

# LCQ10: Eligibility for receiving Old Age Allowance

Following is a question by the Hon Leung Che-cheung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (June 13):

Question:

Regarding the eligibility for receiving the Old Age Allowance (OAA), will the Government inform this Council:

(1) as the current eligibility criteria for OAA include the requirement that the applicant must have resided in Hong Kong continuously for at least one year immediately before the date of application, but those elderly people who have moved to reside in Guangdong or Fujian Provinces are not required to meet the requirement, whether it knows the number of Hong Kong elderly people residing in other provinces of the Mainland in each of the past three years who were ineligible for receiving OAA due to their failure to meet the requirement; and

(2) whether it will consider afresh lowering the age threshold for receiving OAA from 70 to 65, and whether it has assessed (i) the number of elderly people aged between 65 and 69 to be benefited and (ii) the implication on the public expenditure, as a result of the implementation of this measure?

Reply:

President,

The current social security system (including the Comprehensive Social Security Assistance Scheme and various allowances under the Social Security Allowance (SSA) Scheme) is non-contributory and entirely funded by the Government's general revenue, which involves substantial public funds. My reply to the Member's question is as follows:

(1) The non-means-tested Old Age Allowance (OAA; currently at \$1,345 per month) under the SSA Scheme provides cash allowance to eligible elderly persons aged 70 or above to meet their special needs arising from old age. There are pre-application residence requirements under the SSA Scheme, including the requirement that an applicant must have resided in Hong Kong for at least one year (with a grace period of 56 days in the year) immediately before the date of application (one-year continuous residence (OYCR) in Hong Kong requirement). Separately, there is also residence requirement during receipt of allowance. The above requirements ensure that the relevant payments are only granted to Hong Kong residents who have a long-term connection with Hong Kong, so as to ensure long-term sustainability of the social security system.

The Government appreciates that some Hong Kong elderly persons, especially those who came to Hong Kong from the Mainland at a younger age, may choose to reside on the Mainland after their retirement. To provide assistance to these elderly persons, the Government launched the Guangdong Scheme and Fujian Scheme in October 2013 and April 2018 respectively to enable eligible Hong Kong elderly persons who choose to reside in Guangdong or Fujian to receive OAA without having to return to Hong Kong every year (to fulfil the residence requirement during receipt of allowance). The above arrangement is only applicable to eligible elderly persons residing in Guangdong and Fujian mainly because there are more Hong Kong people residing in these two provinces. In terms of geographical proximity and community bonding, elderly persons residing in Guangdong and Fujian could maintain a close connection with their relatives and friends in Hong Kong and more readily obtain support. Moreover, the two provinces are uniquely and closely connected with Hong Kong on the social, economic and transport fronts.

Under the above OYCR in Hong Kong requirement, elderly persons who have already resided in Guangdong or Fujian need to return to and stay in Hong Kong for one year in order to meet the eligibility criteria of the Guangdong Scheme/Fujian Scheme. To facilitate these elderly persons, the Government has implemented a special one-off arrangement under the Guangdong Scheme and Fujian Scheme to allow applicants who have resided in Guangdong/Fujian continuously for one year (with a grace period of 56 days in the year) immediately before the date of application to benefit from the Guangdong Scheme/Fujian Scheme without the need to comply with the OYCR in Hong Kong requirement, provided that they have met all other eligibility criteria. Under the Guangdong Scheme, the special one-off arrangement was introduced in the first year of implementation (i.e. from October 1, 2013 to September 30, 2014) and has been relaunched on July 1, 2017 (which will last until June 30, 2018). Under the Fujian Scheme, the special one-off arrangement is implemented in its first year (i.e. from April 1, 2018 to March 31, 2019).

Regarding Member's request for information, the Social Welfare Department does not maintain the number of Hong Kong elderly people residing in other provinces/municipalities of the Mainland who were ineligible for receiving OAA because of the OYCR in Hong Kong requirement.

(2) In view of an ageing population, the Government has to ensure prudent use of public funds in order to provide targeted support for needy elderly persons. According to the Census and Statistics Department's projection, excluding foreign domestic helpers, the number of elderly persons aged 70 or above would increase from about 0.77 million in 2016 by over a million to about 1.86 million in 2036. In 2066, the number of elderly persons aged 70 or above is projected to reach 2.18 million, which is about three times of that in 2016. In the face of a growing elderly population, the number of OAA beneficiaries and public funds involved would continue to increase. Having considered the sustainability of the social security system, the Government has no plan to lower the age requirement of OAA.

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## LCQ9: Specialised crowd management vehicles

Following is a question by the Hon Claudia Mo and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 13):

Question:

It has been reported that all of the three specialised crowd management vehicles (commonly known as "water cannon vehicles") purchased by the Police with a budget of \$27 million will be delivered to Hong Kong by the end of this month. In this connection, will the Government inform this Council:

(1) of the implications of the introduction of water cannon vehicles on the Police's staffing establishment and operational arrangements, and the details of the public money involved;

(2) whether the Police have completed the formulation of a code on the use of water cannon vehicles and guidelines for operating them; if so, of the details; if not, the reasons for that;

(3) as some members of the public are worried about the abusive use of the water cannon vehicles by the Police, whether the Police will make reference to the practices of foreign countries and make public the code on the use of water cannon vehicles and guidelines for operating them, in order to enable the public to monitor the use of water cannon vehicles by the Police; if not, of the reasons for that; and

(4) whether the Police, at present, have plans to acquire other new accoutrements for handling the various types of public events; if so, of the details?

Reply:

President,

Hong Kong residents enjoy the freedom of and the right to lawful assembly, procession and demonstration. The Police have been handling all public order events in a fair, just and impartial manner in accordance with the law of Hong Kong. It has been the established policy of the Police to endeavour to strike a balance between facilitating the smooth conduct of lawful and peaceful public meetings and processions on the one hand, while on the other, minimising the impact of such events on members of the public and road users, as well as ensuring public order and public safety. The Hong Kong Special Administrative Region (HKSAR) Government has been urging

participants of public order events to remain law-abiding, peaceful and orderly when expressing their views and refrain from behaviour that is detrimental to public order or violent.

My reply to the various parts of the question is as follows:

(1) to (3) Having reviewed their past experience, the Police considered it necessary to enhance the equipment for effectively handling large-scale and prolonged public assemblies that are held simultaneously at various places and illegal behaviours that may occur on such occasions. The Police were granted funding in 2015-16 for procuring three specialised crowd management vehicles (SCMV) with water spray devices in order to handle riots or illegal acts that may occur during large-scale and prolonged public assemblies more effectively.

The SCMV's will be equipped with public address systems to effectively give advice, warnings or other messages to the protestors. The vehicles can also effectively disperse persons who stage violent charging acts, create a safe distance between these persons and police officers, reduce the chance of injury to them and police officers, and provide the Police with an additional operational option.

The first SCMV was delivered to Hong Kong in mid-May this year and the remaining two will be delivered within this month at the earliest. The vehicles will be first transferred to the manufacturer for assembly and the Electrical and Mechanical Services Department for examination to ensure that they are in compliance with the electrical and mechanical safety standards, and then delivered to the Police for testing and training. It is expected that the vehicles can be put into operation by the end of this year at the earliest.

Although overseas law enforcement agencies of such countries as France, Germany, Belgium and Korea have already used similar vehicles when handling large-scale public assemblies or riots, it is the first time SCMV's are introduced to Hong Kong. As such, we understand that the public may have concerns about SCMV's.

The HKSAR Government respects the public's rights and freedoms of peaceful assemblies, processions and expression of views, but participants of public order events, when expressing their opinions, must abide by the law, act in a peaceful and orderly manner, and refrain from any illegal or violent act. If there is any illegal act, violent act or act that is detrimental to public order and public safety, the Police have the responsibility to assess the circumstances at the scene and exercise professional judgement, and take appropriate actions to ensure that public order and public safety remain unaffected.

Same as the principle of the Police's guidelines on the use of force, SCMV's shall only be used when it is absolutely necessary for the Police to achieve a lawful purpose. Police officers shall, before using such vehicles and when circumstances permit, give warning of their intention to use them,

and the persons involved shall be given every opportunity, whenever practicable, to obey police orders. Police officers will definitely exercise restraint at all times when using such vehicles. The Police will cease using them once the purpose has been achieved.

The Police are now drafting the guidelines and training programmes for the use of SCMV's in a thorough and prudent manner so as to ensure that instructors and operators can have a firm grasp of the performance and operation of the vehicles and manoeuvre them effectively and safely to support operational deployments. The Police will require all operators to have received the relevant driving, operation and safety training before they operate the vehicles and strictly follow the code and guidelines concerned. Besides, the Police will arrange for the vehicle manufacturer to provide training and demonstration for the relevant officers and consider sending officers to some overseas countries to exchange experiences on the use of SCMV's with law enforcement agencies there.

The Police Tactical Unit will be responsible for staff training and arrangements in relation to the SCMV's. Since the guidelines for the use of the vehicles involve operational details and the Police's tactical deployments, it is not appropriate for disclosure or else it may undermine the capability and efficacy of Police operations.

(4) According to the United Nations' Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, law enforcement agencies should develop a range of means and instruments as broad as possible for handling different situations. The Police will from time to time review, procure and replace the accoutrements of police officers to ensure that various kinds of actual operational needs can be met.

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## [Red flag hoisted at Shek O Beach](#)

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 13) that the Environmental Protection Department has classified the water quality at Shek O Beach in Southern District, Hong Kong Island as Grade 4, which means the beach is not suitable for swimming. The red flag has been hoisted. Beach-goers are advised not to swim at the beach until further notice.

The red flag was hoisted at the beach earlier due to big waves.

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## LCQ11: Statistics on organ or tissue transplant operations

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

Question:

Regarding the statistics on organ/tissue transplant operations, will the Government inform this Council whether it knows:

(1) the respective numbers of donors and recipients in respect of the transplant operations, performed in public hospitals in each of the past 10 years on each kind of organs/tissues, including the transplants of liver (living, cadaveric), kidney (living, cadaveric), heart, cornea, skin, bone, bone marrow and lung;

(2) the respective numbers of children and adults receiving various kinds of organ/tissue transplants, as well as the medical expenses incurred for each kind of organ/tissue transplant operations, in each of the past 10 years; and

(3) the details of funding received, in each of the past 10 years, by the specialties/centres responsible for performing organ/tissue transplant operations at the Queen Mary Hospital, Prince of Wales Hospital, Pamela Youde Nethersole Eastern Hospital, Tuen Mun Hospital, Kwong Wah Hospital, Queen Elizabeth Hospital, Hong Kong Eye Hospital and Grantham Hospital?

Reply:

President,

My reply to the various parts of the Dr Hon Pierre Chan's question is as follows:

(1) The numbers of human organ/tissue donations for transplant handled by the Hospital Authority (HA) from 2008 to 2017 are tabulated below:

<b>Organ/Tissue Donation (Case)</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Kidney										
Cadaveric	65	87	74	59	84	70	63	66	60	61
Living	12	8	7	8	15	12	16	15	18	17

Kidney (total)	77	95	81	67	99	82	79	81	78	78
Liver										
Cadaveric	26	43	42	30	45	38	36	36	37	40
Living	42	41	53	44	33	34	27	23	36	34
Liver (total)	68	84	95	74	78	72	63	59	73	74
Other organs (Cadaveric)										
Heart	6	10	13	9	17	11	9	14	12	13
Double Lung	1	2	2	1	3	2	4	13	8	12
Single Lung	0	0	0	0	0	2	0	0	1	1
Cornea (piece)	211	203	250	238	259	248	337	262	276	367
Skin	19	17	23	21	6	4	9	10	10	11
Bone	1	0	6	0	3	3	1	4	1	3
Total	383	411	470	410	465	424	502	443	459	559

Note: Cases of skin and bone transplant are spontaneous and urgent in nature. Substitutes will be used if suitable skin or bone is not available for transplant.

(2) and (3) The HA does not keep a statistical breakdown of organ/tissue recipients by age group.

The HA's organ transplant service is provided in a team approach. Members of the team include Organ Donation Coordinators and multi-disciplinary professionals from specialties such as Medicine, Intensive Care Unit, Surgery, Anaesthesia and laboratories. The scope of service covers care for organ recipients, identification of organ donors, life support for brain-dead patients, counselling for donors' families, organ transplant operations and post-operative care. Hence, separate breakdowns of expenditure on or funding for organ/tissue transplant operations for individual hospitals are not available.

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## [LCQ22: Management of skips](#)

Following is a question by the Hon Chan Hak-kan and a written reply by the Acting Secretary for the Environment, Mr Tse Chin-wan, in the Legislative Council today (June 13):

Question:

In the light of the recommendations in Report No. 61 of the Director of

Audit, the Environment Bureau leased out two sites last year, one adjacent to Tseung Kwan O Area 137 Fill Bank and another at Siu Lang Shui Road in Tuen Mun West, by way of short-term tenancies for use by the skips trade for storing skips. It has been reported that the utilisation rates of the two skip storage sites have been on the low side. As a result, the problem of unauthorised placement of skips on streets has not improved. In this connection, will the Government inform this Council:

(1) of the design capacities for skips of the two aforesaid sites, and whether it knows the average numbers of skips stored daily and monthly thereat since they were leased out; whether the Government has plans to set aside other sites for storing skips; if so, of the details; if not, the reasons for that;

(2) of the number and contents of the complaints about skips received by the Government in each of the past three years, as well as the number of warnings issued and the number of skips removed in respect of such cases; the average time lapsed from receipt of the complaints to removal of the skips by the Government, and set out the relevant figures by District Council district;

(3) of the following information on the cases handled respectively by (a) the Lands Department and (b) the Police, in the past three years: (i) the respective numbers of cases in which skip operators were prosecuted and convicted, (ii) the average time lapsed from institution of prosecutions to conclusion of the cases, and (iii) the punishments generally imposed on the convicted persons;

(4) of the number of traffic accidents involving skips in each of the past three years; the causes for such accidents and the resultant casualties;

(5) as it was pointed out in the aforesaid Report that to tackle the problem of unauthorised placement of skips, the government departments concerned and the stakeholders were generally in support of introducing a permit system, of the details of the Government's work on the introduction of the permit system; and

(6) given that the Guidelines for Mounting and Placing of Skips formulated by the Transport Department have no legal effect, whether the Government will consider regulating skip operation by way of legislation with a view to reducing traffic accidents caused by skips; if so, of the details; if not, the reasons for that, and whether the Government has more effective ways to solve the problem of unauthorised placement of skips in the long run?

Reply:

President,

To follow up the recommendations made in Report No. 61 of the Director of Audit, the Government has set up a Joint Working Group on Management of Roadside Skips under which the efforts of relevant government bureaux and departments are co-ordinated by the Environment Bureau and the Environmental Protection Department to enhance the management and control of roadside



skips. Regarding the questions raised by the Hon Chan Hak-kan, the Government's consolidated reply is as follows:

(1) One of the major causes of the problem of placement of skips at the roadsides is the shortage of proper storage areas. Through open tender, the Government has provided two sites, one adjacent to Tseung Kwan O Area 137 Fill Bank and the other at Siu Lang Shui Road in Tuen Mun West, to the relevant organisations of the skip operators trade by way of short-term tenancies (STT) for storing skips. The STT site in Tseung Kwan O can store about 120 skips, and its occupancy rates have been increasing since its commencement of operation in January 2017. Currently, both the average daily and monthly occupancy rates are over 90 per cent. As for the STT site in Siu Lang Shui in Tuen Mun, it can store some 80 skips. Since its commencement of operation in December 2017, the average daily and monthly occupancy rates have been around 30 per cent. The comparatively low occupancy rates are attributable to the insufficiency of facilities thereat. The tenant has committed to enhancing the related facilities so as to boost the occupancy rates. The Government will continue to monitor the utilisation of these two sites and actively identify more suitable sites in various districts for use under STTs by the skips trade to store skips.

(2) and (3) The complaints about roadside skips received by the Government in the past were usually related to road obstruction or illegal occupation of government land. Currently, the Hong Kong Police Force (HKPF) and the Lands Department (LandsD) handle complaints against roadside skips in accordance with the Summary Offences Ordinance (Cap. 228) and the Land (Miscellaneous Provisions) Ordinance (Cap. 28) respectively. Figures on complaints about roadside skips received, advice or warnings issued and skips removed by the HKPF and the LandsD, as well as the respective numbers of cases in which skip operators were prosecuted and convicted, over the past three years are tabulated at Annexes 1 and 2, with breakdowns by police district and District Council district respectively. In general, upon receipt of advice or warnings issued under the Summary Offences Ordinance by frontline police officers at the scene, skip operators will arrange removal of their skips according to the situations. As each incident was considered on its own circumstances prevailing at the scene, the HKPF did not maintain the information on the average time lapsed from receipt of the complaints to removal of the skips. Penalties for cases convicted under the Summary Offences Ordinance ranged from \$500 to \$3,500 in the past. For the LandsD, the penalty for cases convicted under the Land (Miscellaneous Provisions) Ordinance was \$1,500 in 2015. The time lapsed from institution of prosecutions to convictions in court depends on court arrangements and whether litigations are required, and normally takes six weeks to six months.

(4) According to the information provided by the Transport Department (TD), the number of traffic accidents involving roadside skips and the related injuries in the past three years are tabulated below. All the accidents were minor ones and mainly attributable to behaviours of the drivers concerned, including driving inattentively, losing control of the vehicle and reversing negligently, etc.

Year	Number of traffic accidents involving roadside skips with injuries	Number of injuries
2015	4	4
2016	4	6
2017	3	5

In addition to the provision of suitable sites to the trade for storage of skips, the Government has engaged a term service contractor since February 2017 to assist enforcement departments in speeding up the removal of skips found to be posing serious obstruction to traffic or imminent danger to the public, thereby further enhancing enforcement efficiency and the deterrent effect. Between February 2017 and April 2018, the departments concerned conducted 34 joint enforcement operations against the unauthorised placement of skips, covering the black spots in Tseung Kwan O, Sai Kung, Kowloon Bay and Kai Tak. The extent of unauthorised placement of skips at these black spots has been noticeably improved. The government departments concerned will continue to organise joint enforcement operations as necessary in various districts to deter the malpractice of unauthorised placement of skips at roadsides.

(5) and (6) The Government has, through organising seminars for the skip operators trade, been promoting safe practices in skip operations and wider adoption of the Guidelines for Mounting and Placing of Skips (Guidelines) issued by the TD. In parallel, the Government has also been in close liaison with the skip operators trade to explore the setting up of a trade-led voluntary skips registration system. Compliance with applicable government requirements and guidelines (e.g. those covered in the TD's Guidelines and other guidelines addressing environmental concerns) will be among the criteria for registration. The voluntary skips registration system will be instrumental in addressing the trade's concerns and raising the compliance rate of government requirements and guidelines. Skip operators are initially receptive to the idea of exploring a voluntary skips registration system to facilitate their skip operations. To take this initiative forward, the Government is engaging an external consultant to work with the skip operators trade in formulating proposals by 2018 for setting up a trade-led voluntary skips registration system.

The Government will review the effectiveness of the above measures, and will, having regard to the progress of the related work and experience gained from the voluntary skips registration system, examine whether there is a need to introduce a new regulatory system for skips operations in the long run.