

Care centres remain open

Attention duty announcers, radio and TV stations:

Please broadcast the following special announcement immediately, and repeat it at frequent intervals:

"The Social Welfare Department announces that while Tropical Cyclone Warning Signal No. 3 has been issued, all child care centres, centres providing after school care programmes, elderly services centres and day rehabilitation units including sheltered workshops, integrated vocational rehabilitation services centres, integrated vocational training centres and day activity centres will remain open during their normal operating hours. If necessary, members of the public can contact the centres to make arrangements for the safe return home of their children and family members."

Owner convicted of overcharging subdivided unit tenant for water

The Water Supplies Department (WSD) announced that an owner of a subdivided flat on Ki Lung Street, Sham Shui Po, Kowloon, was convicted today (November 13) of overcharging her subdivided unit (SDU) tenants for water, in contravention of regulation 47 of the Waterworks Regulations. The owner pleaded guilty to 16 counts of offences at the Kowloon City Magistrates' Courts.

This is the 22nd similar conviction since the first conviction in June 2022, with associated fines ranging from \$1,000 to \$16,000. This is also the sixth conviction after the enactment of the Waterworks (Amendment) Ordinance 2024 (the amended WWO) on April 19, 2024.

A spokesman for the WSD said that the amended WWO has strengthened the power of the Water Authority in evidence collection and information disclosure during the investigation of suspected cases of overcharging for water. The Water Authority can request the landlords, their agents, etc, to provide the tenancy agreement, receipt or payment record for charges for water. Failure to comply with such a request can be an offence, and the offender is liable on conviction to a maximum fine of \$10,000 and a further fine of up to \$1,000 for each day the offence continues. It is anticipated

that there will be more prosecution cases. The maximum penalty for overcharging SDU tenants for water has been raised to \$25,000 to deter this illegal act. Moreover, providing false or misleading information to the Water Authority is also an offence with a maximum penalty of a \$25,000 fine and six months' imprisonment.

The WSD spokesman strongly appealed to landlords to apply for the installation of separate water meters for their SDUs, which can greatly reduce the risk of contravening the amended WWO. The water fee deposit and the charge for providing a meter for each separate water meter installed under the Scheme for Installation of Separate Water Meters for Subdivided Units will be waived. Individual water bills will be provided for each water meter account. The first 12 cubic metres of water are free at four-month intervals. SDU tenants can contact the WSD to request separate water meters. Upon receiving such requests, the WSD will contact the landlords for the installation of separate meters. If the landlords refuse, the WSD may require them to provide information on the recovery of water charges from their tenants in suspected overcharging cases. Details of the scheme can be obtained from the WSD website (www.wsd.gov.hk/en/customer-services/application-for-water-supply/pilot-scheme-for-installation-of-separate-water-me/index.html).

The WSD encourages the public to report any illegal act of overcharging SDU tenants for water for follow-up and investigation by the department. The public can call the WSD Hotline 3468 4963 or WhatsApp 5665 5517 to apply for the installation of separate water meters for SDUs. The WhatsApp hotline also handles matters relating to water overcharging in SDUs. Alternatively, the public can call the WSD Customer Enquiry Hotline 2824 5000 to report water overcharge cases. After calling the hotline and choosing a language, they can press "7" for reporting to staff directly.

Employers and employees should make prior work arrangements in times of tropical cyclones and rainstorms

As the Strong Wind Signal No. 3 (T3) is now in force, the Labour Department (LD) today (November 13) reminded employers to make prior work arrangements for employees during and after tropical cyclone warnings, rainstorm warnings and "extreme conditions", including arrangements on reporting for duty, release from work, resumption of work and remote work (if applicable). These arrangements not only can ensure the safety of employees and smooth operation of establishments, but also are conducive to maintaining good labour-management relations.

"In drawing up and implementing the work arrangements and contingency measures for periods during and after tropical cyclone warnings and rainstorm warnings, employers should give prime consideration to employees' safety and the feasibility of employees travelling to and from their workplaces. Employers should also give consideration as much as possible to the different situations faced by individual employees, such as their place of residence and the road and traffic conditions in the vicinity, and adopt a sympathetic and flexible approach with due regard to their actual difficulties and needs," an LD spokesman said.

To avoid misunderstanding, disputes and confusion, employers should consult and engage employees when drawing up the arrangements and make appropriate updates or amendments based on the experience of each occasion and the needs of both employers and employees, as well as the actual situations. The work arrangements should cover the following matters:

- * arrangements in respect of reporting for duty;
- * arrangements in respect of early release from work;
- * arrangements in respect of resumption of work (e.g. the number of hours within which employees should resume duty after the warning concerned is cancelled or when "extreme conditions" comes to an end, and when safety and traffic conditions allow);
- * arrangements in respect of remote work such as work from home (if applicable) (e.g. duty and work arrangements during and after tropical cyclone warnings, rainstorm warnings or "extreme conditions");
- * arrangements regarding working hours, wages and allowances (e.g. calculation of wages and allowances in respect of reporting for duty and absence); and
- * special arrangements in respect of staff required to report for duty in times of adverse weather and "extreme conditions".

"Employers should conduct a timely and realistic assessment of whether there is any need for requiring staff to report for duty at workplaces when a tropical cyclone warning, rainstorm warning or 'extreme conditions' is in force. In making the assessment, employers should take into account the safety of employees, the business nature, operational needs and urgency of service, with due regard to the manpower requirements, staffing establishment and individual situations of employees, and keep the number of staff at workplaces to the minimum as far as possible," the spokesman added.

When a Pre-No. 8 Special Announcement is issued during working hours, employers should release employees from workplaces or from work in stages or arrange for them to work remotely as soon as practicable. To ensure the safety of employees and to enable them to arrive home before suspension of public transport services, employees who have mobility problems (for example, pregnant employees or those with a disability), employees who rely on transport services which are prone to being affected by adverse weather conditions (for example, ferry services) to get home, and those who work in or are living in remote areas (for example, outlying islands) should be given priority to leave. Other employees should be released from workplaces or from work in stages according to their travelling distance or the time required

for returning home.

If an Amber, Red or Black Rainstorm Warning Signal is issued during working hours, employees working indoors should continue to work as usual unless it is dangerous to do so. Supervisors of employees working outdoors or in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty only when weather conditions permit. If the Black Rainstorm Warning Signal is still in force by the end of working hours, employees should stay in a safe place until the heavy rain has passed. A suitable area in the workplace should be made available by employers as temporary shelter for employees.

If it is necessary for employees to report for duty at workplaces under adverse weather or "extreme conditions", employers should discuss and agree with them in advance on the duty arrangements and contingency measures. If public transport services are suspended or limited when Tropical Cyclone Warning Signal No. 8 (T8) or higher, Black Rainstorm Warning Signal or "extreme conditions" is in force, employers should provide safe transport services for employees travelling to and from workplaces, or grant them an extra travelling allowance.

The spokesman also reminded employers to observe the statutory liabilities and requirements under the Employment Ordinance, Occupational Safety and Health Ordinance, Factories and Industrial Undertakings Ordinance, Employees' Compensation Ordinance and Minimum Wage Ordinance.

"As natural calamities cannot be avoided, for employees who are not able to report for duty or resume work on time due to adverse weather or 'extreme conditions', employers should neither deduct their wages, good attendance bonuses or allowances, nor reduce employees' entitlement to annual leave, statutory holidays or rest days under the Employment Ordinance, or ask for additional hours of work from employees to compensate for the loss of working hours when they are unable to report for duty," he said.

Employers should note that they have an obligation to provide and maintain a safe working environment for their employees under the Occupational Safety and Health Ordinance. If employees are required to work in times of tropical cyclone warnings, rainstorm warnings or "extreme conditions", employers should ensure that the risks at work are reduced as far as reasonably practicable. Moreover, under the Employees' Compensation Ordinance, employers are liable to pay compensation for injuries or deaths incurred when employees are travelling by a direct route from their residence to their workplace, or from their workplace back to their residence after work, four hours before or after working hours on a day when T8 or higher, a Red or Black Rainstorm Warning Signal or "extreme conditions" is in force.

The LD has published the "Code of Practice in Times of Adverse Weather and 'Extreme Conditions'", which provides the major principles, reference guidelines and information on relevant legislation on making work arrangements for the reference of employers and employees. The booklet can be

obtained from branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).

LCQ18: Boosting Mainland consumers' confidence in Hong Kong brands

Following is a question by the Hon Leung Man-kwong and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (November 13):

Question:

It has been reported that while a mooncake brand has been soliciting business on Mainland electronic commerce (e-commerce) platforms in recent months by claiming to be a "Hong Kong top mooncake brand", it has subsequently been revealed that the brand, with factories located in Guangzhou and Foshan, has not sold any of its products in Hong Kong, and it has only registered its trade mark in Hong Kong. There are views that the incident has affected, to some extent, the confidence of Mainland consumers in Hong Kong brands. In this connection, will the Government inform this Council:

(1) whether it will consider launching a certification scheme on e-commerce platforms to provide Mainland consumers with a list of recognised Hong Kong brands which are required to meet certain criteria, such as conforming to product design standards of Hong Kong, being produced or sold in Hong Kong, and having their major consumer market in Hong Kong, so as to prevent the recurrence of the aforesaid incident;

(2) given that there is currently a "Hong Kong Brand i-Directory" under the Hong Kong Brand Development Council, whether the Government will step up the relevant publicity on the Mainland;

(3) whether it will discuss with the Mainland authorities about regulating and pursuing liabilities for false advertisements in relation to Hong Kong brands on live broadcast platforms on the Mainland; and

(4) given that the Governments of Guangdong, Hong Kong and Macao signed a memorandum of understanding last year on jointly promoting the development of the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Standards to improve product and service quality, whether the Hong Kong Special Administrative Region Government will include more Hong Kong elements in the GBA Standards in the future, so as to boost consumers' confidence in Hong Kong products?

Reply:

President,

In Hong Kong, there is different legislation for protecting consumer rights. Certain legislation is applicable to general consumer goods (such as the Consumer Goods Safety Ordinance (Cap. 456)), whereas some other pieces of legislation regulate the safety of specific types of products/services (e.g. food, pharmaceutical products and electrical appliances). The Trade Descriptions Ordinance (Cap. 362) (the Ordinance), covering both goods and services, prohibits traders from subjecting consumers to unfair trade practices, including false trade descriptions, misleading omissions, aggressive commercial practices, bait advertising, bait-and-switch and wrongly accepting payments. The Ordinance is applicable to the trade practices of both physical and online traders. The Customs and Excise Department is the principal enforcement agency of the Ordinance.

The Ordinance targets unfair trade practices committed by traders who are in Hong Kong or traders with their usual place of business in Hong Kong. Sales activities of traders in markets outside of Hong Kong are regulated by the laws and regulations in the relevant jurisdictions.

We notice that certain organisations have established brand directories to provide the public with the information related to Hong Kong brands. The Government has also been dedicated to supporting enterprises, organisations and groups to promote, and strengthen consumers' awareness of, Hong Kong brands through different measures and channels, including:

(i) The Dedicated Fund on Branding, Upgrading and Domestic Sales provides funding support for non-listed enterprises to develop brands and expand businesses in the Mainland and 38 other economies;

(ii) The Trade and Industrial Organisation Support Fund provides financial support for non-profit-distributing organisations, such as industrial and trade organisations, professional bodies and research institutes, to implement projects for enhancing the competitiveness of Hong Kong enterprises in general or in specific sectors, including the promotion of Hong Kong brands and their strengths;

(iii) The Hong Kong Design Gallery established by the Hong Kong Trade Development Council (HKTDC) has set up 70 physical sales points in 22 Mainland cities, as well as online stores on Mainland electronic commerce (e-commerce) platforms, with a view to promoting creative designs and quality products of Hong Kong to Mainland consumers; and

(iv) With the support of the HKTDC, we organised the inaugural Hong Kong Shopping Festival (HKSF) on the Mainland e-commerce platforms in August this year, attracting the participation of more than 230 brands. The HKSF enables small and medium enterprises (SMEs) to leverage the high visitor traffic and broad customer base of these e-commerce platforms, thereby promoting brand awareness of Hong Kong products. We will continue to organise the HKSF in the

next two years to assist SMEs in expanding the Mainland e-commerce sales market.

To further strengthen the awareness and competitiveness of Hong Kong brands in non-local markets, the Chief Executive announced in the 2024 Policy Address that the HKTDC will formulate plans for setting up more Hong Kong Pavilions or brand showcases in the Mainland and overseas exhibitions. The Trade and Industry Department and the HKTDC will enhance support for SMEs to develop brands and expand e-commerce sales network through organising mentorship schemes and providing consultation services.

Regarding the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) Standards, the Governments of Guangdong, Hong Kong and Macao are actively promoting the development of GBA Standards for different products and services for use by the trade on a voluntary basis, with a view to helping enhance product and service quality and promoting the interconnectivity and integrated development of the three places in the long run. On the formulation of individual GBA Standards, the relevant trade associations, enterprises or organisations of Guangdong, Hong Kong and Macao are welcome to jointly draw up GBA Standards and submit applications to the Standardization Research Center for the GBA. During application vetting, relevant experts will confirm whether the proposed standards are compliant with relevant laws, regulations and mandatory standards of the Mainland, Hong Kong and Macao, and have reached a certain level of quality. GBA Standards can help consumers identify and select quality products and services, thereby encouraging the market to improve the quality of products and services to meet consumer needs. GBA Standards do not set requirements on the location of manufacturing. The Government encourages the trade to actively participate in the formulation of GBA Standards in accordance with the market situation and needs.

The operation mode of brands has kept evolving in the trend of globalisation. As a brand's root could be affected by different factors including its history, place of registration, source of funding, location of production and shareholding of the brand's company, it is difficult to objectively define which brand(s) belong to Hong Kong brands. As such, the Government has no plan to launch any certification scheme on e-commerce platforms to provide Mainland consumers with a list of recognised Hong Kong brands.

LCQ13: Municipal solid waste charging

Following is a question by Dr the Hon Tik Chi-yuen and a written reply by the Acting Secretary for Environment and Ecology, Miss Diane Wong, in the Legislative Council today (November 13):

Question:

The Government announced on May 27 this year that the implementation of municipal solid waste charging (MSW charging) would be deferred. In the reply to a question raised by a Member of this Council on the Estimates of Expenditure 2024-2025, the Secretary for Environment and Ecology has advised that the Government's expenditure for implementing MSW charging from the 2021-2022 financial year to the 2023-2024 financial year amounts to about \$176 million, and the relevant estimated expenditure for the 2024-2025 financial year is approximately \$581 million. Moreover, it has been reported that the stock of the designated bags produced for MSW charging reaches about 170 million. In this connection, will the Government inform this Council:

(1) how the unused designated bags will be disposed of; whether it will consider distributing them for use as regular garbage bags;

(2) whether it will revise the estimated expenditure for implementing MSW charging in the 2024-2025 financial year, and how the manpower originally responsible for MSW charging will be deployed;

(3) given that for implementing MSW charging, the Government has awarded contracts with a total value of about \$1.248 billion, including nine contracts for the supply of designated bags to the Environmental Protection Department, two contracts for the supply of designated labels and one contract for the provision of warehouse and logistics co-ordination services, how the nine contracts for the supply of designated bags were entered into; whether the Government has terminated all the aforesaid contracts with the contractors concerned; if so, of the amount of liquidated damages payable by the Government; if not, whether these contractors are still required to fulfil the terms and conditions of the contracts and receive the contract fees, as well as the amount of the contract fees concerned;

(4) as in the reply to a question raised by a Member of this Council on the Estimates of Expenditure 2024-2025, the Government has indicated that the annual expenditure incurred by the Green Outreach is about \$100 million, whether the expenditure and manpower of the Green Outreach have been reduced; if so, of the respective percentage reductions in expenditure and manpower; if not, the reasons for that; and

(5) of the respective expenditures on the Smart Inventory Management System established for the implementation of MSW charging and the Government's signing of authorisation agreements with 16 major retail chains; whether the Government has terminated the relevant agreements; if so, of the amount of the termination fees payable; if not, the amount of the contract fees payable?

Reply:

President,

Although the Government earlier announced the suspension of the

implementation of municipal solid waste (MSW) charging, our determination to reduce MSW has never wavered. Seizing the opportunity of an increasing public participation in waste reduction and recycling, the Government is proactively expanding the recycling network and strengthening public education to promote a green waste reduction and recycling culture. Our reply to the question raised by Dr the Hon Tik Chi-yuen is as follows:

(1) To encourage the public to practise waste reduction and recycling, starting from June 2024, the Environmental Protection Department (EPD) has distributed 20 Designated Bags (DBs) per month free of charge to households of all public housing estates for a period of six months. The number of DBs per month for each household is five fewer than the number of garbage bags it usually collects, which is equivalent to a 20 per cent reduction in distribution. This initiative aims to encourage residents to make use of recycling facilities and foster a habit of waste reduction at source so that they may use fewer DBs to dispose of all waste and at the same time quantify the amount of waste reduced through recycling more easily. Furthermore, since August 2024, the EPD is gradually providing DBs for free to households of private residential premises successfully joining the Waste Reduction and Recycling Charter (the Charter) by November 30, 2024, for promotional and educational purposes. For better utilisation of public resources, the EPD has liaised with some government departments and public organisations to gradually supply them with DBs that are unsuitable for general household use based on their needs.

(2) In light of the suspension of the implementation of MSW charging, the EPD has suitably adjusted its relevant estimates of expenditure and manpower. The EPD have re-allocated part of the expenditure previously reserved for the implementation of MSW charging to strengthen recycling facilities and enhance publicity and education on waste reduction and recycling, and re-deployed some of the manpower previously engaged in the implementation of MSW charging to push forward a series of work to promote waste reduction and recycling, including encouraging private residential premises to participate in the Charter, expanding and enhancing the community recycling network GREEN@COMMUNITY and the food waste recycling network, stepping up public education and promotion and studying proposals to enhance the MSW Charging Scheme. The EPD's revised estimate for 2024-25 financial year will be released in the 2025-26 Budget for scrutiny by the Finance Committee of the Legislative Council.

(3) The contracts signed between the EPD and the suppliers of DB and Designated Label (DL) do not mandate the production and storage quantities, hence the suppliers will only be remunerated for the actual quantities of DBs and DLs produced. These contracts are still in effect at present and the EPD will continue to maintain communication with the suppliers and properly handle all issues in accordance with the contract provisions.

(4) The Government is continuously strengthening publicity and education on waste reduction and recycling in the community. Apart from continually supporting the promotion of the community recycling network GREEN@COMMUNITY and food waste collection services, the Green Outreach of the EPD has also

organised promotional activities during the distribution of DBs at public housing estates to educate and encourage members of the public to practise waste reduction at source and clean recycling. To support the Charter, which was launched in June this year, the Green Outreach has conducted visits and provided advice and technical support to residential premises applying for the Charter and in need of assistance. In addition, the Green Outreach is actively implementing the "We-recycle@School" Activity (the Activity) launched in March 2024, to encourage students to practise resources separation and recycling together with their family members in their everyday lives. So far, over 400 primary and secondary schools have participated in the Activity. The Green Outreach is also strengthening collaboration with non-profit organisations to implement the Green Outreach Volunteer Programme with a view to reaching out to community groups such as women, foreign domestic helpers and new arrivals, to educate and encourage citizens from different backgrounds to practise waste separation at source and clean recycling together.

The estimated expenditure for the Green Outreach in 2024-25 financial year is about \$100 million. The EPD will adjust the promotion strategy of the Green Outreach and the deployment of resources as needed with reference to the latest waste reduction and recycling efforts to ensure effective implementation of the policies as well as publicity and public education, and to encourage members of the public to integrate waste reduction and recycling in their daily lives.

(5) The Government awarded a contract in 2022 to develop the Smart Inventory Management System and has paid \$6.17 million for its development to date. The system has been providing comprehensive services to relevant users (including the EPD, suppliers, logistics contractor, retailers and bulk purchasers) since the first quarter of 2024. Following the suspension of the implementation of MSW charging, the EPD is also using the system to co-ordinate and support the daily operations related to the distribution of DBs.

Regarding the retail network for DBs and DLs, the Authorisation Agreements (the Agreements) signed earlier between the EPD and major retail chains and wholesalers will end in 2027. Upon the suspension of the implementation of MSW charging, the EPD has collected the unsold DBs and DLs from all retailers and wholesalers. The EPD is now verifying the sales figures and will pay the retailers and wholesalers the relevant service fees in accordance with the terms of the Agreements.