well-off group for living a decent life. The HA is bringing all its experience, means and resources to rise to the challenge of increasing supply for a better Hong Kong.

A leaflet on the HA's public housing portfolio comes with the Annual Report, showing the geographic distribution and some useful figures of Home Ownership Scheme courts and public rental housing estates. Members of the public are welcome to browse the e-version of the Annual Report on the HA/HD website (www.housingauthority.gov.hk/mini-site/haar1718/en/index.html).



[LCQ8: Working Family Allowance counted as income of public housing applicants](#)

Following is a question by the Hon Andrew Wan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 28):

Question:

At present, when the authorities calculate the family incomes of applicants for public rental housing (PRH), the Old Age Allowance, Old Age Living Allowance, Disability Allowance and School Textbook Assistance received by them are excluded from but the Working Family Allowance (WFA) received by them is included in the calculation. In this connection, will the Government inform this Council:

(1) given that some PRH applicants' family incomes, as calculated with WFA included, have exceeded the relevant income limits, rendering such applicants ineligible to apply for PRH, whether the authorities will review the method for calculating the family incomes of PRH applicants, and consider excluding WFA from the calculation of family incomes of PRH applicants; if so, of the details; if not, the reasons for that; and

(2) given that the current income limits set by the authorities for applying for WFA and PRH are different, rendering some applicants who are eligible to apply for half-rate WFA ineligible to apply for PRH, whether the authorities will consider adjusting upward the income limits for PRH applicants to make them on a par with the relevant limits for WFA applicants, so that families with financial needs may benefit from both measures concurrently?

Reply:

President,

It is the Hong Kong Housing Authority (HA)'s objective to provide public rental housing (PRH) to low-income families who cannot afford to rent private accommodation. The PRH income and asset limits mainly estimate the total household income required to rent private accommodation comparable to PRH as well as to meet other non-housing expenditure. Households with income and assets below the prescribed limits are deemed to be low-income families who are unable to afford renting private accommodation, and hence are eligible for PRH (note 1). The HA's Subsidised Housing Committee (SHC) reviews the relevant limits annually to keep them in line with the prevailing socio-economic circumstances. The PRH income limits for 2018-19 are at Annex 1.

As for the Working Family Allowance (WFA) Scheme, its purpose is to provide financial support to working households not receiving Comprehensive Social Security Assistance (CSSA). The amount of subsidy is pegged to the income and working hours of the household to encourage self-reliance, with the provision of Child Allowance to ease intergenerational poverty. The major design and prevailing income limits of the WFA Scheme are at Annex 2.

Responses to individual questions raised by Hon Andrew Wan are as follows:

(1) Currently, income that must be declared by PRH applicants and all family members include income from employment, income from self-employment, rental

income and other income, etc. Other income refers to income received by means other than employment / self-employment, such as pensions, interest / bonus / dividends from deposits and various kinds of investment, and CSSA, etc. Since the Government's implementation of the Low-income Working Family Allowance Scheme (subsequently renamed as the WFA Scheme) in 2016, WFA has been regarded by HA as other income of PRH applicants and their family members in assessing their total household income. The key consideration is that the nature of WFA is similar to that of CSSA and other income, all of which form part of the household income. The HA thus takes into account WFA when assessing the income level of PRH applicants.

(2) As pointed out above, the HA's objective is to provide PRH to low-income families who cannot afford to rent private accommodation; whereas the WFA Scheme aims to encourage self-reliance among working households and ease intergenerational poverty. PRH income limits are derived using a household expenditure approach, which consists of housing costs and non-housing costs, plus a contingency provision (note 2); whereas the various income limits for WFA are set at specific percentages of the median monthly domestic household income of economically active households in Hong Kong. Given their different policy objectives, the mechanisms of deriving the income limits for PRH and WFA are also different. Therefore, it is necessary to consider whether it is appropriate, in terms of policy principles, to align the income limits under the two schemes.

When the SHC reviews the PRH income and asset limits annually, apart from considering the household expenditure and other latest relevant data, it also takes into account views from various sectors of the community. When the SHC conducts the next review (i.e. for 2019-20) of PRH income and asset limits, it will also consider whether WFA should be regarded as household income and other relevant suggestions.

Notes:

(1) Applicants also need to meet other eligibility criteria for PRH (e.g. applicants and their family members must not possess any domestic properties in Hong Kong; at least half of the family members included in the application must have lived in Hong Kong for seven years and all the family members are still living in Hong Kong at the time of allocation, etc)

(2) Housing costs measure the costs of renting a private flat comparable to PRH, and these depend on the unit rents of private accommodation and reference flat sizes. The non-housing costs are determined with reference to the latest Household Expenditure Survey regularly conducted by the Census and Statistics Department (C&SD) with adjustments made according to the latest movement in the Consumer Price Index (A) (excluding housing costs), or the change in the nominal wage index obtained through the Labour Earnings Survey conducted by C&SD as the income factor, whichever is higher. The PRH income limits for different household sizes are the respective sums of the above two major cost items, plus a 5 per cent contingency provision.

LCQ10: Parking spaces in Kowloon East

Following is a question by the Hon Frankie Yick and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 28):

Question:

It is learnt that in recent years, the Government has gradually resumed temporary car park sites in the Kai Tak Development Area (KTDA) for development purpose, thus aggravating the shortage of parking spaces and the problem of illegal parking in Kowloon East. In this connection, will the Government inform this Council:

(1) of (i) the respective numbers of the various types of parking spaces currently provided at the two temporary car park sites in KTDA which will be resumed by the end of this year and (ii) the timetable for resuming the other temporary car park sites therein;

(2) of the number of temporary car parks and the number of parking spaces currently provided on short-term tenancy sites in Kowloon East and, among such parking spaces, the respective numbers of those which are for use by medium goods vehicles, heavy goods vehicles and tourist coaches; the respective (i) current shortfall in parking spaces and (ii) numbers of parking spaces which will be added in the coming three years, in Kowloon East for these three types of vehicles; and

(3) whether it has identified sites in Kowloon East for providing new temporary car parks to alleviate the impact of resumption of the temporary car park sites; if so, of the details; if not, the measures in place to resolve the shortage of parking spaces in Kowloon East?

Reply:

President,

My replies to various parts of the Hon Frankie Yick's question are as follows:

(1) In Kai Tak Development Area (KTDA), there are currently four short term tenancy (STT) car parks. The number and type of parking spaces under each STT car park are as follows:

	STT car park number	Location	Bus/ Tourist coach (Note)	Medium/ heavy goods vehicle (Note)	Light goods vehicle	Private car
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(i)	KX2574	Sung Wong Toi Road	–	–	–	240
(ii)	KX2881	Sung Wong Toi Road	210	–	–	121
(iii)	KX2882	Sung Wong Toi Road	94	120	124	379
(iv)	KX2575	Sung Wong Toi Road	22	–	49	133
Total			326	120	173	873

"-" indicates that the STT car park does not provide parking spaces for that particular vehicle type.

The Government plans to take back the sites for STT car parks (i) to (iii) mentioned above by the end of 2018. The remaining one is expected to operate until 2019.

(2) Currently, in Kowloon East (including Kowloon City, Wong Tai Sin and Kwun Tong), there are altogether 21 STT car parks, providing a total of about 3 940 parking spaces. Among them, 860 parking spaces are for coaches and medium/heavy goods vehicles, including 187 for coaches and 673 for medium/heavy goods vehicles. According to a survey conducted by the Transport Department (TD) in June 2018, these STT car parks still have spare capacity for parking these types of vehicles.

The Government has always been concerned about the supply of and demand for parking spaces for various types of vehicle, especially the parking needs of commercial vehicles (CVs). Under the current policy, the Government mainly requires the provision of parking spaces in private development projects to meet their own parking demands. Where practicable, the Government will also require developers, through land sales conditions, to provide additional public parking spaces so as to meet the parking needs of surrounding areas. For example, the Government plans to require the developer of a private development project in Kwun Tong Action Area adjoining Hoi Yuen Road and Wai Yip Street to provide no less than 200 additional public parking spaces (including 23 medium/heavy goods vehicle parking spaces and 10 coach parking spaces). Since the number of new parking spaces to be provided through the above means is contingent on the progress of individual development projects, the TD does not have specific projection on the number of such parking spaces.

(3) With the sites of the above STT car parks to be taken back soon, the Government will continue to identify alternative sites for temporary car parks. In any case, the remaining STT car parks in Kowloon East which will continue to operate will be able to accommodate all the coaches and most of the medium/heavy goods vehicles which are currently parked at the four STT car parks in Kai Tak. To cope with the parking demand of coaches and medium/heavy goods vehicles, the Government will continue to actively pursue the following measures to increase the supply of parking spaces:

(i) designating suitable on-street locations as night-time parking spaces;

(ii) where feasible, requiring developers to provide parking spaces at the higher end of the parking standards under the Hong Kong Planning Standards and Guidelines for new developments;

(iii) following the principle of "single site, multiple uses" to provide public car parking spaces in suitable "Government, Institution or Community" facilities and public open space (POS) projects. For example, the Government plans to provide about 300 public car parking spaces (including parking spaces for private cars and goods vehicles) in the basement of the POS at Sze Mei Street, San Po Kong;

(iv) providing additional parking spaces and picking up/setting down facilities for coaches; and

(v) where feasible, continuing to stipulate in the tenancy agreement the ratio or number of parking spaces for individual vehicle types that can be parked at STT car parks, with a view to increasing the local supply of parking spaces for medium/heavy goods vehicles.

In addition, the TD is conducting a consultancy study to assess the parking demand of CVs in various districts and to formulate short to long term measures to address the demand.

Note: Since the parking spaces for these two types of vehicles are of similar size, most tenancy agreements generally do not contain mandatory requirement on the ratio of parking spaces allocated to them, and thus their parking spaces can be flexibly used among them.