

Operator and managers of unlicensed guesthouses fined

A man and three women were fined \$10,000 each at Kowloon City Magistrates' Courts today (January 23) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that between July and September last year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected four suspected unlicensed guesthouses on Argyle Street, Kimberley Road, Reclamation Street and Yen Chow Street in Kowloon. During the inspections, the OLA officers posed as lodgers and successfully rented rooms in these guesthouses on a daily or hourly basis.

According to the OLA's records, these guesthouses did not possess licences under the Ordinance on the days of inspection. The man and the women responsible for operating and managing the premises were 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".

HKSAR Government strongly condemns DemosistÅ for forcibly hanging demonstration banner at CGO flagstaff platform

A Government spokesman strongly condemned an intrusion by individuals of DemosistÅ today (January 23) into the East Wing Forecourt of the Central Government Offices (CGO), where they forcibly hung a demonstration banner on the flagstaff platform despite the advice and warnings issued by security personnel at the scene, resulting in a security guard being injured and

damage to some plants.

The Government respects the rights of the public to express their views, but the effective, secure and smooth operation of the CGO should be safeguarded at the same time. The flagstaff platform in the CGO East Wing Forecourt has never been part of the area specified for public meetings/processions.

Regrettably, some individuals from DemosistA0 forcibly hung a demonstration banner on the flagstaff platform this morning despite the advice and warnings issued by security personnel at the scene, resulting in a security guard being injured and damage to some plants.

The Administration Wing reported the case to the Police, who are now investigating it.

CSSA caseload for December 2018

The overall Comprehensive Social Security Assistance (CSSA) caseload in December 2018 showed a drop of 1 052 cases, representing a decrease of 0.5 per cent compared with that of November, according to the latest CSSA caseload statistics released by the Social Welfare Department today (January 23).

The total CSSA caseload at the end of December stood at 226 437 (see attached table), with a total of 323 023 recipients.

Analysed by case nature, all categories of cases recorded a decrease. Low-earnings cases registered a month-to-month decrease of 2.2 per cent to 3 589 cases while unemployment cases showed a drop of 1.9 per cent to 11 818 cases.

Single parent cases fell by 0.6 per cent to 24 697 cases. Both ill health cases and permanent disability cases dropped by 0.4 per cent to 23 103 cases and 16 739 cases respectively. Old age cases slipped by 0.3 per cent to 142 364 cases.

LCQ14: Employment of persons with

disabilities

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 (January 23):

Question:

Some groups have relayed to me that the employment support currently provided by the Government for persons with disabilities (PWDs) is inadequate, and quite a number of PWDs have still been unsuccessful in securing employment several years after graduation from tertiary institutions. Moreover, quite a number of PWDs who had secured employment through the Work Orientation and Placement Scheme (WOPS) were dismissed immediately after the end of the nine-month payment period of the government allowance. In this connection, will the Government inform this Council:

- (1) whether it knows (i) the respective rates of employment, unemployment and underemployment of PWDs, and (ii) the number of PWDs with tertiary education qualifications and their respective rates of employment, unemployment and underemployment, in each of the past five years;
- (2) of the top three government departments with the highest percentages of the number of PWDs in the total number of employees in each of the past five years;
- (3) of the respective numbers and percentages of government job vacancies filled by PWDs who were (i) transferred from other posts in the Government and (ii) appointed through open recruitment processes, in each of the past five years;
- (4) of the respective numbers of PWDs and employers who were provided with employment and recruitment services by the Selective Placement Division of the Labour Department, and the number of PWDs who secured employment through such services, in each of the past five years;
- (5) of the total amount of allowance granted under WOPS in each of the past five years to employers who were employing PWDs; the number of PWDs in the past two years who stayed in employment for more than 10 months after securing employment through WOPS;
- (6) of the number of PWDs who underwent productivity assessments and were issued with a Certificate of Assessment on the Degree of Productivity each year since the implementation of the Statutory Minimum Wage (SMW) regime in May 2011;
- (7) given that a PWD may choose to reach an agreement with an employer under which he accepts the arrangement for undergoing a trial period of employment of not more than four weeks, and the level of the wage paid by the employer to such an employee during the period must not be lower than 50 per cent of

the SMW rate, whether the Government knows, among the PWDs mentioned in (6), the number of those who, based on the assessment results, were entitled to wages at a level higher than 50 per cent of the SMW rate; and

(8) whether the Government will consider, by following the practices in some Mainland provinces and municipalities and overseas countries, taking the lead in introducing an employment quota system for PWDs in government departments?

Reply:

President,

Having consulted the relevant bureaux and departments, I provide a consolidated reply to the Member's question as follows:

(1) In accordance with a territory-wide survey conducted throughout 2013 by the Census and Statistics Department (C&SD) on persons with disabilities and chronic diseases, it was estimated that 13.6 per cent of persons with disabilities aged 15 and above were employed in that year, higher than the rate in 2006-07 (11.8 per cent). Besides, the unemployment rate of this group of persons was 6.0 per cent in 2013, lower than that in 2006-07 (10.5 per cent). As the prevalence rate of persons with disabilities will not change drastically over a short period of time, the C&SD conducts the above survey once every six to seven years. Owing to sample size constraint, information on the corresponding underemployment rate is not available from the survey.

In 2013, there were 43 900 persons with disabilities aged 15 and above holding post-secondary qualifications, of which 34.7 per cent were employed. The corresponding figures in 2006-07 were 22 400 persons and 36.7 per cent. Owing to sample size constraint, information on the unemployment and underemployment rates of persons with disabilities holding post-secondary qualifications is not available from the survey.

(2) The Agriculture, Fisheries and Conservation Department, Companies Registry and Drainage Services Department are the top three government departments with the highest rates of employing persons known to have disabilities (excluding colour blindness or defective colour perception) as civil servants in each of the past five years (i.e. from 2013-14 to 2017-18).

(3) There is no requirement for applicants for government jobs to declare their disabilities, if any. The situation of applicants with disabilities is known to the Civil Service Bureau (CSB) on the basis of the information available to bureaux/departments (B/Ds) during the recruitment process (e.g. through requests of applicants made to recruiting B/Ds for making special arrangements during selection interview/test having regard to their disabilities). Hence, the figures obtained through the aforesaid channel by the CSB might be lower than the actual figures. According to the data collected from that channel, the number of new recruits known to have disabilities and their percentage in the total number of new recruits in each of the past five years (i.e. from 2013-14 to 2017-18) are set out below:

Year	2013-14	2014-15	2015-16	2016-17	2017-18
Number of new recruits known to have disabilities (Note 1)	80	58	83	49	74
Total number of new recruits in the civil service	8 460	7 717	9 854	8 947	12 041
Percentage	0.9%	0.8%	0.8%	0.5%	0.6%

The above only covers the figures of new recruits in the civil service. The Government does not collect data about civil servants with disabilities on in-service transfer.

(4) The Labour Department (LD) provides recruitment and employment services for employers and job seekers with disabilities who are suitable for open employment. In the past five years (i.e. from 2014 to 2018), there were respectively 4 560, 5 042, 5 306, 5 614 and 4 939 private organisations offering the LD job vacancies for persons with disabilities. During the same period, there were respectively 2 650, 2 720, 2 790, 2 833 and 2 766 job seekers with disabilities registering with the LD for employment services, whereas the LD recorded 2 464, 2 401, 2 250, 2 203 and 2 219 placements respectively for persons with disabilities.

(5) The LD implements the Work Orientation and Placement Scheme (WOPS) to encourage employers to hire job seekers with disabilities and provide them with coaching and support through the provision of an allowance. In the past five years (i.e. from 2014 to 2018), the annual total amounts of allowance payable to eligible employers under the WOPS were \$11.20 million, \$12.22 million, \$12.19 million, \$13.11 million and \$10.82 million respectively. Among the 802 WOPS placements in 2017 (Note 2), there were 263 cases where the employees with disabilities were employed for over 10 months.

According to the information available to the LD, employment contracts under the WOPS were terminated mostly owing to the resignation of employees with disabilities. Dismissal by employers only accounted for a minority of the termination cases, and there was no significant increase in the number of termination cases after the expiry of the allowance period. The main reasons for employees with disabilities to resign were their inability to adapt to the new job, their wish to change to a new working environment and their finding a better job. On the other hand, employers dismissed employees with disabilities mainly because of the latter's performance issues.

(6) Figures on the number of employees with disabilities who completed the productivity assessment under the Statutory Minimum Wage (SMW) regime with the award of the Certificate of Assessment on the Degree of Productivity of Persons with Disabilities (the certificate) in each of the past five years (i.e. from 2014 to 2018) are set out below:

Year	Number of employees with disabilities
2014	70
2015	79
2016	45
2017	41
2018	31

(7) Where an employee with disabilities has received the productivity assessment under the SMW regime, the employer concerned is required under the Minimum Wage Ordinance to pay the employee a wage no less than the amount determined according to the wage rate commensurate with the degree of productivity stated in the certificate. Among the employees with disabilities mentioned in part (6) above, over 99 per cent were assessed as having productivity of above 50 per cent, i.e. they were entitled to wages at a level higher than 50 per cent of the SMW rate.

(8) At present, the CSB has no plan to set an upper or lower limit for employing persons with disabilities as civil servants. The Government's policy is to ensure that persons with disabilities, like other applicants, enjoy equal opportunities in applying for government jobs by putting in place appropriate measures to facilitate their participation in the recruitment process, and give them an appropriate degree of preference for appointment.

Note 1: Excluding persons who declared to have colour blindness or defective colour perception.

Note 2: As most of the employees with disabilities placed in 2018 are still being employed under the WOPS with employment period less than 10 months, the relevant information for 2018 is not yet available.

LCQ22: Shatin to Central Link project compensation claims

Following is a question by the Hon Vincent Cheng and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (January 23):

Question:

Some shop operators in Kowloon City have relayed to me that in order to implement the Shatin to Central Link (SCL) project, the MTR Corporation Limited (MTRCL) has since 2014 enclosed several large construction sites with wire fences on a number of roads in the district and closed several road sections (such as a lane of Nam Kok Road bound for Prince Edward Road

East). Due to sight line obstructions, coupled with the dust and noise generated by the works, the shops located on numbers 4 to 24 Nam Kok Road have suffered a plunge in business. Although they have filed compensation claims in accordance with the Railways Ordinance (Cap 519) (the Ordinance) and submitted detailed information, none of the claims have been approved so far. Regarding complaints and compensation claims arising from railway projects, will the Government inform this Council:

(1) among the 26 compensation claims in respect of the SCL project received by the authorities in the past five years, of the number of those rejected and the reasons for the rejection, with a tabulated breakdown by type of claimants and District Council district;

(2) of the respective numbers of complaints received by the authorities in each of the past five years involving the works carried out at Ma Tau Wai Road, Kiang Su Street, Lok Shan Road and Nam Kok Road under the SCL project, with a breakdown by the contents of the complaints; the measures taken by the authorities to mitigate the impact of the works on nearby shop operators and residents;

(3) of the anticipated time for (i) the completion of the works at the roads mentioned in (2) under the SCL project, and (ii) the removal of the wire fences erected thereon for the purpose of the works; the expected commissioning dates of To Kwa Wan Station and Sung Wong Toi Station which are related to such works;

(4) of the respective numbers of compensation claims filed under the Ordinance which were received, approved and rejected by the authorities, and the number of them referred to the Lands Tribunal (with a tabulated breakdown by the handling results and District Council district), in each of the past five years;

(5) given that the Government is a major shareholder of MTRCL, whether the Government will refer the compensation claims arising from railway projects to an independent third-party organisation or a committee comprising non-official members for assessments, in order to show impartiality; and

(6) whether it will review the Ordinance with a view to improving the mechanism for compensation claims?

Reply:

President,

Our reply to the six parts of the question raised by the Hon Vincent Cheng is as follows:

(1) In the past five years (from January 2014), a total of 26 compensation claims involving the Shatin to Central Link (SCL) project were submitted to the Secretary for Transport and Housing under the Railways Ordinance. All the cases were referred to the Lands Department for follow-up and processing. Of the 26 cases, 15 cases were claims involving commercial properties lodged by owners or shop tenants and the remaining 11 cases were claims involving

residential properties lodged by owners. Of these, five claims have been rejected and 21 claims are still being processed. The relevant figures are tabulated below:

District	Number of claims involving commercial properties lodged by owners or shop tenants	Number of claims involving residential properties lodged by owners
Wan Chai	2	0
Kowloon City	13	9
Wong Tai Sin	0	2
Total	15	11

According to the information submitted by the claimants, the five rejected cases involved commercial properties in Kowloon City and the main head of claim is related to the temporary road closure arrangements. In handling the above five cases, the Lands Department has considered the relevant information submitted by the claimants and the relevant records of the department. Though there was obstruction to part of the footpath due to the construction, there was sufficient width of the footpath maintained. After seeking legal advice, the Lands Department considered that the access to the premises had not been adversely affected and did not constitute a claim for compensation under the Railways Ordinance. Therefore, the five compensation claims were not substantiated and were rejected.

(2) To tie in with the construction of To Kwa Wan Station and Sung Wong Toi Station of the SCL, the MTR Corporation Limited (MTRCL) has to implement temporary traffic management measures in stages to facilitate the construction of the stations and their entrances/ exits. The extent of the measures covers Ma Tau Wai Road, Kiang Su Street, Lok Shan Road and Nam Kok Road.

During the construction period, the MTRCL and the contractors have taken various measures to reduce the impact of the works on shop tenants and residents, including maintaining appropriate width of the footpaths for public use; placing clear notices and signs; using translucent barriers and noise insulating equipment when practicable, with the names of the shop tenants printed on the barriers; beautifying the barriers on site as far as possible to improve the walking environment; and reducing a part of the works sites for maintaining loading and unloading bays during holidays, etc. In addition, during the implementation of large-scale temporary traffic management measures at Ma Tau Wai Road, the MTRCL arranged caring ambassadors to assist residents in crossing roads and taking vehicles. As residents may feel slight vibrations during the excavation of tunnel, the MTRCL has conducted safety monitoring on buildings in the vicinity of the tunnel area and has designated staff to conduct regular ground monitoring to ensure building and public safety. The MTRCL has added noise insulation equipment to reduce the noise level with a view to minimising the nuisance to the community arising from the construction.

Before the implementation of the temporary traffic management measures and during the construction period, the MTRCL and the contractors have maintained close communication with nearby shop tenants and residents. Apart from distributing notices, they have also met with the shop tenants and residents from time to time to explain the construction arrangement and related temporary traffic management measures. In addition, the MTRCL has also reported to the Community Liaison Group (members including residents) meetings on construction progress and sought views on the temporary traffic management measures.

In the past five years (from January 2014), the complaints received by the Highways Department in relation to the works under the SCL project in the vicinity of Ma Tau Wai Road, Kiang Su Street, Lok Shan Road and Nam Kok Road are tabulated below:

Year	Classification of complaints received by Highways Department							Total
	Obstruction to traffic/pedestrian	Site hygiene	Design and arrangement of temporary traffic management measures	Road defects	Building vibration, noise and air pollution	Site safety	Others	
2014	8	1	5	0	14	1	5	34
2015	1	4	4	3	3	0	2	17
2016	6	1	3	8	5	0	0	23
2017	0	2	1	2	2	0	2	9
2018	2	0	6	5	3	0	2	18

(3) To Kwa Wan Station of the SCL is located underneath Ma Tau Wai Road. Temporary traffic management measures are still being implemented on sections of the road. The MTRCL envisages that traffic in three northbound and three southbound carriageways of Ma Tau Wai Road will be resumed progressively from the second half of 2019 and will be completed by early 2020.

The structural works, E&M works and fitting-out works of the entrances/exits of To Kwa Wan Station at Kiang Su Street and Lok Shan Road have been completed. The underground utility facilities are being reinstated in phases and the works for the carriageway and footpath are under way. The MTRCL expects that the reinstatement works at Kiang Su Street and Lok Shan Road will be completed by the end of 2019. After the completion of reinstatement works, the barriers used for separating the works site will be removed.

Regarding the section of Nam Kok Road that connects to Sung Wong Toi Station, the reinstatement works of the carriageways were completed in October 2018 and eleven metered car parking spaces along that road section were permanently re-provisioned for public use. The reinstatement works of the footpath are to be completed in the second quarter of 2019. The MTRCL will maintain close communication with the relevant shop tenants to minimise

the impact of the remaining works.

The Tai Wai to Hung Hom Section was originally scheduled for commissioning in mid-2019. However, in view of the spate of incidents about the quality of the construction of Hung Hom Station and associated investigation work, the target commissioning date has to be reviewed.

As regards the partial commissioning of some stations and sections of the Tai Wai to Hung Hom Section, the Government has requested the MTRCL to expedite the study on different options and make recommendations. The Government and the MTRCL will actively continue exploring suitable options, with priority accorded to practical feasibility and safety. There is no decision at this stage.

(4) In the past five years (from January 2014), there were a total of 46 compensation claims submitted to the Secretary for Transport and Housing under the Railways Ordinance. The railway projects include the SCL, the Hong Kong Section of Guangzhou-Shenzhen-Hong Kong Express Rail Link, the South Island Line (East), the Kwun Tong Line Extension and the West Island Line. All claims were referred to the Lands Department for follow-up and processing. Among the 46 cases, there were six successful claims and 11 rejected claims. The remaining 29 claims are still being processed. No cases have been referred to the Lands Tribunal. The relevant figures are tabulated as below:

Year of claims received	District	No. of cases received	No. of cases rejected	No. of successful claims
2014	Central and Western	4	0	2
	Southern	1	1	0
	Yuen Long	1	0	0
	Kowloon City	9	7	0
	Wong Tai Sin	2	0	0
	Kwai Tsing	1	1	0

2015	Central and Western	1	0	1
	Wan Chai	1	0	0
	Sham Shui Po	1	0	0
	Kowloon City	6	0	0
	Yuen Long	1	0	1
2016	Central and Western	1	0	1
	Wan Chai	1	0	0
	Southern	2	1	0
	Sham Shui Po	1	0	1
	Kowloon City	11	1	0
2017	Central and Western	1	0	0
	Kowloon City	1	0	0
2018	All districts	0	0	0
	Total	46	11	6

(5) Under the Railways Ordinance, the claimant is required to serve his claim for compensation to the Secretary for Transport and Housing. In general, the Bureau will refer the claims to the Lands Department for processing under the Railways Ordinance. The Lands Department will assign departmental professional officers (such as surveyors and accountants) to follow up each case. The responsible officers will also seek professional advice from relevant departments (such as the Highways Department, the Buildings Department and the Department of Justice) for giving comprehensive consideration if necessary.

Within six months of the service of a claim or the further particulars requested from a claimant, the Government will determine whether his claim is accepted or rejected, or a counter-offer is proposed. If the claimant does not agree with the result of his claim, the claimant may refer the claim to the Lands Tribunal for determination after the expiry of 7 months from the receipt of the claim by the Government. The Lands Tribunal is established under the Lands Tribunal Ordinance (Cap 17). It has four professional judges including a President who is a Judge of the Court of First Instance of the High Court and three Presiding Officers, who are District Judges. There are also two Members of the Tribunal who are qualified surveyors. The President

and a Presiding Officer may either sit alone or together with a Member in hearing cases. A Member may also sit alone in hearing cases. The Tribunal can determine the amount of compensation payable by the Government to a claimant for his claim.

(6) As mentioned in (5), if the claimant does not agree with the result of his claim, he may refer the claim to the Lands Tribunal to commence proceedings in accordance with section 34(7) of the Railways Ordinance for determination by the Lands Tribunal after the expiry of 7 months from the receipt of his claim by the Government. The Government has no plans to review the Ordinance at the moment.