

## LCQ9: Air quality in train compartments and railway stations

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

Railway is a major mode of public transport used by members of the public on a long-term basis. The findings of a research conducted by a university, which were published last year, showed that (i) when train doors opened, the concentrations of fine suspended particulates at the door-side surged, and (ii) those particulates contained metals which, after being breathed into the lungs, might cause respiratory and cardiovascular diseases, and even lung cancer. In this connection, will the Government inform this Council:

(1) whether it knows the timetable for and other details of the regular tests currently carried out by the MTR Corporation Limited (MTRCL) on the air quality of train compartments and railway stations, and the latest concentration levels of air pollutants obtained from such tests;

(2) whether it knows if MTRCL conducted any study in the past three years on ways to reduce the concentration levels of air pollutants in train compartments and railway stations; if MTRCL did, of the details; if not, the reasons for that; and

(3) given that MTRCL currently monitors the air quality in railway facilities according to the Practice Note for Managing Air Quality in Air-conditioned Public Transport Facilities: Railways published in 2003 by the Environmental Protection Department (EPD), whether EPD has updated the Practice Note since 2003; if not, when EPD will update the Practice Note?

Reply:

President,

Having consulted the Environmental Protection Department (EPD) and the MTR Corporation Limited (MTRCL), my reply to the Hon Chan Kin-por's question is as follows:

(1) and (2) In 2003, the EPD issued the "Practice Note for Managing Air Quality in Air-conditioned Public Transport Facilities – Railways (Practice Note 2/03)" (Practice Note) to assist railway service providers in monitoring and managing air quality in railway facilities. According to the Practice Note, railway service providers should ensure ventilation of its railway facilities in order to achieve and maintain a good air quality. Carbon dioxide is the monitoring indicator of the effectiveness of ventilation system. Moreover, railway service providers should establish a framework and

action plan to achieve and maintain a good indoor air quality in their facilities.

As railway service providers, the MTRCL has all along complied with the Practice Note in managing the air quality of its facilities, providing a safe and comfortable environment for passengers travelling on and waiting for MTR trains. Specifically, MTR stations and train compartments are equipped with ventilation systems and air filters, bringing in outdoor fresh air to stations and train compartments to improve ventilation. The MTRCL also regularly arranges for cleansing or replacement of ventilation system filters and air-conditioning systems so as to maintain a good indoor air quality.

As regards to monitoring, the MTRCL, in accordance with the Practice Note, has been conducting regular checking of the air quality of train compartments and all train stations at least once a year, in order to monitor the air quality of its facilities. Meanwhile, the MTRCL also conducts checking on its railway facilities (including new stations and trains, relevant facilities and locations of public concern) as and when necessary. Based on the results of the relevant checking, in 2018, the air quality of MTR trains compartments and all stations reached Level 1, the highest level representing good air quality under the Practice Note, which means that the hourly average concentration of carbon dioxide is below 2 500 parts per million (4 500 milligrams per cubic metre). This indicates that MTR train compartments and stations are adequately ventilated and the air quality therein is good.

The MTRCL will continue its work in managing and monitoring air quality. It welcomes views from the Government, the trades, other professional bodies and the public in this respect, and will continue to strive to provide a good indoor air quality and safe and comfortable environment for passengers travelling on MTR trains.

(3) According to the EPD, it is studying the latest developments of various countries on the management of indoor air quality of transport facilities, with a view to reviewing whether the Practice Note requires any updating.

---

## LCQ7: Road safety involving crane lorries

Following is a question by Dr Hon Lo Wai-kwok and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

It has been reported that on the 16th of last month, the crane of a

crane lorry running on the road in the Western District hooked and damaged an overhead cable of the tramway system, allegedly because the crane had not been folded properly. As a result, the tram service at the road section concerned was suspended for works personnel to repair the cable. Regarding road safety involving crane lorries, will the Government inform this Council:

(1) of the number of traffic accidents caused by cranes of crane lorries not folded properly and the resultant casualties, in each of the past five years;

(2) whether it reviewed and improved, in the past three years, the measures regulating the operation of crane lorries, such as raising the penalties for contravening the work safety requirements; if so, of the details; if not, the reasons for that; and

(3) whether it will discuss with members of the relevant trades ways to improve the design of crane lorries and the operational guidelines as well as enhance the training for the operators in relation to safe work practices, so as to avoid the occurrence of similar kind of accidents; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of Dr Hon Lo Wai-kwok's question is as follows:

(1) According to the records of the Transport Department (TD), during the period from January 2014 to May 2019, there were two cases of traffic accidents involving crane lorries with cranes not properly folded. One of the cases occurred in 2015 causing minor injury to a passenger, and the other occurred in 2018 causing serious injury to a driver of a crane lorry. The TD does not maintain records of traffic accidents not involving casualties.

(2) and (3) At present, the Government has put in place appropriate regulations regarding the safety requirements for crane lorries running on roads. All commercial vehicles (including crane lorries) running on roads must undergo and pass vehicle examination prior to first registration and annually thereafter in order to ensure that the vehicles are roadworthy and all on-board mobile industrial equipment is securely installed. As stipulated under regulation 6 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), the overall height of a crane lorry (including the load and equipment it carries) must not exceed 4.6 metres when running on roads. Also, when a crane lorry is operated in an industrial undertaking, the crane operator must comply with the training and qualification requirements as stipulated under the Factories and Industrial Undertakings Ordinance (Cap. 59) for protection of safety of the workers.

Separately, regulation 58 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) provides that the driver of a motor vehicle on a road shall ensure that the motor vehicle, all its parts and accessories, and its load shall be such that no danger is caused or is likely to be caused to any

person; or no damage is caused or is likely to be caused to a road or to public or private property. Otherwise, the driver commits an offence, and is liable to a fine of \$5,000 and imprisonment for three months on first conviction.

The TD has also prescribed the Code of Practice for the Loading of Vehicles, which reminds crane operators to have the crane lowered and returned to its stowed position after operating the crane attached to the vehicle. The Code of Practice also recommends the installation of warning systems on vehicles to alert drivers if the cranes are out of their stowed position when the vehicles are in motion. The TD will continue its publicity and education efforts to remind crane lorry owners, drivers and crane operators to take greater heed of and observe the safety regulations on the use of lorries running on roads. The TD will also seek to raise the trade's awareness of safe driving of crane lorries through its regular meeting with the goods vehicle trade and publication of the Goods Vehicle Trade Newsletter.

The Government will continue to monitor the safety of crane lorries running on roads with a view to examining the need to strengthen regulation in a timely manner.

---

## LCQ7: Road safety involving crane lorries

Following is a question by Dr Hon Lo Wai-kwok and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 26):

Question:

It has been reported that on the 16th of last month, the crane of a crane lorry running on the road in the Western District hooked and damaged an overhead cable of the tramway system, allegedly because the crane had not been folded properly. As a result, the tram service at the road section concerned was suspended for works personnel to repair the cable. Regarding road safety involving crane lorries, will the Government inform this Council:

(1) of the number of traffic accidents caused by cranes of crane lorries not folded properly and the resultant casualties, in each of the past five years;

(2) whether it reviewed and improved, in the past three years, the measures regulating the operation of crane lorries, such as raising the penalties for contravening the work safety requirements; if so, of the details; if not, the reasons for that; and

(3) whether it will discuss with members of the relevant trades ways to improve the design of crane lorries and the operational guidelines as well as enhance the training for the operators in relation to safe work practices, so as to avoid the occurrence of similar kind of accidents; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the various parts of Dr Hon Lo Wai-kwok's question is as follows:

(1) According to the records of the Transport Department (TD), during the period from January 2014 to May 2019, there were two cases of traffic accidents involving crane lorries with cranes not properly folded. One of the cases occurred in 2015 causing minor injury to a passenger, and the other occurred in 2018 causing serious injury to a driver of a crane lorry. The TD does not maintain records of traffic accidents not involving casualties.

(2) and (3) At present, the Government has put in place appropriate regulations regarding the safety requirements for crane lorries running on roads. All commercial vehicles (including crane lorries) running on roads must undergo and pass vehicle examination prior to first registration and annually thereafter in order to ensure that the vehicles are roadworthy and all on-board mobile industrial equipment is securely installed. As stipulated under regulation 6 of the Road Traffic (Construction and Maintenance of Vehicles) Regulations (Cap. 374A), the overall height of a crane lorry (including the load and equipment it carries) must not exceed 4.6 metres when running on roads. Also, when a crane lorry is operated in an industrial undertaking, the crane operator must comply with the training and qualification requirements as stipulated under the Factories and Industrial Undertakings Ordinance (Cap. 59) for protection of safety of the workers.

Separately, regulation 58 of the Road Traffic (Traffic Control) Regulations (Cap. 374G) provides that the driver of a motor vehicle on a road shall ensure that the motor vehicle, all its parts and accessories, and its load shall be such that no danger is caused or is likely to be caused to any person; or no damage is caused or is likely to be caused to a road or to public or private property. Otherwise, the driver commits an offence, and is liable to a fine of \$5,000 and imprisonment for three months on first conviction.

The TD has also prescribed the Code of Practice for the Loading of Vehicles, which reminds crane operators to have the crane lowered and returned to its stowed position after operating the crane attached to the vehicle. The Code of Practice also recommends the installation of warning systems on vehicles to alert drivers if the cranes are out of their stowed position when the vehicles are in motion. The TD will continue its publicity and education efforts to remind crane lorry owners, drivers and crane operators to take greater heed of and observe the safety regulations on the use of lorries running on roads. The TD will also seek to raise the trade's

awareness of safe driving of crane lorries through its regular meeting with the goods vehicle trade and publication of the Goods Vehicle Trade Newsletter.

The Government will continue to monitor the safety of crane lorries running on roads with a view to examining the need to strengthen regulation in a timely manner.

---

## LCQ1: Remittance of money to the Mainland

Following is a question by the Hon Ho Kai-ming and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (June 26):

Question:

It is learnt that in order to save time and cost, quite a number of Hong Kong people choose to use money changers instead of banks to remit Renminbi for them from Hong Kong to the Mainland. However, such money changers are regarded as "underground banks" as they have not been granted approval by the Mainland authorities for operating cross-border remittance business. Upon detection of illegal remittances, the law enforcement agencies on the Mainland may freeze the accounts of money changers and the Mainland beneficiaries concerned. As a result, the remitters fall into a "remittance trap" inadvertently. In this connection, will the Government inform this Council:

(1) of the number of complaints involving money changers received by the Government in each of the past three years, with a breakdown by type of complaints and the level to which the amount of money involved belonged;

(2) of the measures to enhance the regulation of the service of remitting money for customers to the Mainland provided by money changers, so as to avoid Hong Kong people suffering losses; and

(3) whether it will improve the current procedure and arrangements for banks to remit money for their customers to the Mainland, including discussing with the Mainland authorities the raising of the daily remittance limit per person and simplifying the vetting and approval procedure; if so, of the details?

Reply:

President,

Having regard to the international standards on anti-money laundering and counter terrorist-financing (AML/CFT), the Government commenced the Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) Ordinance (AMLO) (Cap. 615) in 2012 to impose statutory customer due diligence and record-keeping requirements on financial institutions (including money service operators (MSOs)). The Ordinance also introduces a licensing regime for MSOs and empowers the Customs and Excise Department (C&ED) to supervise their AML/CFT compliance.

Under the AMLO, any person who operates a money service business (including money changing service and/or remittance service) in Hong Kong must obtain a licence from the C&ED. the C&ED may grant a licence to an MSO applicant only if it is satisfied that the applicant and ultimate owners (if any) are fit and proper persons to operate a money service business. If the applicant is a corporation or a partnership, all directors, partners, and ultimate owners (if any) must be fit and proper persons. In deciding whether a person is fit and proper, the C&ED must have regard to whether the person has been convicted of an offence relating to money laundering or terrorist financing under the Organized and Serious Crimes Ordinance (Cap. 455), Drug Trafficking (Recovery of Proceeds) Ordinance (Cap. 405) or United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575) (including similar offences in other jurisdictions); whether he/she has persistently failed to comply with the AML/CFT requirements stipulated under the AMLO or the AML/CFT Guideline promulgated by the C&ED; whether he/she has been convicted for an offence for which it was necessary to find that the person had acted fraudulently, corruptly or dishonestly; whether the person, being an individual, is an undischarged bankrupt or is the subject of any bankruptcy proceedings; and whether the person, being a corporation, is in liquidation or is the subject of a winding up order, etc. In addition to the above, the C&ED may consider any other matter that it considers relevant in determining whether a person is fit and proper.

My reply to various parts of the question raised by the Hon Ho Kai-ming is as follows:

(1) From 2016 to 2018, the C&ED received a total of 37 complaints relating to MSOs, 18 of which relate to failure to complete remittance transactions for various reasons after MSOs received funds from their customers.

(2) On top of the AMLO, MSOs must comply with other legislations, including those relating to consumer protection. For example, the Trade Descriptions Ordinance (TDO) (Cap. 362) stipulates that any trader (including MSOs) who applies a false or misleading claim during the course of offering a service to a consumer commits an offence; such offence may be reported to the C&ED. Further, a report may be made to the Police if an MSO or any trader is suspected of fraud or other criminal offences.

Aside from criminal investigation, the C&ED will also commence an investigation under the AMLO against the alleged MSO. If the licensee is found not to have complied with the AMLO or the AML/CFT Guideline, the C&ED may institute a criminal prosecution or impose administrative measures

against the licensee, including public reprimand, order for remedial action, fines and/or imposition of additional licensing conditions. If the licensee is no longer considered to be a fit and proper person to operate a money service business, the C&ED will suspend or revoke his/her MSO licence.

From January to April 2019, two persons who operate a money service business were arrested for suspected contravention of the TD0 and theft respectively, and their MSO licences have been suspended by the C&ED. Investigation is ongoing. During the same period, the C&ED suspended/revoked another five MSO licences for various other reasons.

In addition to strengthening enforcement, the C&ED conducts regular outreach (e.g. distribution of pamphlets, providing latest information at its website, etc) to remind the public to engage only licensed MSOs and stay vigilant to the laws and regulations of other jurisdictions when remitting money so as to prevent any loss.

(3) The Hong Kong Monetary Authority (HKMA) attaches importance to the accessibility of financial and banking services to Hong Kong residents in the Mainland. The HKMA maintains liaison with the Mainland authorities on issues relating to payment, account opening, wealth management, and remittance etc, and measures of financial facilitation are introduced accordingly. The HKMA will follow up as appropriate with the Mainland authorities on arrangements to remit Renminbi having regard to the local situation.

Thank you, President.

---

## **LCQ21: Provision and management of public markets**

Following is a question by the Hon Andrew Wan and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 26):

Question:

Some members of the public have pointed out that the government's efforts in providing and managing public markets have been ineffective. For instances, patronage of North Kwai Chung Market has remained low due to the prolonged delay in retrofitting air conditioning system, Tsuen King Circuit Market was closed as a result of mismanagement, and there has been a shortage of public market in new towns such as Tung Chung and Tin Shui Wai. In this connection, will the Government inform this Council:

(1) whether it has formulated plans to redevelop the public markets in New



Territories West; if so, of the details (including the name of the public markets involved and the timetable for redevelopment);

(2) whether it has formulated plans to renovate the public markets in New Territories West; if so, of the details (including the name of the public markets involved and the timetable for renovation);

(3) whether it will pursue the "single site, multiple use" model in multi-storey developments in redeveloping public markets, and build municipal complexes to provide the various types of public facilities; if so, of the details; if not, the reasons for that;

(4) as the Chief Executive indicated in last year's Policy Address that the Government would build a public market in Tung Chung and Tin Shui Wai respectively, whether the Government will provide more public markets in phases having regard to the current and anticipated future population of the two districts; if so, of the details; if not, the reasons for that; and

(5) as the Financial Secretary announced in his 2018-2019 Budget Speech that the Government would earmark \$2 billion for implementing a Market Modernisation Programme over the next 10 years, whether it has assessed the number of public markets that can benefit from the funding; whether it will provide additional funding in a timely manner in order that the relevant works can be carried out in more public markets; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government is implementing the ten-year Market Modernisation Programme (MMP) to improve the operating environment of existing public markets. The Government is also planning to develop new public markets in certain districts. My reply to the various parts of the question is as follows:

(1), (2) and (5) In identifying markets for implementation of projects of different scales (including redevelopment, fundamental overhaul and refurbishment and minor improvement works) under MMP, the Food and Environmental Hygiene Department (FEHD) will select public markets with regard to their geographical location and distribution, condition of facilities, business viability, community needs and tenants' readiness so as to benefit the public as a whole.

Having regard to a preliminary assessment of existing markets and views gathered from the Subcommittee on Issues Relating to Public Markets under the Legislative Council Panel on Food Safety and Environmental Hygiene, the FEHD has proposed that, in the first phase of the MMP, a fundamental overhaul for four markets and refurbishment and minor improvement works for at least another three markets will be taken forward. The pioneering project of the MMP will be the overhaul of Aberdeen Market while the other three markets to

be overhauled are located in Kowloon and the New Territories. We have been actively liaising with the tenants there and other stakeholders with a view to reaching a consensus on the way forward as soon as possible. The overhaul arrangements for Aberdeen Market will set a model for future similar projects. After the details of the Aberdeen Market project are finalised, we will kick-start other first phase projects progressively.

The FEHD will continue to follow up on the first-phase projects and identify more markets suitable for the MMP, so as to make the best use of the \$2 billion earmarked, to improve the operating environment of markets. We will assess the need for more funding at a later stage when the funds earmarked are about to be fully committed.

(3) In line with government policy, where the site is zoned for "Government, Institution or Community" purposes, we will pursue the "single site, multiple use" model in multi-storey developments and welcome collaboration with other government departments to accommodate compatible use.

(4) As announced in the 2018 Policy Address, the Government plans to build new public markets in Tin Shui Wai and Tung Chung Town Centre respectively. The Government has also initially identified suitable sites in the east of Tung Chung New Town Extension Area as well as in the southwest of Hung Shui Kiu New Development Area (NDA) to build public markets. Apart from the above, we are also looking for locations in Tseung Kwan O and the Kwu Tung North NDA to build new markets.

Providing a new public market requires the use of scarce land resources and entails public financial commitment, both capital and recurrent. We also observe the evolving customer preference for shopping venues in purchasing fresh provisions. Given these premises, in considering whether a public market should be built, we have to duly assess the need for the market and cost effectiveness and to ensure proper use of public resources.

The provision of new public markets would be considered on a case-by-case basis. The Government will take into account relevant factors including demographic mix, community needs, provision of both public and private market facilities nearby and number of fresh provision retail outlets in the vicinity. We would also consider the actual situation of individual districts and the views of stakeholders in the process.