

Government respects Court of Final Appeal's judgment concerning dependant immigration policy

Today (July 4), the Court of Final Appeal (CFA) handed down a judgment in QT v Director of Immigration (FACV No. 1 of 2018), a judicial review lodged by the applicant QT against the Director of Immigration's decision of refusing her application for entry for residence in Hong Kong as a dependant of her same-sex partner on the grounds that she is not a "spouse" under the prevailing dependant immigration policy. The CFA dismissed the appeal lodged by the Director and held that the Director has failed to justify the differential treatment of refusing QT a dependant visa under the prevailing dependant immigration policy.

"The Government respects the CFA's judgment. We are studying the judgment carefully and shall seek legal advice as necessary on follow-up actions," a spokesman for the Hong Kong Special Administrative Region Government said.

Under the prevailing dependant immigration policy, the spouse of an eligible sponsor in Hong Kong may apply for entry for residence in Hong Kong as a dependant. The Director has adopted the meaning of "spouse" as a party to a marriage consisting of one man and one woman as recognised by the laws of Hong Kong.

The CFA has made it clear that this case does not involve any claim that same-sex couples have a right to marry under Hong Kong law, and that it was recognised that a valid marriage under Hong Kong law is heterosexual and monogamous and is not a status open to couples of the same sex.

LCQ10: Use of the space on the rooftops of service reservoirs

Following is a question by the Dr Hon Helena Wong and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (July 4):

Question:

At present, there are more than 220 service reservoirs across the

territory, which are used for providing transient storage for fresh water or sea water. The Water Supplies Department (WSD) allocates the space on the rooftops of some service reservoirs to other government departments and private organisations as venues for recreational and other activities. Regarding service reservoirs with space on their rooftops available for allocation (which stood at 100 across the territory as at the 14th of last month), will the Government inform this Council:

(1) of the respective (i) names, (ii) capacities, (iii) numbers of air vents, (iv) roof areas, and (v) live loads of the roofs (and whether they are five kPa or above) of various service reservoirs, and set out such information one by one by the District Council district to which the service reservoirs belong;

(2) since when the policy of allocating the space on the rooftops of service reservoirs has been implemented; of the reasons for implementing this policy and its specific details;

(3) of the details of the allocation of the space on the rooftops in each of the past five years, including (i) names of government departments/private organisations to which the space was allocated, (ii) allocation periods, (iii) ways of leasing/granting, (iv) annual rents and rates payable (if applicable), and (v) use of the space on the rooftops, and set out such information by name of service reservoir; and

(4) of the WSD's specific measures to regulate activities conducted on the space on the rooftops of service reservoirs, in order to prevent contamination of the fresh water stored in the service reservoirs?

Reply:

President,

To make gainful use of space, the Water Supplies Department (WSD) has all along been opening up rooftops of service reservoirs for recreational use. The WSD currently has 171 fresh water service reservoirs and 54 sea water service reservoirs, of which 101 have rooftops suitable for opening up for recreational use. The remaining service reservoirs are not suitable for such purpose because they are either in the vicinity of water treatment works or located in remote locations; or their rooftops are either of non-structural design or too small. Among the 101 service reservoirs with rooftops suitable for opening up for recreational use, 49 have been allocated to different government departments and private organisations, and their uses mainly include sports grounds, sitting-out areas, parks, playgrounds and training fields.

My response to the four parts of Dr Hon Wong's question is as follows:

(1) The WSD currently has 101 fresh water service reservoirs and sea water service reservoirs with rooftops suitable for opening up for recreational use. Details of these service reservoirs are grouped by District Council

district and listed in Annex 1.

(2) According to the WSD's record, the opening up of rooftops of service reservoirs for recreational use for making gainful use of space has started since 1960s of the last century. Under the prevailing policy, when designing a new service reservoir, the WSD would consult the Leisure and Cultural Services Department (LCSD) on whether the LCSD would like to use the rooftop of the new service reservoir for recreational use. For existing service reservoirs, if their rooftops are suitable for recreational use, the LCSD, other government departments or private organisations can approach the WSD with their proposal. If the WSD considers the proposed use of the rooftop of service reservoir suitable, the concerned government department or private organisation can submit an application to the relevant District Lands Office for the allocation of the service reservoir rooftop for the proposed use. For applications from private organisations, support from the relevant policy bureau is required. If the allocation is approved, the District Lands Office will grant the land of the concerned service reservoir rooftop to the applicant in the form of a government land allocation, a Short Term Tenancy or a land licence. One of the conditions of the land grant is that the applicant shall comply with the conditions imposed by the WSD, including the proper management of the facility to avoid any damage to the service reservoir and contamination of the water stored therein.

(3) There are currently 49 fresh water and sea water service reservoirs with rooftops allocated to different government departments and private organisations for recreational use. Upon consulting the Lands Department, the Government Property Agency and the Rating and Valuation Department, the requested details on the use of the rooftops of these service reservoirs are listed in Annex 2.

(4) Service reservoirs adopt enclosed design and are constructed with reinforced concrete. All structural parts of service reservoirs, including perimeter walls and rooftops, are designed to be water-proof. This design can prevent seepage and contamination of the water stored inside the service reservoirs by external pollutants. The ventilators at service reservoir rooftops are also designed to effectively prevent ingress of foreign substances into the service reservoirs to contaminate the water stored therein.

Moreover, the government departments and private organisations being granted of the use of the rooftops of service reservoirs must comply with the conditions imposed by the WSD to properly manage the facilities and prevent contamination of the water stored in the service reservoirs. These conditions include restricting the use of rooftops of the service reservoirs to the approved recreational purpose, forbidding use of fertilisers and pesticides, and requiring the recreational area to arrange attendant on duty and sufficient lighting when it is open. The WSD will arrange inspections to ensure the users are complying with the conditions. The WSD will also take drinking water samples from service reservoirs regularly for water quality tests to ensure the quality of the drinking water stored therein is not affected.

Suspected MERS case reported

The Centre for Health Protection (CHP) of the Department of Health today (July 4) reported a suspected case of Middle East Respiratory Syndrome (MERS), and again urged the public to pay special attention to safety during travel, taking due consideration of the health risks in the places of visit. The case is detailed below:

Sex	Female
Age	65
Affected area involved	Dubai, United Arab Emirates
High-risk exposure	Camel ride
Hospital	Princess Margaret Hospital
Condition	Stable
MERS-Coronavirus preliminary test result	Negative

"Travellers to the Middle East should avoid going to farms, barns or markets with camels; avoid contact with sick persons and animals, especially camels, birds or poultry; and avoid unnecessary visits to healthcare facilities. We strongly advise travel agents organising tours to the Middle East to abstain from arranging camel rides and activities involving direct contact with camels, which are known risk factors for acquiring MERS Coronavirus (MERS-CoV)," a spokesman for the CHP said.

Locally, the CHP's surveillance with public and private hospitals, with practising doctors and at boundary control points is firmly in place. Inbound travellers and members of the public who recently visited the Middle East and developed fever or lower respiratory symptoms within 14 days will be classified as suspected MERS cases. They will be taken to public hospitals for isolation and management until their specimens test negative for MERS-CoV.

Travellers to affected areas should maintain vigilance, adopt appropriate health precautions and take heed of personal, food and environmental hygiene. The public may visit the MERS pages of the [CHP](#) and its [Travel Health Service](#), MERS statistics in [affected areas](#), the CHP's [Facebook Page](#) and [YouTube Channel](#), and the World Health Organization's [latest news](#) for more information and health advice. Tour leaders and tour guides operating overseas tours are advised to refer to the CHP's [health advice on MERS](#).

LCQ21: Hillside escalator links and elevator systems

Following is a question by the Hon Lam Cheuk-ting and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (July 4):

Question:

The Government formulated in 2009 criteria for assessing proposals for construction of hillside escalator links and elevator systems. Upon completion of assessment, the Government decided in 2010 to take forward 18 proposals. So far, the progress for implementing those proposals has been slow as only three of them have been completed and four are under construction. In this connection, will the Government inform this Council:

(1) given that among the aforesaid 18 proposals, the Escalator Link System between Hong Sing Garden and Po Hong Road which is ranked the 14th in priority, the Lift and Pedestrian Walkway System between Saddle Ridge Garden and Sai Sha Road which is ranked the 16th, as well as the Escalator Link System between Sui Wo Court and MTR Fo Tan Station which is ranked the 18th, are still stuck at the stages of feasibility studies or internal discussion within the Government, of the original and latest timetables for the various work stages of these three proposals (including completion of design work, submission of funding applications to this Council, invitation of tenders, commencement and completion of works), the reasons for their slow progress and their latest cost estimates; the respective timetables for the various work stages and the actual costs/cost estimates of the remaining 15 proposals; and

(2) of the measures to be put in place to expedite the progress of the three proposals mentioned in (1)?

Reply:

President,

My reply to the various parts of the Hon Lam Cheuk-ting's question is as follows:

To enhance the accessibility of hillside area and facilitate people to commute, the Government established in 2009 a set of objective and transparent scoring criteria for assessing proposals for hillside escalator links and elevator systems (HEL) to determine the priority for conducting preliminary technical feasibility studies for the 20 proposals received at that time. Upon completion of the assessment, the assessment results were

reported to the Legislative Council (LegCo) Panel on Transport in February 2010. Two proposals were screened out initially, and 18 others were ranked. The Government indicated at the time that preliminary technical feasibility studies for the proposals ranked top ten in the assessment would be conducted first by batches, and that the remaining proposals would be followed up after the smooth implementation of the top ten proposals. Among the remaining proposals are the Escalator Link System between Hong Sing Garden and Po Hong Road which is ranked 14th, the Lift and Pedestrian Walkway System between Saddle Ridge Garden and Sai Sha Road which is ranked 16th, as well as the Escalator Link System between Sha Tin Sui Wo Court and MTR Fo Tan Station which is ranked 18th.

Subsequently, the Highways Department (HyD) also completed the preliminary technical feasibility studies for the proposals ranked 11th and 12th. As for the proposals ranked 14th (Note), 16th and 17th, the Transport Department (TD) determined the scope of works in April this year, while the HyD is currently carrying out the preliminary technical feasibility studies, which are planned for completion in the third quarter of 2018. If the studies show that the proposals are technically feasible upon preliminary assessment, the HyD will progressively conduct ground investigation, carry out preliminary design and consult District Councils as well as relevant stakeholders. For the proposal ranked 18th, the project involves works of relatively large scale and is rather complex as a substantial part of the proposed alignment runs through lots held by the Hong Kong Housing Authority and private owners. The TD is actively following up on the proposal to expedite the determination of its scope. As these lower-ranking proposals are still at a very early stage of development, their implementation schedules have yet to be finalised.

Overall, three out of the 18 proposals have been completed and opened for public use; four are under construction; one proposal has just obtained funding approval for the construction works; five are in various phases of planning, investigation and design; and another four are at the stage of preliminary technical feasibility studies. The current progress and cost estimates of the 18 proposals are set out at Annex 1 and Annex 2 respectively.

The taking forward of the HEL projects involves various considerations such as the alignment of the HEL, the pedestrian flow, the layout of structures, the impact of the projects on the surrounding environment and on residents, the diversion of underground utilities, etc. Moreover, in line with the established procedures for public works, the HyD has to arrange for the gazettal of the proposals and handle objections (if any) under the Roads (Works, Use and Compensation) Ordinance, and, where necessary, carry out land acquisition for the HEL projects. The projects can therefore be considerably complex. Some of them may also be controversial, with the affected residents having divergent views on the alignment of the project. As such, the HyD has to discuss with various stakeholders and undertake relevant studies to resolve the problems. HyD would seek to balance the demands of relevant stakeholders in the process, which inevitably takes considerable time.

We understand the concerns of Members on HEL projects. HyD has also

increased its manpower for taking forward the projects and engage engineering consultants as necessary to assist in taking the projects forward. When the projects has progressed to a mature stage, we will seek funding approval from the LegCo as soon as possible for commencing the construction works for the HEL projects.

Note: Two proposals share the rank of 14, the other one being the Lift and Pedestrian Walkway System between Lai King Hill Road and Princess Margaret Hospital.

Manager of unlicensed guesthouse fined

A man was fined \$8,000 at the Kowloon City Magistrates' Courts today (July 4) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that in August last year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected a suspected unlicensed guesthouse on Reclamation Street in Mong Kok. During the inspection, the OLA officers posed as lodgers and successfully rented a room in the guesthouse on an hourly basis.

According to the OLA's records, the guesthouse did not possess a licence under the Ordinance on the day of inspection. The man responsible for managing the premises was charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and will lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaeng@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".