

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.

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Wednesday, June 13, 2018 is 99.8 (same as yesterday's index).

Make prior work arrangements for

rainstorms

The Labour Department (LD) today (June 13) reminded employers to make prior work arrangements for staff in times of rainstorms as soon as possible.

"To avoid disputes and confusion, employers should make prior work arrangements for staff and contingency measures in times of rainstorms," an LD spokesman said.

"In working out and enforcing the arrangements, employers should give prime consideration to employees' safety both in the workplace and during their journeys to and from work, and adopt a flexible approach. Whenever possible, they should consult their staff."

The work arrangements should cover the following matters:

- * Whether employees are required to report for duty when different rainstorm warnings are issued;
- * After a rainstorm warning is cancelled, the time for staff who have not reported for duty to resume work and the arrangements;
- * How wages and allowances (if any) will be calculated for staff who are required to report for duty and those who are late for work or absent from work during rainstorms; and
- * For employees who are required to travel to and from workplaces during rainstorms, whether transport facilities will be provided to them and, if so, the arrangements.

"Employers should make realistic assessments of the requirements for essential staff and require only absolutely essential staff to report for duty in adverse weather conditions. If an Amber, Red or Black Rainstorm Warning is issued during working hours, employees working indoors should remain on duty as usual and stay where they are unless it is dangerous to do so. Supervisors of employees working outdoors in exposed areas should suspend outdoor duties as soon as practicable. They should arrange for their employees to take shelter temporarily and resume duty when weather conditions permit. When the Black Rainstorm Warning is issued, those employees should not resume duty until the warning is lowered and weather conditions permit. If the Black Rainstorm Warning remains in force at the end of working hours, for safety reasons, employers should provide employees with an area in the workplace as temporary shelter for them to stay if they want to.

"If possible, employers should provide transport services for employees who are still required to travel to and from workplaces when the Black Rainstorm Warning is in force, or give them a special travelling allowance as encouragement.

"For staff who have practical difficulties in resuming work promptly upon cancellation of a rainstorm warning, employers should give due consideration to the circumstances of individual employees and handle each

case flexibly.

"As rainstorms are natural occurrences that cannot be avoided, employers should not deduct wages of employees who are absent from or late for work because of inclement weather. Neither should employers dismiss an employee summarily based on these grounds," he said.

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

Employers should not deduct the annual leave, statutory holidays or rest days employees are entitled to under the Employment Ordinance so as to compensate for the loss of working hours resulting from employees' failure to report for duty upon the announcement of a Black Rainstorm Warning. An employer who without reasonable excuse fails to comply with relevant provisions under the Employment Ordinance is liable to prosecution.

Employers should also note that they have an obligation to maintain a safe workplace for their employees under the Occupational Safety and Health Ordinance.

"If employees are required to work in times of rainstorms, employers should ensure that the risks at work are properly controlled and reduced to levels that are as low as reasonably practicable," the spokesman said.

Under the Employees' Compensation Ordinance, employers are liable to pay compensation for deaths or injuries incurred when employees are travelling by a direct route from their residences to workplaces, or from workplaces back to residences after work, four hours before or after working hours on a day when Typhoon Signal No. 8 or above or a Red or Black Rainstorm Warning is in force.

To provide practical guidelines and samples of work arrangements for the reference of employers and employees, the LD has issued the booklet "Code of Practice in times of Typhoons and Rainstorms". The code can be obtained from the branch offices of the Labour Relations Division or downloaded from the department's webpage (www.labour.gov.hk/eng/public/wcp/Rainstorm.pdf).