

Pay Trend Survey Committee Meeting on May 16, 2018

The following is issued on behalf of the Pay Trend Survey Committee:

The 2018 Pay Trend Survey (PTS) Report, compiled by the Pay Survey and Research Unit of the Joint Secretariat for the Advisory Bodies on Civil Service and Judicial Salaries and Conditions of Service, was released today (May 16) to Members of the Pay Trend Survey Committee (PTSC).

The survey has indicated the following average pay adjustments in the surveyed companies over the 12-month period from April 2, 2017, to April 1, 2018.

Tentative Findings of the 2018 PTS (subject to verification)

	Basic Pay Indicator	+	Additional Pay Indicator	=	Gross Pay Trend Indicator
Lower Salary Band (below \$21,880 per month)	4.39%	+	0.50%	=	4.89%
Middle Salary Band (\$21,880-\$67,065 per month)	4.83%	+	0.80%	=	5.63%
Upper Salary Band (\$67,066-\$135,075 per month)	3.87%	+	1.38%	=	5.25%

Members of the PTSC are at present studying the survey report in detail. Subject to their analysis and deliberation, the PTSC would verify and consider validating the findings of the survey at its meeting on May 24, 2018. After that, the PTS results will be submitted to the Government. In accordance with the established practice, the Government will take into account the Pay Trend Indicators derived from the PTS and other pertinent considerations (such as the state of Hong Kong's economy, the Government's fiscal position, changes in the cost of living, pay claims of the staff side and civil service morale) before making a decision on the 2018-19 civil service pay adjustment.

The survey results reflect the pay trend in 112 companies covering 157 504 employees over the 12-month period from April 2, 2017, to April 1, 2018. Among these companies, there are 86 larger companies (employing 100 or more staff) and 26 smaller companies (employing 50-99 staff). These companies are regarded as typical employers in their respective fields, and are generally known as steady and good employers with rational and systematic salary administration.

The survey is conducted in accordance with the improved methodology as approved by the Chief Executive-in-Council in March 2007. The survey takes into account adjustments to basic salary and additional payments awarded to employees of the surveyed companies attributable to factors in relation to cost of living, general prosperity and company performance, general changes in market rates, merit and inscale increment.

The PTSC is chaired by Mr Wilfred Wong Kam-pui, who is a member of the Standing Commission on Civil Service Salaries and Conditions of Service. Mr Wong wishes to express the PTSC's sincere appreciation of the co-operation and assistance rendered by the participating companies to the 2018 PTS.

[Hong Kong Customs smashes syndicate suspected of smuggling goods in electric vehicle battery case \(with photos\)](#)

Hong Kong Customs yesterday (May 15) for the first time smashed a suspected smuggling syndicate that was using the battery case of an electric private vehicle for smuggling activity. During the operation, a total of 1 576 smartphones, 228 smart watches and 45 solid state drives (SSD) with an estimated market value of about \$8 million were seized.

Customs officers yesterday morning monitored a cargo yard in Yuen Long which was suspected to be a loading base used by a syndicate for smuggling activities.

Later on the same day, an electric private vehicle which left the cargo yard was intercepted by Customs officers when it arrived at Shenzhen Bay Control Point. A total of 1 576 smartphones, 228 smart watches and 45 SSDs were found inside the battery case of the private vehicle.

Customs officers subsequently searched the cargo yard and a premises in Yuen Long. A light goods vehicle, another private car, packing materials and tools were further seized for investigation.

A total of five men, aged 26 to 48, were arrested during the operation.

Investigation is ongoing.

Smuggling is a serious offence. Under the Import and Export Ordinance, any person found guilty of importing or exporting unmanifested cargo is liable to a maximum fine of \$2 million and imprisonment for seven years.

Members of the public may report any suspected smuggling activities to the Customs 24-hour hotline 2545 6182 or dedicated crime-reporting email account (crimereport@customs.gov.hk).



[22nd batch of applications approved under Pilot Green Transport Fund](#)

The Environmental Protection Department (EPD) today (May 16) announced its approval of the 22nd batch of applications for the trials of green innovative transport technologies under the Pilot Green Transport Fund.

The six newly approved applications are for the trials of one electric medium goods vehicle (tractor), two electric light goods vehicles (van type) and four hybrid light goods vehicles (non-van type), involving a total subsidy of about \$3.8 million. The applications were from:

Elephant Motors Company Limited
P & J Logistics Limited
P & J Logistics (Hong Kong) Limited
Regal Transportation Services (Asia) Limited
Shing Wah Trading (Hong Kong) Limited
Yee Hop Lung

The latest approval brings the total number of trials being pursued under the Fund to 124 for testing three electric taxis, three electric light buses, 21 single-deck electric buses, 56 electric light goods vehicles (van type), one electric medium goods vehicle (tractor), 48 hybrid light goods vehicles (non-van type), 28 hybrid medium goods vehicles, 11 hybrid public light buses, two single-deck hybrid buses, one solar air-conditioning system for a bus, four electric inverter air-conditioning systems for buses, three diesel-electric propulsion systems for ferries and one seawater scrubber for a ferry, amounting to a total subsidy of about \$135 million.

At present, 96 approvals under the Fund are already on trial. Sixty-four of them have completed their trials, involving three electric taxis, eight single-deck electric buses, 41 electric light goods vehicles (van type), 23 hybrid light goods vehicles (non-van type), 13 hybrid medium goods vehicles, five hybrid public light buses, one solar air-conditioning system for a bus, one electric inverter air-conditioning system for a bus, one diesel-electric propulsion system for a ferry and one seawater scrubber for a ferry. The EPD will continue to upload the interim and final reports once completed to the Fund's website for public information.

The Government put in place the \$300 million Fund in March 2011 to subsidise the testing of green innovative transport technologies. The Fund is open for applications from public transport operators, charitable and non-profit-making organisations providing services to clients, and goods vehicle operators. The technologies for trial include alternative-fueled vehicles, conversion of in-use conventional vehicles to alternative-fueled vehicles, and after-treatment emission reduction devices or fuel-saving devices related to transport activities. Transport operators may apply for the Fund to try out different green innovative products subject to a maximum subsidy of \$9 million for each application and \$12 million in total.

For more information on the Fund and the approved applications, please visit the EPD website (www.epd.gov.hk) or call the enquiry hotline on 2824 0022.

[LRC releases consultation paper on miscellaneous sexual offences](#)

The following is issued on behalf of the Law Reform Commission:

The Review of Sexual Offences Sub-committee of the Law Reform Commission today (May 16) released a consultation paper making preliminary proposals for the reform of law concerning miscellaneous sexual offences. The consultation will last for three months.

These offences include incest, exposure, voyeurism, bestiality, necrophilia and acts done with intention to commit a sexual offence. It also includes a review of homosexual or homosexual-related buggery and gross indecency offences in the Crimes Ordinance. The paper is the third and final part of the overall review of the substantive sexual offences.

Speaking at a press conference, the Chairman of the Review of Sexual Offences Sub-committee, Mr Peter Duncan, SC, said that apart from making recommendations to reform some of the existing sexual offences, the Sub-committee also recommends introducing a number of new specific sexual offences.

These sexual offences are largely concerned with the protective principle, gender neutrality, respect for sexual autonomy, and avoidance of distinctions based on sexual orientation.

The main recommendations contained in the paper are:

- (1) the retention of the specific offence of incest, but with elements of the offence being reformed. Further, the Hong Kong community should consider the extent of the sexual conduct which would constitute incest and whether the offence should extend to adoptive parents;
- (2) the proposed creation of a new offence of sexual exposure to cover exposure of one's genitals in private or public in a sexual manner targeting a specific victim;
- (3) the proposed creation of a new offence of voyeurism to criminalise acts of non-consensual observation or visual recording (for example, a photograph, videotape, or digital image) of another person done for a sexual purpose;
- (4) the existing offence of bestiality be replaced by an offence of sexual intercourse with an animal;
- (5) the proposed creation of a new offence of sexual activity on a dead person;
- (6) the proposed creation of a new offence of administering a substance for sexual purposes to replace the existing offence of administering drugs to obtain or facilitate an unlawful sexual act;
- (7) the proposed creation of a new offence of committing an offence with intent to commit a sexual offence to replace the existing offence of assault with intent to commit buggery;
- (8) the proposed creation of a new offence of committing an offence of trespass with intent to commit a sexual offence to replace the existing offence of burglary (with intent to rape); and
- (9) the proposed abolition of some of the existing homosexual or homosexual-related offences: assault with intent to commit buggery; procuring others to commit homosexual buggery; gross indecency by man with man otherwise than in private; and procuring gross indecency by man with man.

Mr Duncan said that the recommendations in the consultation paper are intended to facilitate discussion and do not necessarily represent the Sub-committee's final conclusions. He added that the Sub-committee would welcome views, comments and suggestions on any issues discussed in the consultation paper.

The Review of Sexual Offences Sub-committee was formed in 2006 and has since completed a consultation paper and a report on the issue of a register of sex offenders. It has also completed a report recommending the abolition of the common law presumption that a boy under 14 is incapable of sexual intercourse. The Statute Law (Miscellaneous Provisions) Ordinance 2012 was

enacted in July 2012 to implement the relevant recommendation.

In September 2012, the Sub-committee published a consultation paper on rape and other non-consensual sexual offences which represents the first of the three consultation papers published by the Sub-committee on the overall review of the substantive sexual offences. In November 2016, the Sub-committee published the second consultation paper on sexual offences involving children and persons with mental impairment.

Copies of the consultation paper are available on request from the Secretariat of the Law Reform Commission at 4/F, East Wing, Justice Place, 18 Lower Albert Road, Central, Hong Kong. The consultation paper can also be accessed on the Commission's website at www.hkreform.gov.hk.

All the views should be addressed to the Secretary, Review of Sexual Offences Sub-committee, Law Reform Commission (4/F, East Wing, Justice Place, 18 Lower Albert Road, Central) by mail, by fax (3918 4096) or by email (hklrc@hkreform.gov.hk) on or before August 15, 2018.

[LCQ1: Improving effectiveness of work of Joint Office on handling water seepage complaints](#)

Following is a question by the Hon Yung Hoi-yan and a reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (May 16):

Question:

The Buildings Department (BD) and the Food and Environmental Hygiene Department (FEHD) set up a Joint Office (JO) in 2006 to handle reports on water seepage in buildings. However, the Audit Commission and the Office of The Ombudsman released reports in 2016 and 2018 respectively, pointing out certain inadequacies in the work of JO. In addition, in recent years, I have received from time to time complaints from residents and District Council members in New Territories East that JO has been very slow in following up reports on water seepage, leaving residents troubled by water seepage nuisance in misery. In this connection, will the Government inform this Council:

(1) of a breakdown by District Council district of the following: the number of reports received by JO, the numbers of reports handled by JO as classified by handling results, the number of entry warrants granted by the Court, and the respective numbers of cases in which the persons concerned were prosecuted and convicted (to be set out one by one by the legislation

involved), in each of the past three years; the average and longest handling time for those cases the handling of which was completed, and the respective numbers of personnel deployed by BD and FEHD to station in JO, in each of the past three years;

(2) whether the Development Bureau and the Food and Health Bureau have conducted a value-for-money assessment on the performance of JO since its establishment; if so, of the criteria adopted for and the outcome of the assessment; if not, whether they will conduct such an assessment; how the authorities will improve the performance of JO by addressing areas such as manpower, resources, case handling procedure, internal division of work, and law enforcement powers of JO; and

(3) of the locations selected, the commissioning dates, the number of personnel to be deployed and the estimated annual expenditure, in respect of the four regional joint offices planned to be set up by JO; given that FEHD has planned to form a special team to conduct a comprehensive review on JO's procedural guidelines and explore the feasibility of setting up a tribunal to deal with water seepage cases, of the details, including the composition and operation of the special team, and the expected time for the completion of the relevant feasibility study; how BD and FEHD will complement each other in order to enhance the performance of JO?

Reply:

President,

Water seepage in buildings is generally caused by the defective fabric or installations of buildings and the lack of proper maintenance. Proper management, maintenance and repair of buildings, including resolving water seepage problems, are the responsibilities of building owners and occupiers and require the co-operation of the owners and occupiers concerned. In general, if water seepage occurs in private buildings, the owners should first arrange their own investigation of the cause of seepage and, as appropriate, co-ordinate with the occupiers and other owners concerned for repair works.

Nevertheless, the Government recognised that owners will encounter difficulties in dealing with water seepage problems. Before the setting up of the Joint Office (JO), the investigation and enforcement actions taken by different departments according to their respective policy focus and professional expertise sometimes rendered us unable to provide better services to the public. In view of this, "Team Clean" initiated in December 2004 the setting up of JO by the Food and Environmental Hygiene Department (FEHD) and the Buildings Department (BD) to improve inter-departmental co-ordination and deal with building water seepage in a swift and effective manner. JO started to provide service to the public in 2006 through 19 districts in Hong Kong.

Once the source of seepage and nuisance have been identified during investigation, JO will issue "nuisance notice" to the person concerned under the Public Health and Municipal Services Ordinance (Cap 132), requiring the

abatement of nuisance within a specified period of time and instigate prosecution against non-compliance with the "nuisance notice". If a building safety problem or waste of water caused by defective water supply pipes is found during investigation, JO will also refer the case to BD and the Water Supplies Department for follow-up and enforcement action in accordance with relevant legislation.

JO is now facing many challenges including the high number of water seepage reports, difficulties in gaining entry into premises for investigation as well as the limitations imposed by the tests. Nonetheless, such difficulties have not held us back; we strive to seek solutions for which I will introduce in my reply later.

The Development Bureau (DEVB) and the Food and Health Bureau (FHB) provide a joint reply to the three parts of the question as follows:

(1) The geographical statistics on water seepage reports received by JO, reports handled, investigation results and enforcement actions taken from 2015 to 2017 are set out at Annex I. Overall speaking, in the past three years, the JO received an average of some 34 000 water seepage reports per year, in which 28 000 cases have been handled and investigation completed including cases that needed not be dealt with due to, for instance, cease of water seepage during investigation. The JO had issued some 5 200 "nuisance notice" annually over the same period, with majority of the "nuisance notice" complied with. Over the same period, the JO instigated about 90 prosecutions under the Public Health and Municipal Services Ordinance annually.

The staff establishment of JO in the past three financial years is set out at Annex II.

In general, JO staff will contact the informant within six working days upon receipt of a water seepage report to arrange for inspection in the building concerned. With the co-operation of the owners or occupants concerned, the investigation can normally be completed within 90 working days and the informant will be advised of the outcome. If the investigation cannot be completed within 90 working days, JO will notify in writing the informant of the investigation progress.

Outlined above is only the normal processing time. The time required for processing a water seepage case largely depends on the complexity of the case and the extent of co-operation of the parties concerned. For complicated cases which for instance involve multiple seepage sources, recurring or intermittent water seepage, JO staff will have to conduct different, ongoing or repeated tests and monitoring. As these tests take time and require full co-operation of the owners or occupants concerned, the processing of such cases generally takes more time. The processing time for cases involving vacant units or uncooperative owners or occupants would be even longer. JO does not compile statistics on the time for investigating water seepage cases.

(2) and (3) The main objective of JO is to provide a one-stop service to the public by setting up a working team with both the legal authority of FEHD and

the building survey expertise of BD. FEHD and BD have drawn up clear operational guidelines on the investigation, enforcement and prosecution procedures and plan on division of labour for handling water seepage cases since the establishment of JO.

To strengthen internal co-ordination and case monitoring, FEHD and BD have been maintaining close liaison through regular meetings at all levels. The meetings discuss how best to tackle complicated seepage cases and review guidelines and procedures governing the handling of water seepage reports, so as to enhance the efficiency and effectiveness in handling seepage cases. JO has increased the manpower to tackle the increasing number of reports. The number of FEHD's staff has increased from 81 in 2006 to 224 at present. The number of BD's staff has increased over the same period, and the spending on appointment of consultants for carrying out of stage III professional investigation has substantially increased from \$1.4 million to \$34 million over the same period. In addition, most of the posts of the two departments at JO has turned from non-civil service contract posts at the beginning into permanent civil service ones gradually.

The Audit Commission conducted a value-for-money audit on the joint operations on water seepage in buildings in 2016 and made a series of recommendations for JO on handling water seepage. The FHB and DEVB have been closely supervising the two departments to actively follow up the various improvement measures so as to enhance the effectiveness of JO.

On the tests adopted by the JO in investigating water seepage, the consultant engaged by BD has, upon examining and researching into the latest technological methods, identified various methods for identifying sources of water seepage, conducted field tests and is now formulating detailed technical guidelines. JO is in parallel arranging full application of these new technological methods in pilot districts. JO will evaluate their effectiveness and consider whether to extend such methods to all districts of Hong Kong. We anticipate that the new technologies can increase the chance of identifying the sources of water seepage and suitably relieve the stress of frontline staff.

To further improve the handling of water seepage cases, a task force led by Coordinator of FEHD and a senior professional officer of BD is formed to comprehensively review the current operation of JO. FHB and DEVB will closely steer the review.

To enhance the communication between JO staff of the two departments and to improve the overall efficiency of JO, JO is seeking assistance of the Government Property Agency to identify suitable office space for setting up of four regional joint offices for co-location of JO staff of the two departments. According to the current progress, the four regional joint offices are expected to be set up in the second half of 2019. The staff establishment and estimated expenditure of JO in 2018-19 are set out at Annex III.

President, the above measures aim to enhance the overall efficiency of JO and our service to the public.