

Appeal for information on missing man (with photo)

Police today (June 13) appealed to the public for information on a missing man.

Chan Wing-piu, aged 77, went missing after he entered Hong Kong in the afternoon of March 19. His family made a report to the Police on June 9.

He is about 1.7 metres tall, 58 kilograms in weight and of thin build. He has a long face with yellow complexion and short white hair. He was last seen wearing a black jacket and blue jeans.

Anyone who knows the whereabouts of the missing man or may have seen him is urged to contact the Regional Missing Person Unit of Kowloon West on 3661 8036 or 9020 6542, or email to rmpu-kw-2@police.gov.hk, or contact any police station.



LCQ12: Safety of workers carrying out maintenance and repair of building facilities on external walls of buildings

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council

today (June 13):

Question:

Some suppliers of air-conditioning (AC) facilities and practitioners of the AC works trade have relayed to me that the designs of some private buildings newly completed in recent years have not fully taken into account the needs of workers when they carry out replacement works and repair works for AC facilities on the external walls of such buildings in future. In this connection, will the Government inform this Council:

(1) whether it is aware of the situation that although some private buildings have been installed with gondola working platform systems (gondolas), (i) the designs of the buildings concerned have failed to dovetail with the use of the gondolas in practice, resulting in a gondola being unable to reach the location for installation of the facility concerned, and (ii) there is still certain distance between a gondola and the facility on an external wall even if such location is reachable, resulting in the workers having to stretch their bodies out of the gondola in order to carry out the works which poses the risk of workers falling from heights; if it is, of the measures put in place by the Government to improve such a situation; if it does not, the reasons for that;

(2) whether the Buildings Department has reviewed how far developers have complied with its Guidelines for Designing Access and Safety Provisions for the Maintenance and Repair of External Air Conditioners at Height issued in December 2016 and the effectiveness of the Guidelines; if so, of the outcome of the review; if not, whether it will conduct such a review expeditiously;

(3) whether it will consider the suggestions put forward by the practitioners in the AC works trade of introducing legislation to stipulate that the designs of AC platforms on the external walls of a building to be built must:

- (i) provide reasonable and adequate space for an AC facility to be placed flat on the platform,
- (ii) provide safe access for workers to enter and exit,
- (iii) fit in with various tubes on the external walls, and
- (iv) install with anchor devices (e.g. "eye bolt") at appropriate locations for workers to attach their safety belts; and

(4) as the relevant legislation in Singapore stipulates that developers must take into primary and necessary consideration the needs of future maintenance and repair of building facilities when they draw up designs of buildings, whether the Government will (i) enact legislation to enforce similar requirements, and (ii) introduce common working platforms on external walls to provide workers with reasonable and adequate working space, thereby minimising their risks of falling from heights?

Reply:

President,

The Government attaches great importance to occupational safety for

carrying out repair and maintenance works at external walls. Labour Department (LD), Buildings Department (BD) and Construction Industry Council (CIC) have issued guidelines on different aspects of external repair and maintenance of buildings.

In consultation with LD and BD, the Development Bureau provides a consolidated reply to the four parts of the question as follows:

(1) External repair and maintenance works at buildings fall under the portfolio of occupational safety, such works should fulfill the requirements of the Occupational Safety and Health Ordinance (Chapter 509), Factories and Industrial Undertakings Ordinance (Chapter 59) and relevant subsidiary legislations so as to ensure workers' safety. For work safety related to external walls of buildings, LD has issued code of practices and guidance notes for the industry, setting out detailed requirements and measures for general work setting and circumstances. Duty holders should follow such codes of practice properly. As building design varies, contractors or employers are responsible for conducting target risk assessment before commencing external repair and maintenance works of buildings, including duly consider the actual work setting and circumstances (such as the uniqueness of building design), so as to formulate appropriate safe methodologies, procedures and necessary safety measures to comply with statutory requirements. For the circumstances raised in the question, relevant departments have also through the industry gathered such views. Subject to the concerned circumstances, relevant departments will review the legislations, codes of practice and guidance notes from time to time to protect the occupational safety of workers.

(2) With regards to the design of new buildings, BD has issued a circular letter to the industry in December 2016 promulgating guidelines for design access and safety provisions for the maintenance and repair of external air conditioners (ACs) at height. The guidelines set out the requirements regarding adequate working spaces around ACs and appropriate access, etc. Upon issue of the guidelines, development projects with general building plans first approved by BD involving exemption of ACs platforms from the calculation of GFA should comply with the guidelines and provide relevant ancillary facilities. A working group was set up by BD, LD and the building industry in 2017 to review the guidelines for designing ACs platform to facilitate workers carrying out repair works safely. The working group also reviews the requirements for installing cast-in anchor devices on external walls to complement the use of safety belt. BD will consult the building industry later on the proposed revisions to the guidelines of ACs platform per the established procedures.

(3) & (4) Per the established policy, LD is responsible for the enforcement of the Occupational Safety and Health Ordinance (Chapter 509), Factories and Industrial Undertakings Ordinance (Chapter 59) and relevant subsidiary legislations. LD has all along been promoting the safety of repair and maintenance on external walls through inspections and enforcement actions, etc. These legislations have stipulated the requirements for duty holders undertaking works-at-height (including works on external walls), including provision of safe working platforms for workers working at height with a view

to safeguarding the occupational safety of them. For carrying out of external repair and maintenance of buildings, LD has also promulgated codes of practice and guidance notes for the industry, including Code of Practice for Bamboo Scaffolding Safety, Code of Practice for Safe Use and Operation of Suspended Working Platforms and Guidance Notes on Classification and Use of Safety Belts and their Anchorage Systems, etc. These codes of practice and guidelines help contractors and employers understand and comply with the relevant legislative requirements. LD will review relevant codes of practices/guidance notes from time to time in order to meet changes in general working environment. On the other hand, to curb systemic safety risks at source more effectively through building design and management, LD will strength the engagement with project proponents of building works projects and urge relevant contractors to timely incorporate elements regarding work safety when considering construction methodologies and design during project design, preparatory stages and construction stages with a view to enhancing occupational safety and preventing accidents.

BD also reviews the subsidiary legislations under the Buildings Ordinance (Chapter 123) from time to time and proposes suitable amendments as necessary with a view to keeping abreast of latest building technology advancement and responding the industry's reasonable requests thus facilitating the industry to carry out building works per the law. BD is now looking into the legislative amendment of the Building (Construction) Regulations (Chapter 123B) including introduction of requirements to mandate provision of adequate safety facilities in building design to facilitate future repair and maintenance works on external walls. The direction of the legislative amendments will be on performance-based of each building to allow greater flexibility in building design and cater for the rapid building technology advancements instead of prescribing a set of safety facilities to be applied to all buildings. According to this direction, when the amended regulations commence operation, BD will require Authorised Persons to provide information on the facilities for external repair of buildings, such as working platforms that conform with legislations relating to occupational safety and health etc. Such facilities must be specified on the building plans for consideration and approval by BD for compliance with the proposed revised provisions. To complement the proposed amended regulations, BD is formulating guidelines on the design of access for repair and will consult the building industry per the established procedures later.

Besides, CIC issued a newly amended guidelines on the Design, Installation and Maintenance of Cast-in Anchors at External walls of New Buildings (Version 2) in November last year to enhance the safety of work-at-height on the external walls of buildings. The Task Force on Work Safety of Repair, Maintenance, Alterations and Additions Sites under the Committee on Construction Site Safety of CIC is exploring how best to enhance workers' safety when conducting external repair and maintenance works through building design and strengthening preventive and protective measures for existing buildings. Members of the task force encompass various stakeholders of the construction industry, as well as representatives of occupational safety and health associations, property management and the relevant government departments, including LD and BD.

LCQ14: North Lantau traffic

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 13):

Question:

Some members of the transport sector have relayed that with the continuous growth in the population of Tung Chung in recent years, coupled with the imminent commissioning of the Hong Kong-Zhuhai-Macao Bridge (HZMB), it is expected that the traffic in North Lantau will become busier day by day. Moreover, the road traffic between the Lantau Island/airport and the urban areas will be paralyzed whenever a traffic incident has occurred on the North Lantau Highway and the Lantau Link. On the other hand, the Journey Time Indication Systems (JTISs) currently neither cover all trunk roads nor provide important information such as the occurrence of traffic incidents on the road ahead, rendering drivers often unable to switch in time to roads with smoother traffic. In this connection, will the Government inform this Council:

(1) given that the passenger throughput of the MTR Tung Chung Line is already close to its maximum capacity during peak hours, and passengers departing from and arriving at Hong Kong via HZMB upon its commissioning will add a burden on the Tung Chung Line, whether the authorities will request the MTR Corporation Limited to increase the train frequency of the Tung Chung Line by that time; if so, of the specific arrangements and timetable;

(2) whether the Transport Department will (i) study the provision of additional information by JTISs such as the occurrence of traffic incidents on the road ahead, and (ii) install JTISs along the various trunk roads (including Lung Cheung Road) connecting with the Lantau Link and at both ends to the Western Harbour Crossing; and

(3) whether it will consider providing ferry services plying the urban areas from the Skypier and Tung Chung Development Ferry Pier whenever a traffic incident has occurred on the North Lantau Highway and the Lantau Link?

Reply:

President,

The Emergency Transport Co-ordination Centre (ETCC) of the Transport Department (TD) monitors traffic conditions 24-hour a day. Its task is to liaise and co-ordinate among government departments, public transport operators and relevant organisations on the handling of traffic incidents. It also disseminates to the public the latest traffic arrangements associated with the incidents concerned.

In view of the imminent commissioning of the Hong Kong-Zhuhai-Macao Bridge, the ETCC will continue to monitor traffic conditions closely, and co-ordinate arrangements having regard to the actual situation in a timely manner.

My reply to the various parts of the Hon Holden Chow's question is as follows:

(1) The MTR Corporation Limited (MTRCL) has been paying close attention to the services and passenger demand of Tung Chung Line, and will make appropriate adjustments where necessary to address the demand along busy sections of Tung Chung Line. To cater for the large number of passengers at Tsing Yi Station and Nam Cheong Station heading to Hong Kong Station during morning peak hours on weekdays, the MTRCL has deployed two additional departures this year operating directly from Tsing Yi Station to Hong Kong Station to alleviate crowding situation on trains. Moreover, through adjusting train services, the MTRCL has evened out the train service headways departing from Tung Chung Station and Tsing Yi Station. At present, the Tung Chung Line train services are operating at a headway of about four minutes (Hong Kong to Tsing Yi) and six to eight minutes (Hong Kong to Tung Chung) on average during morning peak hours. According to the MTRCL, the train services are now operating smoothly and can meet passenger needs.

In addition, the MTRCL is progressively replacing the signalling system for seven railway lines (namely Tsuen Wan Line, Island Line, Kwun Tong Line, Tseung Kwan O Line, Disneyland Resort Line, Tung Chung Line and Airport Express Line). With the full completion of the signalling system upgrading works in 2026, the overall carrying capacity of these seven MTR lines can be increased by around 10%.

(2) There are currently 10 sets of Journey Time Indication Systems (JTISs) and five sets of Speed Map Panels (SMPs) Systems in Hong Kong. JTISs are installed at critical diversion points of cross-harbour routes (including routes leading to the Western Harbour Crossing) to inform motorists of the estimated journey time from the diversion points to the exit portals of the respective cross-harbour tunnels. On the other hand, SMPs are installed at critical diversion points of strategic routes in the New Territories heading to Kowloon, using different colours on the panel to indicate real-time traffic conditions on the roads ahead and the estimated journey time. Apart from this, the TD has installed variable message signs on strategic routes leading to the Lantau Link, including the section of West Kowloon Highway after the Western Harbour Crossing (Kowloon Exit), Tsing Kwai Highway, Tuen Mun Road, Stonecutters Bridge and Ting Kau Bridge, so as to disseminate traffic information to motorists in the form of text messages when traffic congestion occurs on the Lantau Link and Ting Kau Bridge.

To further enhance the dissemination of traffic information, the TD is planning to install about 1 150 sets of traffic detectors on strategic routes and major roads, as well as an addition of 16 sets of JTISs at critical diversion points of strategic routes, including an additional set of JTIS each on the West Kowloon Highway, Long Tin Road and Hung Tin Road and enhance the set of Speed Map Panel on San Tin Highway so as to provide more traffic

information on journeys to the airport. The installation works will be carried out in phases, some of which will be commissioned in end-2018 at the earliest. The whole project is expected to be completed by end-2020.

(3) In case of serious obstructions on the North Lantau Highway or Lantau Link, the TD will contact the MTRCL immediately and make a request for strengthening train services on the Airport Express and Tung Chung Line so as to address the passenger demand. Upon discussion with the Government, the MTRCL agreed to enhance the services of Tung Chung Line and Airport Express within a short time in case of emergency so as to address the passenger demand between North Lantau or the airport and urban areas.

In the event that both road links and the railway lines are obstructed, the TD will mobilise ferries to provide transport services. The ETCC of the TD will liaise with public transport service operators and the Airport Authority Hong Kong (AAHK) for co-ordination. Subject to actual circumstances (including the resource deployment by operators, time of incident and its duration), the ETCC will request ferry operators to endeavour to enhance ferry services (including the "Tuen Mun – Tung Chung", "Central – Discovery Bay" and "Central – Mui Wo" routes). The frequencies of feeder bus services serving the piers of the above routes will also be increased to facilitate travel to and from the airport, Lantau Island and urban areas for those switching to existing ferry services and feeder bus services. Additionally, the TD has signed an emergency ferry services agreement with the Hong Kong & Kowloon Motor Boats & Tug Boats Association Ltd (MBTA). In case of a serious incident on North Lantau Highway or Tsing Ma Bridge, or full closure of either of the two causing prolonged obstruction to road traffic, the MBTA will provide emergency ferry services between Tung Chung Development Pier and Tsuen Wan West Pier/ Disneyland Resort Pier. Where necessary and practicable, the Government will also consider using the SkyPier for providing emergency ferry services plying to and from Central Pier and Tuen Mun Ferry Pier to ease the flow of passengers. However, since the external transport links of Lantau Island and the airport have mainly been two land-based mass transit carriers, namely the railway and franchised buses, the role of waterborne transport as an alternative in case of full closure of land links is rather limited given the constraints of capacity and speed of ferries. Notwithstanding that, the Government will continue to co-operate closely with all relevant emergency units with a view to minimising the inconvenience caused to passengers and other members of the public.

For more effective dissemination of information, the TD will promptly inform the public of any traffic incident on Lantau Link and North Lantau Highway, and the latest updates on traffic conditions and public transport services on radio and television and via the websites and mobile phone applications of both the Department, major public transport service operators (including franchised bus companies and the MTRCL) and AAHK. This will enable the public to plan their journeys early or consider switching their routes or travelling modes. The TD will also make use of the variable message signs installed at Tsing Ma Control Area, Tsing Sha Control Area and other trunk roads, and the radio re-broadcasting system in road tunnels to alert drivers to the latest updates on traffic incidents.

LCQ20: Eligibility for being nominated as a candidate for a functional constituency election of the Legislative Council

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (June 13):

Question:

Under section 37(2)(b) of the Legislative Council Ordinance (Cap. 542), a person is eligible to be nominated as a candidate at a functional constituency (FC) election of the Legislative Council, other than the District Council (DC) (first) FC and the DC (second) FC, provided the person (i) is both registered and eligible to be registered as an elector for the FC, or (ii) satisfies the Returning Officer for the FC that the person has a substantial connection with the FC (substantial connection provision). Currently, it is specified in the eligibility requirements for registration as electors of an FC with individual voting as its electorate base that persons who wish to register as electors must (i) have the specified recognised professional qualifications, or (ii) be members of specified professional bodies who are entitled to vote at the general meetings of such bodies. In this connection, will the Government inform this Council:

(1) of the circumstances, other than those provided in section 3 (Interpretation)(2)(b) of Cap. 542 in which a person is considered to have a substantial connection with an FC, based on which the Returning Officer for the FC will be satisfied that a person has a substantial connection with the FC concerned;

(2) given that under section 37(2)(b)(ii) of Cap. 542, any person, in respect of an FC with individual voting as its electorate base, can be a candidate at the FC election as long as the person has a substantial connection with the FC, even if that person is ineligible for registration as an elector of the FC, of the reasons why the eligibility requirements prescribed by the authorities for candidates at the elections of this type of FCs are even less stringent than those for the electors for such elections;

(3) why it is currently the case that the eligibility requirements for candidates at the elections for the DC (first) FC and the DC (second) FC do not include the substantial connection provision but the eligibility requirements for candidates at other FC elections do, and whether the authorities have examined if such a situation reflects the adoption of double

standards; and

(4) whether the authorities will amend the legislation to (i) raise the eligibility requirements for candidates at elections for FCs with individual voting as its electorate base, so as to align such requirements with those for registration as electors of the FCs concerned, and (ii) remove the substantial connection provision in relation to the eligibility requirements for election candidates; if so, of the legislative timetable; if not, the reasons for that?

Reply:

President,

My reply to Hon Tony Tse's question is as follows:

(1) and (2) The eligibility criteria for a person being nominated as a candidate at an election for a Legislative Council (LegCo) functional constituency (FC) has been clearly set out in section 37(2) of the Legislative Council Ordinance (Cap. 542) (LCO). The provision stipulates that a person intending to stand in the election should be registered and eligible to be registered as an elector for the FC concerned (with the exception of District Council (DC) (second) FC), or satisfies the Returning Officer (RO) for the FC concerned that the he/she has substantial connection with that FC (with the exceptions of DC (first) and DC (second) FC). Besides, the provision also stipulates that in order for a person to become a candidate at an election for a FC, he/she, in addition to being a registered geographical constituency elector, must satisfy the restrictions on age, nationality and year of residence in Hong Kong for candidates as laid down in the provision.

Section 3(2)(b) of the LCO has elaborated on the circumstances in which a person has a "substantial connection" with a FC, including but not limited to being a member, partner, officer or employee of a corporate elector of the FC, or a corporate member of such a corporate elector; or belonging to a class of persons specified as being electors of the FC.

As for whether a person running in the election has a substantial connection with the FC concerned, it would depend on the actual circumstances of each case. In accordance with section 42A of the LCO and section 16 of the Electoral Affairs Commission (Electoral Procedure) (LegCo) Regulation (Cap. 541D), whether a candidate's nomination is valid or not is determined by the RO according to the legal requirements and relevant procedures. Depending on the actual circumstances of each case, the RO may seek advice from the Nomination Advisory Committee and may, where necessary, require the candidate to furnish additional information that he/she considers appropriate, so as to satisfy himself/herself as to the eligibility of the candidate or the validity of the nomination. The RO shall, in accordance with the law and having considered the relevant information, decide whether or not a person is validly nominated as a candidate.

(3) In respect of the DC (first) and DC (second) FCs, in accordance with the existing legislation, only elected district councillors can be nominated as a

candidate in the election for the FCs. If the provision on "substantial connection" is applicable to the election for these FCs, there is a possibility that over three million registered electors would be eligible to be nominated as a candidate, which appears to be in contradiction to the legislative intent of the Government.

(4) The existing requirement on the eligibility to be nominated as a candidate has been effective. We have no plan for any change.

LCQ5: Prevention of incidents of cruelty to animals

Following is a question by the Dr Hon Priscilla Leung and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 13):

Question:

Last year, this Council passed a motion on "Safeguarding animal rights", urging the Government to adopt 26 measures to safeguard animal rights. Moreover, since April this year, dedicated investigation teams have been set up, in the 22 Police districts across the territory which have criminal investigation teams, to handle animal cruelty cases. However, a number of appalling incidents of cruelty to animals still happened in recent months. In this connection, will the Government inform this Council:

(1) as the Secretary for Food and Health indicated last month that the law would be amended to introduce a concept of positive duty of care of animals on animal keepers, of the details of the proposal and the legislative timetable; whether it will comprehensively review the penalties under the Prevention of Cruelty to Animals Ordinance in order to enhance the deterrent effect;

(2) whether the dedicated investigation teams under the Police have strengthened the exchange with each other of the experience in investigating cases of cruelty to animals, and established a close communication and cooperation mechanism with the Agriculture, Fisheries and Conservation Department, the Society for the Prevention of Cruelty to Animals (Hong Kong) and concern groups on animal interests; if so, of the details; if not, the reasons for that; and

(3) whether it will consider allocating additional resources to implement an animal caring community ambassador programme to raise public awareness of caring for animals and offer all-round support for animal keepers, so as to reduce the occurrence of incidents of cruelty to animals?

Reply:

President,

The Government attaches great importance to protecting animal welfare and implements a series of measures in this regard. Apart from prohibiting and punishing acts of animal cruelty, efforts in public education are being increasingly stepped up.

Having consulted the Security Bureau, my reply to various parts of the question raised by Dr Hon Priscilla Leung is as follows:

(1) We are reviewing the existing legislation relating to animal welfare, including exploring the introduction of a concept of positive duty of care on animal keepers, i.e. requiring animal keepers to take all necessary measures to protect the welfare of their animals, such as providing proper care and sufficient space for their animals and preventing them from disease, injury or suffering, etc by taking necessary measures. Having regard to overseas experience and opinions of animal welfare organisations (AWOs) and other stakeholders, the Agriculture, Fisheries and Conservation Department (AFCD) will exchange views with the stakeholders in relation to the preliminary proposals in the second half of this year, with a view to consulting the public in 2019. Although the maximum penalty under the existing Prevention of Cruelty to Animals Ordinance (Cap. 169) is higher than that of other developed places, we will also take this opportunity to re-examine the penalty level under the Ordinance.

(2) In 2011, the Police, together with AFCD, the Society for the Prevention of Cruelty to Animals (SPCA), veterinary associations and concern groups, introduced the Animal Watch Scheme (Scheme) to combat and handle animal cruelty cases more effectively through a four-pronged approach, covering education and training, publicity, intelligence gathering and investigation. The Scheme reinforces collaboration among various stakeholders and strengthens Police's efforts in the investigation of animal cruelty cases. The College of Veterinary Medicine and Life Sciences of the City University of Hong Kong joined the Scheme in 2017.

On training, officers from AFCD and SPCA enlighten the multi-agency approach for the investigation of animal cruelty cases to police officers participating in foundation training and criminal investigation courses. AFCD also provides animal welfare training for officers of the dedicated investigation teams set up by the Police in 22 police districts across the territory to strengthen their efforts in combating animal cruelty cases. The investigation teams of various districts also share their experience on a common platform.

On intelligence gathering, the Scheme encourages SPCA, veterinarians, animal concern groups and members of the public to report any persons or activities suspected to be involved in animal cruelty. Individual police districts maintain close communication with the animal concern groups in

their respective districts, with a view to stepping up intelligence gathering efforts and following up on cases. On investigation, the Police, AFCD and SPCA have established a cooperation mechanism, whereby officers from AFCD and SPCA will provide professional advice and assist in the investigation at the scene of suspected animal cruelty cases where necessary.

(3) As for the Member's proposal to allocate additional resources to raise public awareness of caring for animals, such as by implementing an animal caring community ambassador programme, we agree with the importance of enhancing the work in this regard. On publicity and education, a dedicated team was set up by AFCD in 2011 to disseminate messages of caring for animals and responsible pet ownership through various activities, including dog adoption carnivals, pet adoption days, dog training programmes, and school and estate seminars, etc. Each year AFCD invites artists to promote the animal adoption carnivals and pet adoption days. Announcements in the public interest are also produced and broadcast on buses and online platforms to raise the public awareness of caring for animals. AFCD also invited famous artists as the ambassadors of the pet adoption day held last weekend. The event had successfully attracted around 16,000 participants and contributed positively in encouraging the public to consider animal adoption.

Furthermore, the Police promote the Scheme to members of the public through various channels to convey the message of prevention of animal cruelty, and enlist community support to enhance public awareness in this respect. At the same time, AFCD has been working closely with, and providing financial support to, AWOs for carrying out work in this regard.

Support from society at large is essential to enhancing animal welfare. We will continue the work on this front with relevant departments, and look forward to receiving Members' support for our work on reviewing the legislation relating to animal welfare.