

LCQ16: New Capital Investment Entrant Scheme

Following is a question by the Hon Carmen Kan and a written reply by the Acting Secretary for Financial Services and the Treasury, Mr Joseph Chan, in the Legislative Council today (October 18):

Question:

With a view to further enriching the talent pool and attracting more new capital to Hong Kong, the Financial Secretary announced in the 2023-2024 Budget that the Government would introduce a new Capital Investment Entrant Scheme (the New Scheme). In reply to my question on April 19 this year, the authorities indicated that the Government was formulating details of the New Scheme, with the goal of launching the New Scheme within this year. In this connection, will the Government inform this Council:

(1) whether it has finished formulating details of the New Scheme; if so, of the details; if not, the reasons for that;

(2) given that the 2022 Policy Address proposed to establish the Hong Kong Investment Corporation Limited (HKIC), whether the authorities will consider encouraging the matching of new capital attracted under the New Scheme with part of the capital under the Co-Investment Fund (CIF) managed by HKIC, so as to produce combined effects; if so, of the details; if not, the reasons for that; and

(3) whether the authorities will consider setting different thresholds for different categories of capital investors, for example, setting a higher investment threshold for more robust categories such as co-invested capital under CIF or government bonds, and a lower investment threshold for specialised categories such as innovation and technology, so as to encourage applicants to invest in those industries and areas which are conducive to the long-term development of Hong Kong?

Reply:

President,

A consolidated reply to the three parts of the question is provided as follows.

The Government announced in the 2023-24 Budget that a new Capital Investment Entrant Scheme (the New Scheme) will be introduced with a view to further enriching the talent pool and attracting more new capital to Hong Kong, which will generate increased demand for financial and related professional services to bolster the development of the asset and wealth management industry.

The Government has been actively formulating the specifics of the New Scheme. Generally, it will adopt the framework and application criteria of the original Capital Investment Entrant Scheme. Applicants shall make investment at a certain amount in the local asset market, excluding property. Upon approval, they may reside and pursue development in Hong Kong. Matters concerning applicants' investible areas in Hong Kong, investment threshold, conditions of stay, etc., are being examined for suitable adjustments. The investment threshold will be increased to a multiple of the original requirement. The investible areas will cover, apart from financial assets, new asset categories benefitting the long-term development of Hong Kong (including innovation and technology). The purpose is to attract more new capital and talents to Hong Kong, bring new impetus to the economy while fostering the development of relevant industries in Hong Kong.

The Government will make an announcement once the details and application arrangements of the New Scheme have been finalised.

LCQ7: Operation of West Kowloon Station of Guangzhou-Shenzhen-Hong Kong Express Rail Link

Following is a question by Dr the Hon Hoey Simon Lee and a written reply by the Secretary for Transport and Logistics, Mr Lam Sai-hung, in the Legislative Council today (October 18):

Question:

There are views pointing out that the West Kowloon Station (WKS) of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) is plagued with problems such as excessively long clearance time, lack of shops and insufficient seats in the waiting hall for departing passengers, as well as holiday crowds causing passengers to miss their trains. In this connection, will the Government inform this Council:

(1) as it has been reported that at present, the shortest time for XRL passengers to complete immigration clearance at WKS is about 10 minutes, but the journey time from WKS to Futian Station is only 14 minutes, whether the Government will consider optimizing the layout of WKS, in particular shortening the distance between the boundary control points, so that passengers can complete immigration clearance more quickly; if so, of the details; if not, the reasons for that;

(2) whether the Government will, by drawing reference from the design of the airport restricted area, examine afresh the design of the waiting hall for

departing passengers at WKS, as well as introducing different types of shops and increasing the number of seats in the waiting hall; if so, of the details; if not, the reasons for that; and

(3) whether the Government will discuss with the MTR Corporation Limited the provision of additional manpower or adoption of other measures to facilitate crowd control at WKS during long holidays; if so, of the details; if not, the reasons for that?

Reply:

President,

â€‹The Hong Kong Section of the Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) was commissioned on September 23, 2018, connecting with the over 40 000 kilometers long national high speed rail network. It is a key component of the highly accessible transport network and economic circle of the Guangdong-Hong Kong-Macao Greater Bay Area. The co-location arrangement at the XRL West Kowloon Station (WKS) enables passengers to complete clearance procedures of both Hong Kong and the Mainland in one go, bringing the strengths of the XRL in providing convenient, fast and efficient services into full play and further facilitating the flow of people between the two places.

In consultation with the Security Bureau and the MTR Corporation Limited (MTRCL), my reply to the question raised by Dr the Hon Hoey Simon Lee is as follows:

(1) The WKS control point implements the co-location arrangement. Such idea has been incorporated in the design stage of the station, such that designated areas have been set aside for the establishment of the Hong Kong Port Area and the Mainland Port Area, where law enforcement personnel from both sides would conduct their respective clearance procedures for passengers. The existing customs and immigration facilities of the Hong Kong and Mainland Port Area at the WKS have been set up by the respective government based on the above co-location principle, and after deliberation having regard to various aspects such as practical operation of the station, immigration clearance procedures and travel facilitation.

The Immigration Department (ImmD) has been utilising innovative technologies to enhance the clearance capacity of various control points, including the WKS. In order to provide convenient and speedy automated immigration clearance services to Hong Kong residents, the ImmD introduced the Contactless e-Channel service in December 2021, which uses facial recognition technology to allow enrolled Hong Kong residents to perform self-service immigration clearance with encrypted QR codes. The whole process takes only around seven seconds. At the end of April this year, the ImmD also lowered the eligible age for holders of the Mainland's electronic Exit-Entry Permits for travelling to and from Hong Kong and Macao (e-EEP) for using the e-Channel service, from 16 years old or above to 11 years old or above, so that more inbound visitors from the Mainland can use the speedy e-Channel service. In July this year, the ImmD further extended the e-Channel service

to cover persons aged 11 or above coming to Hong Kong to study, foreign domestic helpers and imported workers. This new initiative has further enhanced the clearance efficiency and overall handling capacity of various control points, thereby facilitating cross-boundary travel between Hong Kong and the Mainland while promoting the connectivity between the two places.

(2) The XRL Hong Kong Section has been operating smoothly since its service resumption on January 15, 2023. The average daily patronage exceeded 70 000 passenger trips during the 2023 summer holiday peak season. The single-day patronage hit a record high of over 100 000 passenger trips on September 30, 2023 during the National Day and Mid-Autumn Festival long holiday, the highest ever recorded since the commissioning of the XRL Hong Kong Section.

The MTRCL has been proactively monitoring the station operation and passenger demand, so as to enhance station facilities and the XRL services as necessary. In particular, the MTRCL will provide about 300 additional seats in the waiting hall by this year, bringing the total to approximately 1 200 seats for passengers' use. There are a variety of shops at the WKS to meet the needs of passengers, including a food court, fast food shops, coffee shop, money exchange, banks and convenience stores, while duty-free shops are available in both the departure and arrival concourses.

(3) The Government has all along been urging the MTRCL to provide safe, reliable and smooth railway services to passengers. To maintain smooth train operations and station order at the WKS at peak hours, especially during the festive holidays and other peak passenger traffic periods, the MTRCL has taken multi-pronged measures on station facilities and layout as well as passenger flow management to facilitate passengers and enhance their travelling experience.

On station facilities and layout, as paper tickets have been replaced by e-tickets following the service resumption of the XRL Hong Kong Section this year, gates at the WKS have been upgraded and the layout of the ticketing and baggage screening halls on the B1 departure level have also been reconfigured. Ten self-service gates and six staff assistance channels have been set up, and new screening machines for large baggage have been added. The new station layout enables more passengers to be served at the same time, facilitating a smoother boarding process. To achieve smart mobility, the MTRCL has introduced a self-service taxi ticket system in the Taxi Stand at the WKS. Passengers can access real-time queuing information by scanning the QR code on their tickets without having to wait at a particular location.

On passenger flow management, the MTRCL will, on the eve of festive holidays and peak passenger traffic periods, provide data on ticket pre-sale for reference by relevant authorities (including control point authorities of Hong Kong and the Mainland) in jointly discussing and formulating the passenger flow management measures on station operation and clearance at boundary control points. The MTRCL and relevant authorities will also strengthen manpower to assist passengers during the peak periods with a view to facilitating passengers' clearance and enjoyment of the fast and convenient XRL services in a safe and comfortable environment.

LCQ22: Regulation of veterinary surgeons and veterinary clinics

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Environment and Ecology, Mr Tse Chin-wan, in the Legislative Council today (October 18):

Question:

It is learnt that cases of complaints against veterinary surgeons and veterinary clinics are very common, but about 90 per cent of the complaint cases are unsubstantiated in the end. In this connection, will the Government inform this Council:

(1) given that the Consumer Council has pointed out that there are many disputes over the fees charged for veterinary services, including insufficient transparency of such fees, of the Government's new measures in place to address the relevant issues;

(2) as it is learnt that being veterinary assistants are not required to hold any qualifications at present, whether the Government will step up the regulation of veterinary assistants, including establishing a voluntary or mandatory registration system;

(3) whether it has compiled statistics on the current number of veterinary assistants and, among them, the number of those who have received formal training in veterinary nursing or veterinary technology; if so, of the details; if it has not compiled such statistics, whether it will do so;

(4) whether it has compiled statistics on the current number of veterinary assistant programmes available locally; if so, of the details, and set out the programme information by the names of such programmes; if it has not compiled such statistics, whether it will do so;

(5) given that at present, complainants are required to provide proof to the Veterinary Surgeons Board of Hong Kong (VSB) in respect of complaints about veterinary surgeons being alleged to have fallen below standards in their performance and caused the death of animals, as well as arrange necropsies for the animals and obtain the reports, of the number of reports received by VSB in respect of the relevant complaints in each of the past five years;

(6) given that at present, the Agriculture, Fisheries and Conservation Department (AFCD) provides animal necropsy services, but such services require referrals from the veterinary surgeons against whom complaints have been made, (i) of the number of animals involved in complaint cases on which the AFCD conducted necropsies in each of the past five years, as well as the fee for each necropsy, and (ii) whether the AFCD will consider cancelling the

referral requirement to allow complainants to arrange necropsies on their own;

(7) whether it will, by drawing reference from the practice of the Electronic Health Record Sharing System, allow pet owners to request veterinary surgeons to upload the medical records of their pets to the relevant system, so as to facilitate proper management of the records and avoid improper alteration of the records;

(8) as it is learnt that for quite a number of complaint cases involving veterinary surgeons, investigations cannot commence due to insufficient evidence, whether the Government will recommend the installation of closed-circuit televisions in veterinary clinics;

(9) whether it will require veterinary surgeons to state their full names in conspicuous places in their clinics; and

(10) as the Government indicated in reply to a question raised by a Member of this Council on June 7 this year that among the cases which VSB received and in respect of which inquiries were completed in the past five years, the average processing time was about 10 months and the longest was about 37 months, of the Government's new measures in place to expedite the processing of complaints?

Reply:

President,

The Veterinary Surgeons Board of Hong Kong (VSB) is a statutory body established under the Veterinary Surgeons Registration Ordinance (Cap. 529) (the Ordinance), and is responsible for the regulation, registration and disciplinary control of veterinary surgeons, to ensure a high standard of veterinary services in Hong Kong. All veterinary surgeons must comply with the Ordinance and Code of Practice for the Guidance of Registered Veterinary Surgeons (the Code) promulgated by the VSB. The Code provides veterinary surgeons with guidelines on various aspects of conduct, including professional ethics, clinic premises and equipment, advertising and other operational details, etc. If a veterinary surgeon breaches the Code, the VSB may take disciplinary actions against the surgeon.

On the questions raised by Hon Chan Hak-kan, the Environment and Ecology Bureau would like to reply as follows:

(1) The Code stipulates that registered veterinary surgeons must always fully discuss anticipated outcomes of the various options available as well as cost estimates with clients before treatment, and should not charge exorbitant, discriminatory, inconsistent, etc, regardless of the purpose. Furthermore, the VSB issues letters to registered veterinary surgeons from time to time (the latest one issued in September this year), reminding them to pay attention to regulations regarding fees and related aspects.

(2) The Ordinance stipulates that persons who are not registered veterinary

surgeons (such as veterinary assistants) are allowed to perform certain veterinary acts on the premises of the practice, and under the direction/supervision/direct and continuous supervision, but these acts do not include diagnosing, prescribing medication or performing a surgical operation. The Code also stipulates that veterinary surgeons should assess the capabilities of the person under their instruction or supervision, and ensure that the person performs the duties in an appropriate manner. Whilst the Ordinance currently does not require veterinary assistants to conduct registration or enrolment, the Government and the VSB will explore the feasibility of setting up such regime (e.g. considering the setting up of a voluntary enrolment register before statutory requirements are in place).

(3) and (4) The VSB does not maintain comprehensive information regarding the local veterinary assistants and veterinary assistant training courses. We understand that some local veterinary organisations offer training courses related to animal care, recognised under the Government's Qualifications Framework, to veterinary assistants, etc. When we explore with the VSB on the setting up of the veterinary assistant enrolment regime, we will also suggest that the VSB collect relevant information.

(5) At present, when lodging a complaint to the VSB (including cases involving dead animals), it is not compulsory for complainants to provide post-mortem examination reports as supporting document. The complainant is only required to provide some basic information, including details of the complainant and animal, sequence of events, grounds for the complaint and details of the registered veterinary surgeon being complained about. In general, if expert opinion on the case is needed, the VSB would directly approach relevant experts. The VSB already lists the standard complaint form and other information regarding lodging complaints on the VSB website. The VSB does not keep figures on post-mortem reports received.

(6) The Agriculture, Fisheries and Conservation Department (AFCD) provides animal post-mortem examination services for a fee, and there is no requirement that the application must be made by the veterinary surgeon being complained about. Members of the public may choose a registered veterinary surgeon to make such application without stating a reason. When a post-mortem examination of an animal carcass is completed, the report concerned will be provided to the registered veterinary surgeon who made the application. Fees charged for the AFCD's animal post-mortem examination services depend on the species of animals concerned, with a basic fee of about \$550 to \$1,400 charged per animal carcass, with additional charges for extra ancillary tests if needed. From 2021 to 2023 (as at September), the AFCD conducted post-mortem examinations on 138, 108 and 114 carcasses respectively. The AFCD does not keep figures of post-mortem examinations conducted in relation to veterinary surgeon complaints.

(7) The Code already stipulates that all veterinary surgeons have the responsibility to maintain systematic, true, adequate, clear and contemporaneous medical records. Material alterations to a medical record can only be made with justifiable reasons, and must be clearly documented. For electronic records, the veterinary surgeons should adopt software which

allows subsequent amendments to records to be tracked (i.e. why and when the amendments are made, etc). The Government will urge the VSB to review and update the Code as necessary.

(8) The majority of complaints received by the VSB are related to the disregard of professional responsibility to animals, with medical records being crucial supporting information. If the Preliminary Investigation Committee (PIC) of the VSB considers there is a prima facie case concerning misconduct or neglect in any professional respect, cross examination of witnesses will be conducted during the inquiry hearing by the Inquiry Committee (IC), to obtain comprehensive information for determination of the case. CCTV footage is not essential evidence.

(9) The Code already stipulates that if asked, a veterinary surgeon shall inform a client or prospective client of the name by which he is registered with the VSB, and shall instruct lay staff and other persons under his professional supervision who are not registered veterinary surgeons to do likewise. The Government will propose to the VSB to consider stipulating in the Code, the requirement for veterinary surgeons to prominently display their full names in clinics.

(10) If a complaint is received, the VSB must conduct investigation and follow up on the case, in accordance with the procedures laid down in the Ordinance and Rules of the Veterinary Surgeons Board (Disciplinary Proceedings). Every case should first be investigated by a PIC of the VSB, to decide if it should be referred to an IC established under the Ordinance for disciplinary inquiries.

In the past five years, apart from the impact of coronavirus disease 2019 pandemic, due to inadequate IC members and the suspension of disciplinary inquiry hearings to complement the holding of the first election of VSB members in 2020, etc, there was a delay in disciplinary inquiry hearings. Upon the reconstitution of the VSB in 2020, the membership increased from 10 to 19 and a panel of 18 assessors was set up. These members and assessors can join PICs and ICs, thus helping expedite the processing of complaints. The VSB's processing of inquiry cases resumed normal arrangements since last year, and members of the reconstituted VSB are now promptly dealing with inquiry hearings. In 2022 and 2023 (as at August), the VSB received 89 complaint cases. During the same period, investigations and inquiry hearings were completed for 78 cases, of which 17 cases were found to be substantiated. We will continue to keep in view the progress and consider further increasing membership if deemed necessary.

Red flags hoisted at several beaches

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 (October 18) that due to big waves, red flags have been hoisted at St Stephen's Beach, Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island; Cheung Chau Tung Wan Beach in Islands District; and Silverstrand Beach, Clear Water Bay First Beach and Clear Water Bay Second Beach in Sai Kung District. Beachgoers are advised not to swim at these beaches.

[LCQ9: Protection for occupational injuries and deaths](#)

Following is a question by the Hon Kingsley Wong and a written reply by the Secretary for Labour and Welfare, Mr Chris Sun, in the Legislative Council today (October 18):

Question:

According to the figures of the Labour Department, there were a total of 529 fatal cases of occupational injuries and deaths in 2021 and 2022. However, it is learnt that not all fatal cases were classified as "accidents", thus resulting in quite a number of fatal cases being not eligible for the compensation for death provided under the Employees' Compensation Ordinance (Cap. 282). Besides, there are views that as workers under "informal employment" (e.g. delivery workers, as well as practitioners in the transport and entertainment industries) have no clear employment relationship with the organisations they work for, coupled with the prevalence of "false self-employment", relevant practitioners can hardly obtain reasonable compensation for accidents encountered at work, and such cases will also not be included in the statistics on occupational injuries and deaths. In this connection, will the Government inform this Council:

(1) as some trade unions have relayed that while quite a number of occupational injuries and deaths involving non-industrial accidents were probably triggered by factors such as overexertion at work and heat stroke, the relevant injuries and deaths often happened only until lunch or rest breaks, whether the Government has conducted studies on the relevant cases with a view to improving occupational safety through targeted measures;

(2) whether it will amend the Employment Ordinance (Cap. 57) to prevent employers from evading their responsibilities by means of false self-employment, thereby protecting workers under informal employment;

(3) given that the Government indicated at the meeting of the Panel on

Manpower of this Council held on February 21 this year that it would study whether and how data relating to injuries and deaths of self-employed persons at work could be kept, of the progress of the relevant study; and

(4) whether it will make reference to the more lenient approach adopted under the Traffic Accident Victims Assistance Scheme and set up a similar assistance fund, or launch an assistance programme under the Community Care Fund, so that all cases of injuries and deaths in the course of work can receive a certain amount of compensation, thereby improving the protection for occupational injuries and deaths in Hong Kong?

Reply:

President,

The reply to the Member's question is as follows:

(1) In some of the occupational injury cases that are not caused by industrial accidents, occupational health issues may be involved. The Labour Department (LD) will conduct investigation on these cases in accordance with the Occupational Safety and Health Ordinance and the Factories and Industrial Undertakings Ordinance, and collect information (such as details of their work and environmental conditions, statements from relevant persons, medical and autopsy reports, etc.). If the investigation results indicate that there are irregularities in respect of occupational safety and health, appropriate follow up measures will be taken by the LD. This includes taking corresponding enforcement actions if there is violation of relevant provisions. Depending on the situation, the LD may also update relevant guidelines and codes of practice, etc.

(2) Employers cannot evade their obligations under labour laws by falsely labelling an employee as a "self-employed person". Whether an individual is genuinely an employee does not depend on which industry he is in, his occupation or job title, but rather on the specific work arrangements. If there exists in substance an employment relationship between the contractual parties, the employer must fulfil his liabilities under the Employment Ordinance and pay the employee the statutory employment benefits. Otherwise, the employer will be held criminally liable for relevant offences.

(3) Occupational injuries refer to injury cases in workplaces reported under the Employees' Compensation Ordinance (ECO), resulting in death or incapacity for work of over three days.

Industrial accidents refer to injuries and deaths arising from industrial activities in industrial undertakings as defined under the Factories and Industrial Undertakings Ordinance.

In response to Members' query at the Panel on Manpower in February 2023, the LD has conducted an assessment and studied the definitions of the relevant ordinances and the operational feasibility. We are of the view that it is not easy to define self-employment. There is no single conclusive test to distinguish whether a person is an employee or a self-employed person.

In view of the above, the statistics on occupational injuries and industrial accidents do not include a breakdown of self-employed persons.

(4) The current employees' compensation system is premised on a no-fault principle and employers' liability to pay compensation on the basis of the ECO.

Under the ECO, employers are liable to pay compensation to their injured employees (and family members of their deceased employees) for incapacities or fatalities resulted from accidents arising out of and in the course of employment or resulted from the prescribed occupational diseases. If injured employees/family members of deceased employees encounter financial difficulties, the LD will, taking account of their needs and wishes, refer them to the Social Welfare Department or related organisations for assistance and/or support of relevant funds.

The Government at present has no plan to set up a separate programme or assistance fund on compensation for employees' work injuries outside the employees' compensation system.