

# CAD's response to Ombudsman's direct investigation report

Regarding a report released by the Ombudsman today (May 26) on its direct investigation into "Civil Aviation Department's regulation of paragliding activities", the Civil Aviation Department (CAD)'s response is as follows:

The CAD would like to express its gratitude for the work of the Ombudsman in the direct investigation. Eight recommendations have been made in the investigation report. Regarding four of them (i.e. recommendations 5 to 8 in the report), including the provision of detailed case analysis to the Hong Kong Police Force on complaints related to paragliding activities, and enhancement on inspections, law enforcement and publicity, the CAD expresses its appreciation and has already implemented or plans to implement the measures. The CAD will continue to work closely with the relevant government departments, including the Hong Kong Police Force, the Agriculture, Fisheries and Conservation Department and the Leisure and Cultural Services Department, to step up patrols and law enforcement. The CAD will also continue to maintain close liaison with local paragliding organisations to enhance the safety awareness on paragliding and safeguard aviation safety through education and publicity.

The current civil aviation legislation aims at regulating civil aircraft, rather than paragliding activities. Therefore, for the other four recommendations involving policy and legislative amendments (i.e. recommendations 1 to 4 in the report), which include exploring the feasibility of enacting new legislation or implementing administrative measures to implement real-name registration for paraglider pilots, requiring paraglider pilots to register their paragliding equipment and authorising or engaging suitable paragliding organisations to systemically administer and develop paragliding activities, as well as for accident and incident investigation, the CAD will review with its policy bureau as well as other bureaux concerned on relevant issues and the feasibility of the recommendations. The discussion will include how to facilitate more effective management of paragliding activities through relevant government departments and paragliding organisations, so as to promote the development of paragliding activities on the one hand and to ensure public safety on the other.

Paragliding is not a widely practised sport in Hong Kong and entails a certain level of safety risk that may affect other local airspace users. Improper operation of paragliders may cause casualties. In view of this, to ensure the safety of airspace users and reduce the potential risks caused by paragliding activities to airspace users and members of the public, since the 1990s the CAD has listed out site boundaries, operating altitudes and relevant guidance for paragliding activities in the Hong Kong Aeronautical Information Publication.

In view of the growing popularity of paragliding activities in Hong Kong in recent years and its potential impact on aviation safety, in 2018 the CAD took the initiative to review the regulatory regime of paragliding activities. After consulting local stakeholders and taking reference from experiences of other places where paragliding activities are popular, the CAD published the Safety Guidance on Paragliding Activities to further enhance the safety of paragliding activities in Hong Kong. The Guidance also reminds members of the public that any offer of air service performed by paragliders for hire or reward requires a permit granted by the Director-General of Civil Aviation.

There are currently two paragliding organisations in Hong Kong, namely the Hong Kong Paragliding Association and the Hong Kong Paragliding Federation, with the former being a national sports association under the Sports Federation and Olympic Committee of Hong Kong, China. The CAD has been maintaining close liaison with the two organisations, including inviting them to join meetings of the Flight Safety Committee, which is composed of local airspace users. These meetings, arranged and hosted by the CAD, serve to co-ordinate aviation safety measures on the use of Hong Kong airspace, including regular reviews on the site boundaries and operational arrangements for paragliding activities.

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## **Missing woman in Tai Po located**

A woman who went missing in Tai Po has been located.

Cheng Ngan-lai, aged 50, went missing after she was last seen on Sha Lan Road on May 24 morning. Her family made a report to Police on the next day.

The woman was located on Sha Lan Road in the small hours today (May 26). She sustained no injuries and no suspicious circumstances were detected.

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## **Office of The Ombudsman announces results of direct investigation into**

# Civil Aviation Department's regulation of paragliding activities (with photo)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (May 26) announced at a press conference the completion of a direct investigation into the regulation of paragliding activities by the Civil Aviation Department (CAD), and made eight recommendations for improvement to the CAD.

Paragliding activities first appeared in Hong Kong in the 1990s and have become more popular in recent years. Nevertheless, related accidents have happened from time to time. Over the past four years, there have been two fatal accidents involving paraglider pilots in Hong Kong and one serious incident in which a paraglider collided with a vehicle when it mistakenly landed on a carriageway. The safety risk involved in paragliding activities is just too obvious to ignore. At present, while there is no specific legislation for regulating paragliding activities in Hong Kong, the CAD regulates paragliding activities under those provisions of the civil aviation laws that also cover paragliding.

Investigation by the Office of The Ombudsman revealed that the CAD only conducted a review on the regulation of local paragliding activities as late as 2018, before which the department had not proactively reviewed and modified its regulatory work. The CAD's enforcement and monitoring have not been adequate either, even after the establishment of a permit application mechanism for local paragliding air service providers in 2019. In addition, the effectiveness of regulatory efforts has also been dampened by the CAD's reliance on a non-governmental organisation for the management of paragliding activities and accident/incident investigation.

Ms Chiu said, "The CAD, as the department responsible for promoting and managing aviation safety, and for enforcing the legislation relevant to paragliding activities, has the duty to ensure that the paragliding activities would not jeopardise public or airspace safety. The Office recommends that the CAD take reference from overseas experience and discuss with local paragliding associations and stakeholders with a view to introducing a new system for managing paragliding activities. It should also participate in investigations and enforcement proactively in order to boost the effectiveness of regulation. Furthermore, for the sake of safety, we encourage members of the public interested in paragliding activities to choose services offered by eligible persons approved by the CAD."

The Office has made eight recommendations for improvement to the CAD, which include:

- explore legislative or administrative measures, as suited for the local

paragliding sector, to introduce a real-name registration scheme for paraglider pilots, a registration system for paragliding equipment, and an authorisation regime for local paragliding organisations;

- consider authorising or appointing officially the organisation(s) that the department deems appropriate to conduct investigations into paragliding accidents and incidents, and furnish the organisation(s) with specific guidelines such that the organisation(s) can uncover substantive information for the government authority to decide the necessary investigation and enforcement action;
- before referring complaint cases about allegedly illegal paragliding activities or services to the Hong Kong Police Force, the CAD should collate and analyse case information of those cases from the professional perspective of civil aviation safety for the Police's reference;
- strengthen enforcement efforts under the permit system for providing air services by paragliders and step up publicity about the system; and
- consider granting renewed permits with a validity period longer than six months.

The CAD has in general accepted all of the improvement recommendations.

The full investigation report has been uploaded to the website of the Office of The Ombudsman at [www.ombudsman.hk](http://www.ombudsman.hk) for public information.



# Office of The Ombudsman announces results of direct investigation into effectiveness of rodent prevention and control by Food and Environmental Hygiene Department (with photo)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, today (May 26) announced at a press conference the completion of a direct investigation into the effectiveness of rodent prevention and control by the Food and Environmental Hygiene Department (FEHD), identifying three areas for improvement in the FEHD's work on rodent surveillance, rodent prevention and disinfestation, and application of rodent-related complaint data.

Investigation by the Office of The Ombudsman revealed that in the existing rodent infestation surveys (RISs) undertaken by the FEHD, the percentage of census baits gnawed by rodents in designated survey locations is aggregated to assess the extensiveness of rodent infestation within each survey location. Due to the limitations in the methodology of the RISs, their results (known as the rodent infestation rate (RIR)) could only show the percentage of rodent activity range within each survey location but not the actual number of rodents or the frequency of their appearances. In addition, the RISs are merely conducted every six months. Hence, the RIR generated from the surveys may not truly reflect the current extent of rodent infestation. The Office took the view that the FEHD should consider conducting RISs more frequently each year and explore the feasibility of formulating a "composite RIR" by incorporating factors that may help assess the extent of rodent infestation in the calculation.

On rodent prevention and disinfestation, the FEHD has intensified its cleaning and enforcement action in two potential hotspots of rodent activities, namely public markets and rear lanes. However, inspections by the Office still found different levels of hygiene problems in individual markets and rear lanes. Therefore, the FEHD should further strengthen the education and monitoring on market stall tenants and operators of shops adjoining rear lanes, while considering the adoption of a risk-based approach to work out systematically a list of markets requiring more focused action on cleanliness and anti-rodent control.

Information shows that the FEHD lacked analysis in rodent-related complaint data, causing its inability to fully grasp the trend of complaints and issues of public concern. Since October 2021, the FEHD has added the function of hotspot analysis to its Complaint Management Information System for more effective deployment of manpower and resources in rodent control.

The Office will follow up with the FEHD to ensure the upgraded system's fulfilment of the expected administrative effectiveness.

The Ombudsman has made 11 recommendations to the FEHD for improvement. Details can be found in paragraph 6.25 of Chapter 6 of the investigation report.

The full investigation report has been uploaded to the website of the Office of The Ombudsman at [www.ombudsman.hk](http://www.ombudsman.hk) for public viewing.



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## [Government finishes exercise on “restriction-testing declaration” in respect of specified “restricted area” in Hing Wan House, Sui Wo Court, Sha Tin and enforcement operation for breaches of compulsory testing notice](#)

â€‹The Government yesterday (May 25) exercised the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to make a "restriction-testing declaration" effective from 5.30pm yesterday, under which people (hereafter referred to as "persons subject to compulsory testing") within the specified "restricted area" in Sha Tin (i.e. Hing Wan House, Sui Wo Court, Sha Tin) were required to stay in their premises and undergo compulsory testing. Persons subject to compulsory testing were required to stay in their premises until all such persons identified in the "restricted area" had undergone testing and the test results were mostly ascertained.

Moreover, the Government issued a compulsory testing notice yesterday, requiring persons who had been present at the above building for more than

two hours from May 19 to May 25, 2022, even if they were not present in the "restricted area" at the time when the declaration took effect, to undergo compulsory testing on or before May 27, 2022.

The Government announced the completion of the compulsory testing exercise at around 8am today (May 26) and carried out enforcement action in the "restricted area" afterwards to verify that all people in the "restricted area" had undergone compulsory testing in accordance with the requirements of the relevant declaration and compulsory testing notice. The Government announced that the enforcement operation ended at around 10.30am today.

The Government provided food packs for persons subject to compulsory testing to facilitate their meal arrangements. Anti-epidemic proprietary Chinese medicines donated by the Central People's Government or procured with the co-ordination of the Central People's Government and rapid test kits were also distributed to persons subject to compulsory testing to help them fight against the virus.

The Government thanks persons subject to compulsory testing for their support and understanding. With everyone's co-operation and efforts, coupled with the efforts of the testing contractors throughout the night, residents have been informed about their testing results by SMS notification. After finishing the compulsory testing exercise at around 8am today, the Government took enforcement action in the "restricted area" immediately to verify that all people in the "restricted area" had undergone testing according to the requirements of the declaration and the compulsory testing notice. Persons who could present an SMS notification containing a negative testing result as proof of having undergone the compulsory testing could leave the "restricted area" through the designated exit after providing personal information to a prescribed officer. The enforcement operation was completed at around 10.30am. Test records of 376 persons subject to compulsory testing were checked. 27 persons were found not having undergone compulsory testing and compulsory testing orders were issued to them. Taking into account the above situation, the Secretary for Food and Health revoked the "restriction-testing declaration" in accordance with Cap. 599J (see attachment).

The Government reminds the 43 households who have not answered the door to undergo a nucleic acid test as soon as possible after reading the notices put up by the Government, in the hope of eliminating the possible risk of further spread of the virus in the community.

The Government thanks all participating government staff and the testing agencies for their hard work. The Government is also grateful to those subject to compulsory testing for their support and understanding, and their full co-operation during this period in undergoing testing and waiting for the results at home.

The Government will seriously follow up on the compliance situation of the compulsory testing notices and the "restriction-testing declaration" by persons subject to compulsory testing. Any person who fails to comply with the compulsory testing notices commits an offence and may be fined a fixed

penalty of \$10,000. The person will also be issued with a compulsory testing order requiring him or her to undergo testing within a specified time frame. Failure to comply with the compulsory testing order or the "restriction-testing declaration" is an offence and the offender may be liable to a fine at level 5 (\$50,000) and imprisonment for six months.