

LCQ21: Public healthcare services in Wong Tai Sin district

Following is a question by the Hon Yang Wing-kit and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (June 19):

Question:

It is learnt that there is currently a lack of public accident and emergency (A&E) services in the Wong Tai Sin (WTS) district, while the three public hospitals in the district only provide limited specialist outpatient services, and only two general outpatient clinics (GOPC) offer evening consultation services, resulting in many residents in the district having to seek medical consultation in other districts with occasional delays in treatment. Regarding the public healthcare services in WTS district, will the Government inform this Council:

(1) of the following information (broken down by hospital) relating to the use of public healthcare services by the residents in WTS district in each of the past three years: (i) the respective attendances at A&E departments, GOPC and specialist outpatient clinics; (ii) in-patient attendances for treatment; and (iii) the average time taken from patients' boarding the ambulance in the district to their arrival at A&E departments;

(2) whether it will study the establishment of a new acute hospital in WTS district, including the establishment of an acute hospital in the context of the expansion of the Tung Wah Group of Hospitals Wong Tai Sin Hospital on the vacant land made available after the relocation of Diamond Hill Fresh Water and Salt Water Service Reservoirs, in order to meet the healthcare needs of the residents in the district; if so, of the details; if not, the reasons for that; and

(3) whether it will consider extending the service hours of outpatient services of Our Lady of Maryknoll Hospital Family Medicine Clinic to round the clock; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Security Bureau and the Hospital Authority (HA), the consolidated reply to the question raised by the Hon Yang Wing-kit is as follows:

(1) At present, there are 43 public hospitals and healthcare institutions (18 of them with Accident & Emergency (A&E) departments), 49 Specialist Out-patient Clinics (SOPCs) and 74 General Out-patient Clinics (GOPCs) under the

HA. Public hospitals are mainly responsible for providing comprehensive secondary and tertiary healthcare services for citizens, including services provided by A&E departments for the critically ill or seriously injured people and victims of disasters and specialist consultation services provided by SOPCs for patients referred from GOPCs, private or family doctors. As part of primary healthcare services, the GOPCs are mainly positioned to serve with priority low-income individuals and socially disadvantaged groups, and patients with chronic diseases in stable medical condition as well as those with episodic illnesses with relatively mild symptoms.

All the hospitals and clinics of the HA are grouped under seven hospital clusters according to the regions in which they are located respectively, the demarcation of which is different from that of the 18 District Councils. The implementation of hospital clusters aims to enable patients to receive continual care within the same geographical setting and throughout their treatment process, from onset through convalescence, rehabilitation, and community after-care. To meet this end and ensure the cost-effective utilisation of resources within and between clusters, every hospital cluster needs to maintain a certain scale. The hospitals and clinics within clusters are to also operate in a streamlined and complementary way to provide comprehensive and co-ordinated services for the local community.

At present, Wong Tai Sin, Kowloon City and Yau Tsim Mong Districts are within the main catchment area of the Kowloon Central Cluster (KCC). There are nine hospitals and healthcare institutions in the KCC, including Queen Elizabeth Hospital (QEH), Kwong Wah Hospital (KWH), Tung Wah Group of Hospitals Wong Tai Sin Hospital (WTSH) and Our Lady of Maryknoll Hospital (OLMH). The service statistics of HA patients living in Wong Tai Sin, Kowloon City and Yau Tsim Mong Districts according to hospital clusters for 2021-22, 2022-23 and 2023-24 are set out in Annex 1. A&E services for Wong Tai Sin District are mainly provided by three hospitals (Note 1) including KWH and QEH, as well as United Christian Hospital (UCH) in the Kowloon East Cluster.

According to the information provided by the Fire Services Department in relation to the ambulance services in Wong Tai Sin District, the average time taken from patients boarding the ambulance in the district to their arrival at the A&E department of the hospitals in 2021, 2022 and 2023 were about 23 minutes, 22 minutes, and 23 minutes respectively.

(2) The HA plans and develops various public healthcare services on a cluster basis, taking into account a number of factors, including the increase in service demand as a result of population growth and demographic changes, rising prevalence of chronic diseases, technology advancement, manpower availability as well as service arrangement of the clusters. The HA will monitor the utilisation of various healthcare services and plans the public healthcare services based on population projection parameters of the districts and the Government's development plans. For planning of A&E services, the HA will also ensure that the A&E department is located within a reasonable distance from its catchment areas.

In further planning the Second Hospital Development Plan (HDP), the

Health Bureau (HNB) and the HA will continue to review the development direction of the KCC where Wong Tai Sin District is situated. The Government's latest population statistics and projected service demand as well as the cluster's healthcare service utilisation and demand, including the situation after the commencement of operation of the new acute hospital (NAH) at the Kai Tak Development Area and redevelopment of KWH, will be considered during the process with a view to providing an optimal healthcare service model and facilities for meeting the long-term needs of the residents. The HA will also keep in view the on-going First HDP and the Second HDP under planning in relation to the KCC, and continue to deliberate and fully consider various feasible development options according to the projected service demand, including the need and feasibility of identifying a suitable site for the construction of a new acute hospital, and follow up with relevant government departments and organisations on the discussion and project development. The Health Bureau and the HA will report to the Legislative Council in a timely manner regarding the latest progress of the Second HDP.

(3) Two of the GOPCs in Wong Tai Sin District, including OLMH Family Medicine Clinic (FMC) and Robert Black GOPC, provide evening clinic service. In view of the medical needs of the local residents, OLMH FMC has extended the consultation hours during public holidays since April 2015, from morning only to full-day consultation service provision covering morning and afternoon. In addition, the relevant clinic has been providing additional evening clinic sessions (Note 2) since the second quarter of 2017 to further enhance the services. From 2017-18 to 2023-24, the evening clinics of the HA's GOPCs in Wong Tai Sin District have recorded total attendances of nearly 350 000 in meeting the district's demand for evening clinic service. The utilisation of evening clinic service in the GOPCs of Wong Tai Sin District over the past three years is set out in Annex 2.

The HA fully understands and attaches great importance to the service demand of the residents of Wong Tai Sin District for evening clinics. Before the commencement of operation of the NAH in the Kai Tak Development Area, the HA will continue to closely monitor the service demand of the district, flexibly deploy manpower and other resources, and increase the service capacity of the GOPCs as necessary, in order to provide appropriate primary healthcare service to the local residents.

Note 1: Since some of the areas in Wong Tai Sin district are closer to UCH with shorter arrival time, to enable patients with serious conditions or injuries and victims of disasters to receive treatment as soon as possible, some of the patients may be transferred to UCH.

Note 2: The service hours of evening clinics of the HA's GOPCs are from 6pm to 10pm on Monday to Friday (public holidays excluded).

LCQ17: Encouraging blood donation by members of public

Following is a question by Reverend Canon the Hon Peter Douglas Koon and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (June 19):

Question:

In August last year, the Secretary for Health said that the Hong Kong Red Cross Blood Transfusion Service would need to collect 650 units of blood daily in order to provide sufficient blood to all hospitals across the territory for patients' use. On encouraging blood donation by members of the public, will the Government inform this Council:

(1) whether it will follow the practices of other countries where governments offer funds to collaborate with organisations for the provision of non-cash and material rewards to blood donors, including giving away daily necessities, supermarket coupons, etc., in order to increase the incentives for members of the public to donate blood; if so, of the details; if not, the reasons for that;

(2) whether it will, by making reference to the practices of some countries (e.g. Australia and Italy), introduce a "blood donation holiday" to allow employees to spare time to donate blood during working hours while enjoying the protection of full pay and other labour rights and interests in order to reduce the opportunity cost of blood donation on the part of employees and increase their incentives to donate blood; if so, of the details; if not, the reasons for that;

(3) whether it will consider the use of mobile phone SMS messages or WhatsApp alerts to invite regular and deferred blood donors to donate blood again; if so, of the details; if not, the reasons for that;

(4) whether it will consider adjusting or extending the operating hours of donor centres to allow sufficient time for members of the public and employees to donate blood after work; if so, of the details; if not, the reasons for that; and

(5) as there are only 10 donor centres operating at fixed hours and fixed locations currently, whether it knows if the Hong Kong Red Cross will consider setting up a new donor centre in each of the 18 districts across the territory; if so, of the details; if not, the reasons for that?

Reply:

President,

The Hong Kong Red Cross Blood Transfusion Service (BTS) began to promote voluntary blood donation in Hong Kong since 1952. Under the management of

the Hospital Authority (HA) since 1991, the BTS provides blood to all hospitals in Hong Kong for use by patients, and continues to be the only institution supplying blood in Hong Kong.

There is no substitute for blood, and the shelf life of blood is limited. Therefore, it is of particular importance for citizens to donate blood voluntarily and benevolently on a regular basis, so that a timely supply of blood of assured safety and quality can be secured for patients in need of rescue. The Government will continue to lend its full support to the work of the BTS and call on members of the public, enterprises and organisations to actively participate in blood donation drives, thereby giving the hospitals a stable and safe blood supply for clinical transfusion and treatment purposes.

In consultation with the HA, the consolidated reply to the question raised by Reverend Canon the Hon Peter Douglas Koon is as follows:

(1) While blood donation is a voluntary and non-remunerated act for the public good, in order to encourage and express gratitude to members of the public for blood donation, the BTS has introduced a range of medals and certificates to commend supportive donors who have participated in blood donation drives. During special festivities and holidays, such as the Chinese New Year, Valentine's Day, Easter, summer holidays and Christmas, the BTS also presents souvenirs to those who donate blood to save lives during these festive occasions as a token of appreciation and to encourage the public to actively participate in blood donation. In recent years, the BTS has designed a variety of practical souvenirs based on the mascot "Captain Blood", which have been well received by the public. Moreover, the BTS will launch a blood donation reward scheme, whereby blood donors can earn points by donating blood and redeem them for different rewards through its mobile application "HK Blood". At the same time, the BTS also plans to collaborate with various enterprises and organisations through the reward platform, so as to join hands with different sectors of the community to promote blood donation.

(2) Blood donation is a voluntary act for the public good. The BTS actively encourages private enterprises to arrange for their employees to participate in blood donation drives during working hours when mobile blood donation teams or blood donation vehicles visit; or to organise group blood donation drives by visiting the donor centres, as a kind of staff team building activity for small and medium-sized enterprises as well as large enterprises. At present, quite a number of supportive enterprises have taken the initiative to introduce half-day paid leave for blood donation; or recognise blood donation as a form of voluntary work of participating in social welfare activities, so that their employees can apply for the corresponding volunteer leave. The BTS will continue to take forward the relevant publicity work.

As for the public sector, various government departments also organise blood donation drives on a regular basis, including the one held just last week at the Central Government Offices, which offer convenience for government personnel to donate blood during normal office hours to help patients in need of blood transfusions.

(3) In order to enhance the communication between the BTS and blood donors, and to express gratitude to blood donors for their selfless contributions, the BTS has rolled out the "BloodTHX" Short Message Service (SMS) in October 2023 to send thank-you messages to blood donors. When the donated whole blood has been processed, tested and distributed to various hospitals, blood donors will receive messages of appreciation from the "BloodTHX" SMS account of the BTS and will also be notified that the donated blood has reached hospitals for use by patients, thus enabling blood donors to better appreciate the significance of the message of "giving blood to save lives". At present, the "BloodTHX" SMS has been gradually extended to cover donors of apheresis donation. Besides, the BTS has also made extensive use of SMS and mobile application to disseminate messages to invite donors who are suitable or eligible to come forward to donate blood again, so as to stabilise the supply at the blood bank. In addition, the BTS has continued to develop more communication channels to strengthen ties with blood donors and the general public. This includes the setting up of "Blood for Life" WhatsApp channel in December 2023 to provide the latest blood donation information and to maintain communication with people from all walks of life, in particular the younger generation.

(4) and (5) The majority of blood donor centres under the BTS are open until 7pm every day to facilitate blood donation by the public. Meanwhile, the BTS has set up mobile blood donation teams and mobile blood donation vehicles to visit the 18 districts in the city to facilitate government departments, enterprises, organisations and the academia to arrange different types of blood donation drives. In addition, the BTS actively works in concerted efforts with the Government. With the support of the Health Bureau and the Government Property Agency, the BTS has established a blood donation centre at the Immigration Tower in Wan Chai in 2021 and a new blood donation centre will be set up in the newly constructed joint-user complex in Tseung Kwan O. The BTS also sets up temporary blood donation points in various districts from time to time to encourage the general public to join the league of blood donors and to promote the message of "giving blood to save lives" on all fronts in the community.

[LCQ7: Regulation of guesthouse licences](#)

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Home and Youth Affairs, Miss Alice Mak, in the Legislative Council today (June 19):

Question:

There are views pointing out that at present, there are many unlicensed

or shadow guesthouses (i.e. unlicensed guesthouses operated by guesthouse licensees at other premises) operating in old commercial/residential buildings across the territory, which pose safety risks to residents and tourists. The existence of unlicensed guesthouses also affects the reputation of the guesthouse industry and tourism industry of Hong Kong. In this connection, will the Government inform this Council:

(1) given that the Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 explicitly empowers the Hotel and Guesthouse Accommodation Authority to take into account in the licensing process the relevant restrictive provisions in land documents, of the number of cases of renewal of guesthouse licences being refused due to violation of the Deeds of Mutual Covenant after the Ordinance came into effect and, among them, the number of cases in which the applicants have lodged appeals and the decision to refuse licence renewal has been suspended;

(2) of the number of complaints about suspected operation of unlicensed guesthouses received by the Office of the Licensing Authority (OLA) under the Home Affairs Department and, among them, the respective numbers of cases completed, successfully prosecuted and convicted in each of the past three years;

(3) of the following information on the law enforcement actions taken by OLA in respect of suspected operation of unlicensed guesthouses in each of the past three years: (i) the number of inspections, (ii) the districts inspected, (iii) the number of cases where prosecutions were instituted, (iv) cases still under investigation, and (v) the number of convicted cases and the respective amounts of fines or terms of imprisonment;

(4) as some members of the guesthouse industry have pointed out that unlicensed guesthouses often accept room reservations through online hotel booking platforms, how OLA will step up law enforcement efforts; in addition to carrying out decoy operations to gather evidence, whether the Government has conducted joint-departmental enforcement operations or adopted other investigation approaches to combat unlicensed guesthouses soliciting tourists on online platforms; if so, of the details; if not, the reasons for that; what measures the Government has put in place to remind tourists to avoid mistakenly choosing to stay in unlicensed hotels;

(5) whether it has, when processing applications for grant or renewal of guesthouse licence, considered checking the capacity and fire service equipment of the common area of the buildings concerned, including whether the buildings have complied with the Mandatory Building Inspection Scheme notices or Fire Safety Directions, etc.; and

(6) whether it has considered reviewing the existing guesthouse licensing regime and legislation to stipulate the number of guesthouse rooms allowed in a commercial/residential building; if so, of the details; if not, the reasons for that?

Reply:

President,

Operation of guesthouses in Hong Kong is regulated by the Hotel and Guesthouse Accommodation Ordinance (Cap. 349) (the Ordinance). The Ordinance aims to ensure that premises intended to be used as guesthouses are suitable for such a purpose, including compliance with statutory standards in respect of building and fire safety. The Office of the Licensing Authority (OLA) under the Home Affairs Department (HAD) is responsible for administering the Ordinance, including issuing licences and performing enforcement duties.

Our reply to the question raised by the Hon Cheng is as follows:

(1) The Hotel and Guesthouse Accommodation (Amendment) Ordinance 2020 (the Amendment Ordinance) took effect on December 1, 2020, with a transitional period of 12 months. After the end of the transitional period (i.e. after November 30, 2021), all licence renewal applications must comply with the enhanced statutory requirements under the Ordinance.

As of end-April 2024, there are 1 410 premises licensed with Guesthouse (General) Licences. Since the implementation of the Amendment Ordinance, 60 renewal applications for Guesthouse (General) Licence were rejected due to restrictive provision in the deed of mutual covenant (DMC) or land lease (if there is no DMC). Amongst those, 15 licensees lodged appeals to the Appeal Board (Hotel and Guesthouse Accommodation). Appeal procedures were completed for five cases and the Appeal Board (Hotel and Guesthouse Accommodation) decided to uphold the decisions of refusal to renew licences for all five cases; one licensee finally decided to withdraw the appeal; and the remaining nine appeal cases are currently being processed. Pursuant to section 17A of the Ordinance, the decisions to reject the licence renewal applications for the nine concerned cases are currently being suspended, until the processing of the appeals have been completed.

(2) and (3) The number of complaints related to suspected unlicensed hotels or guesthouses received by the OLA and the enforcement statistics# in the last three years (from 2021 to end-April 2024) are provided below:

	2021	2022	2023	2024 (as of end-April)	Total
Number of Complaints	668	242	1 084	480	2 474
Number of Inspections	7 498	4 297	5 588	3 048	20 431
Number of Prosecutions*	9	42	120	68	239
Number of Convictions*	9	25	91	42	167

The case record system of the OLA does not maintain the breakdown on the number of complaints of which the investigation is completed / is ongoing.
 * The number of prosecutions and convictions for operating unlicensed hotels or guesthouses usually relate to incidents happened before that particular year. In the last three years, the amount of fines imposed on offenders who operated unlicensed hotels or guesthouses ranged from \$1,500 to \$30,000.

The statistics of inspections to suspected unlicensed hotels or guesthouses carried out by the OLA in each of the 18 districts in the last three years are provided below:

District	2021	2022	2023	2024 (as of end-April)	Total
Islands	510	384	637	209	1 740
North	39	32	54	43	168
Sai Kung	197	148	233	77	655
Sha Tin	79	53	39	44	215
Tai Po	35	24	40	17	116
Tsuen Wan	83	35	115	57	290
Tuen Mun	98	33	69	56	256
Yuen Long	207	204	191	90	692
Kwai Tsing	20	13	26	30	89
Central and Western	356	187	337	211	1 091
Wan Chai	722	548	977	702	2 949
Eastern	84	102	175	58	419
Southern	11	16	23	12	62
Kowloon City	143	78	102	53	376
Kwun Tong	40	29	64	25	158
Sham Shui Po	242	121	169	53	585
Wong Tai Sin	20	17	19	9	65
Yau Tsim Mong	4 612	2 273	2 318	1 302	10 505
Total	7 498	4 297	5 588	3 048	20 431

(4) The OLA has spared no effort and adopted a multi-pronged approach to combat unlicensed guesthouses, including enhancing deterrent effect, strengthening law enforcement action, stepping up publicity, etc.

To strengthen law enforcement action, the Amendment Ordinance has introduced new provision that the owners and tenants of the premises (which refer to persons given exclusive possession of the premises concerned under a tenancy and do not include guests patronising the premises) being used as

unlicensed guesthouses will also be held criminally liable. The maximum penalty is a fine of \$500,000 and three years' imprisonment. The court may also issue a six-month closure order to the premises involved in a repeated offence. In addition, the Amendment Ordinance also empowers the OLA to apply to the court for a search warrant to enter into the concerned premises to inspect and search for evidence to combat unlicensed guesthouses.

To strengthen the deterrent effect, the OLA will pass information on conviction records of successful prosecution cases and their relevant details to the Rating and Valuation Department, the Inland Revenue Department, mortgage banks or monetary institutions, owners' corporations of the buildings, etc, so that they can take follow-up actions under their respective purviews. Should an estate agent be convicted, the OLA will also pass the conviction record to the Estate Agents Authority for follow-up actions.

As for law enforcement action, when a suspected unlicensed guesthouse operation is identified or such a report is received, the OLA will inspect the premises concerned within a short period of time. Having regard to the circumstances of individual cases, the OLA will follow up and collect evidence by employing the most appropriate and effective means, such as conducting surprise inspections at different times, launching inter-departmental joint operations with other relevant departments, or adopting "snaking" to collect evidence. In addition, the OLA will also step up its enforcement actions to combat unlicensed guesthouses during festive holidays (e.g Lunar New Year, Labour Day and Christmas holidays).

As regards publicity, the OLA has uploaded a list of licensed guesthouses onto its webpage (www.hadla.gov.hk) and launched a mobile application "Hong Kong Licensed Hotels and Guesthouses" to help tourists search for the latest details, licence numbers and addresses of licensed guesthouses. Tourists and members of the public may also use this mobile application to report suspected unlicensed guesthouses to the OLA. In order to facilitate tourists in identifying whether the guesthouses they are staying in are licensed, the OLA requires all licensed guesthouses to display guesthouse logos at main entrances as well as the door of each of the rooms of the guesthouses. The OLA has also conducted publicity work on internet search engine outside Hong Kong to help tourists access information about licensed guesthouses.

The OLA will review and flexibly adjust its enforcement and publicity strategies and continue to combat and eradicate unlicensed guesthouses vigorously.

(5) and (6) The OLA has been strictly adhering to the Ordinance in processing all applications for guesthouse licences and licence renewal. When considering whether a premises shall be issued with a licence, the OLA will consider the floor area of the building where the premises is located and the overall discharge value of emergency staircases of the building, in order to assess the capacity of guests the premises can accommodate. The concerned premises must also comply with statutory standards in respect of building and

fire safety. During the validity period of the licence, the OLA will conduct spot checks to the premises and require all licensees to submit a valid Certificate of Fire Service Installation and Equipment every year, to ensure that the concerned premises itself complies with the relevant building and fire safety requirements. When applying for licence renewal, the licensees shall ensure the concerned premises comply with the appropriate building and fire safety standards, as well as all licensing conditions. For areas outside the licenced premises (e.g. common areas of the buildings), building and fire safety are regulated by other relevant ordinances and law enforcement departments.

As for whether there is a need to review the licensing regime and requirements for licensed guesthouses, the HAD will fully consider views of the public and stakeholders.

Auctions of traditional vehicle registration marks to be held on July 6 and 7

The Transport Department (TD) today (June 19) announced that two auctions of traditional vehicle registration marks will be held on July 6 (Saturday) and 7 (Sunday) in Meeting Room S421, L4, Old Wing, Hong Kong Convention and Exhibition Centre, Wan Chai.

"A total of 350 vehicle registration marks will be put up for public sale at each auction. The lists of marks have been uploaded to the department's website, www.td.gov.hk/en/public_services/vehicle_registration_mark/index.html," a department spokesman said.

Applicants who have paid a deposit of \$1,000 to reserve a mark for auction should also participate in the bidding (including the first bid at the reserve price of \$1,000). Otherwise, the mark concerned may be sold to another bidder at the reserve price.

People who wish to participate in the bidding at the auction should take note of the following important points:

- (1) Successful bidders are required to produce the following documents for completion of registration and payment procedures immediately after the successful bidding:
 - (i) the identity document of the successful bidder;
 - (ii) the identity document of the purchaser if it is different from the successful bidder;
 - (iii) a copy of the Certificate of Incorporation if the purchaser is a body

corporate; and

(iv) a crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR". (For an auctioned mark paid for by cheque, the first three working days after the date of auction will be required for cheque clearance confirmation before processing of the application for mark assignment can be completed.)

Successful bidders can also pay through the Easy Pay System (EPS). Payment by post-dated cheques, cash or other methods will not be accepted.

(2) Purchasers must make payment of the purchase price through EPS or by crossed cheque and complete the Memorandum of Sale of Registration Mark immediately after the bidding. Subsequent alteration of the particulars in the memorandum will not be permitted.

(3) A vehicle registration mark can only be assigned to a motor vehicle which is registered in the name of the purchaser. The Certificate of Incorporation must be produced immediately by the purchaser if a vehicle registration mark purchased is to be registered under the name of a body corporate.

(4) Special registration marks are non-transferable. Where the ownership of a motor vehicle with a special registration mark is transferred, the allocation of the special registration mark shall be cancelled.

(5) The purchaser shall, within 12 months after the date of auction, apply to the Commissioner for Transport for the registration mark to be assigned to a motor vehicle registered in the name of the purchaser. If the purchaser fails to assign the registration mark within 12 months, allocation of the mark will be cancelled and arranged for re-allocation in accordance with the statutory provision without prior notice to the purchaser.

For other auction details, please refer to the Guidance Notes – Auction of Traditional Vehicle Registration Marks, which can be downloaded from the department's website,

www.td.gov.hk/en/public_services/vehicle_registration_mark/tvrm_auction/index.html.

LCQ4: Regulating trampoline parks

Following is a question by the Hon Edward Leung and a reply by the Secretary for Home and Youth Affairs, Miss Alice Mak, in the Legislative Council today (June 19):

Question:

It has been reported that in recent years, quite a number of trampoline parks, which are high-risk sports premises, have been operating in the market, and incidents of players in related activities sustaining grave

injuries have occurred from time to time. There are views pointing out that the existing regulation imposed by the Government on the premises concerned is ambiguous, and such premises are neither required to apply for any licence for operation nor deploy staff members to be on duty or provide first aid services to injured players. In this connection, will the Government inform this Council:

(1) of the respective numbers of requests for assistance involving injuries caused by playing trampolines in trampoline parks received by the Police and the Hospital Authority in each of the past five years, and the respective numbers of cases in which the injured persons were slightly injured, seriously injured and died;

(2) given that some members of the public have relayed to me that at present various government departments lack coordination and shirk responsibilities over the regulation of trampoline parks, of the current regulatory work carried out by various government departments on the premises concerned, and whether the Government has plans to designate one particular department to act as the primary party held accountable for taking the lead in and coordinating the relevant regulatory work; if so, of the details; if not, the reasons for that; and

(3) given that trampoline parks are not required to apply for any licence for operation, and it has been reported that some operators have even asked players to sign a liability waiver, commonly known as "life and death agreement", whether the Government will establish a licensing regime in respect of such premises?

Reply:

President,

Having consulted the relevant policy bureaux, my reply on behalf of the Government to the question raised by the Hon Edward Leung is as follows:

Since the nature of the sports premises and places of amusement varies, relevant policy bureaux and departments adopt different regulatory approaches corresponding to the nature of each of the sports activities and premises. For example, the Leisure and Cultural Services Department is responsible for the enforcement of Places of Amusement Regulation (Cap. 132, sub. leg. BA) under the Public Health and Municipal Services Ordinance. The purpose of the Regulation is to ensure the public order of the billiard establishments, public bowling-alleys and public skating rinks as well as to protect young people. Meanwhile, if the operation of the premises involves "entertainment" as defined in the Places of Public Entertainment Ordinance (Cap. 172) such as cinematograph, exhibition and concert performance, etc., and if such place is open to the public (whether a fee is charged or not), its operator must apply to the licensing authority for a Places of Public Entertainment licence in accordance with the Ordinance. The Places of Public Entertainment Ordinance aims to ensure public safety and order at places of entertainment where members of the public congregate, covering a number of aspects such as fire

safety, building safety, electrical and mechanical equipment, ventilation, crowd management and hygiene, etc.

The Government's reply to the various parts of the question is as follows:

(1) The service statistics of the Hospital Authority (HA) in relation to the reasons for attendance are mainly based on the symptoms or injuries of the attending patients, and there is no breakdown by causes of injuries of the patients. Therefore, the HA does not maintain statistics on the number of injuries caused by playing trampolines in trampoline parks. Separately, the Hong Kong Police Force does not maintain a breakdown of statistical figures mentioned in the question.

(2) and (3) As stated at the beginning of the reply, the nature of the sports premises and places of amusement varies. Insofar as trampoline is concerned, if the trampoline is used for gymnastic purposes, its operation should be conducted in accordance with the established guidelines of the relevant sports associations. The users should also have received professional training or be guided by recognised coaches. Meanwhile, organisers or operators of trampolining can also make reference to the installation and user guidelines issued by the manufacturers of these facilities, and engage qualified instructors to provide guidance to trampoline users as necessary.

In fact, existing legislation already imposes controls on contracts relating to consumer transactions. Among others, the Control of Exemption Clauses Ordinance (Cap. 71) prohibits traders from evading civil liability by means of contract terms or other means. For instance, section 7 of the Ordinance provides that a person cannot by reference to any contract term or to a notice given to persons generally or to particular persons exclude or restrict his liability for death or personal injury resulting from negligence. If such liability waiver (or commonly known as "life and death agreement") purports to exclude or restrict liability for negligence, the consumer's signing of such agreement terms is not of itself to be taken as indicating his voluntary acceptance of any risk. Depending on the actual terms of the contract, aggrieved consumers may lodge claims under the law of contract and/or the common law according to the actual circumstances (including contract terms) of the case concerned.

The Government will continue to keep in view the situation of different premises and having regard to the nature of such premises as well as their actual mode of operation, consider whether it is necessary to put forward further regulation.