

Fatal traffic accident in Aberdeen

Police are investigating a fatal traffic accident in Aberdeen today (January 16) in which a 63-year-old woman died.

At about 12.35pm, a school bus driven by a 73-year-old man reportedly knocked down the 63-year-old woman when it reversed in a school on Nam Fung Path.

Sustaining serious head injuries, the woman was certified dead at scene.

The school bus driver was arrested for dangerous driving causing death and is being detained for further enquiries.

Investigation by the Special Investigation Team of Traffic, Hong Kong Island is underway.

Anyone who may have witnessed the accident or has any information is urged to contact the investigating officers on 3660 6800 or 3660 6838.

LCQ12: Government outsourced service contracts

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 16):

Question:

The Government has established a debarment mechanism and a demerit point system in respect of the outsourced service contracts (excluding construction ones) that rely heavily on the deployment of non-skilled employees. Under the debarment mechanism, the tenders submitted by outsourced service contractors (contractors) will not be considered for a period of five years from the date on which the contractors are convicted of having contravened a specified ordinance relating to employment rights and benefits. Under the demerit point system, contractors may be awarded demerit points if they have failed to sign the Standard Employment Contract (SEC) with their employees or have breached the clauses in SEC in respect of wages, working hours and payment of wages by autopay. In addition, the Government may issue verbal warnings, written warnings and default notices to contractors who are in breach of the contracts, and may also withhold payment of monthly service charges or make deductions thereof. Regarding outsourced service contracts, will the

Government inform this Council:

(1) of the number of outsourced service contracts of the Food and Environmental Hygiene Department (FEHD) that will expire in the coming three years, together with a tabulated breakdown, by (a) type of service (i.e. cleansing or security) involved in the contract and (b) District Council (DC) district, of the following relevant information: (i) names of contractors, (ii) service districts and details, (iii) contract values, (iv) number of non-skilled employees, (v) total amount of wages and (vi) expiry dates of the contracts;

(2) whether it knows, in respect of the non-skilled employees of FEHD's cleansing and security service contractors respectively, of their (i) monthly salary ranges, (ii) average working hours, (iii) average length of employment and (iv) age distribution, in each of the past three years (set out in a table);

(3) of the number of Workman II currently employed by FEHD; among them, the (i) number, (ii) minimum pay point, (iii) maximum pay point and (iv) average weekly working hours of those who are required to carry out cleansing duties in public places, and whether they are entitled to the relevant travelling allowance and hardship allowance as they need to work under inclement weather;

(4) of the current number of refuse collection points (RCPs) under FEHD, and among such RCPs, the respective numbers of those provided with (i) individual rest rooms, (ii) changing rooms, (iii) water dispensers and (iv) mobile refuse compactors, with a tabulated breakdown by DC district;

(5) in respect of the current contracts for the provision of (a) property management, (b) cleansing and (c) security services respectively at public rental housing estates, of the following details: (i) effective dates, (ii) expiry dates, (iii) names of contractors, (iv) contract values, as well as the (v) numbers, (vi) total amounts of wages, (vii) monthly salary ranges, (viii) average working hours and (ix) age distribution of the non-skilled employees (set out in a table);

(6) of (i) the respective numbers of verbal warnings, written warnings and default notices issued by FEHD to its cleansing service contractors, (ii) the number of times for which FEHD made deductions of the monthly service charges paid to its cleansing service contractors and the total amount of deductions involved, and (iii) the number of times for which FEHD award demerit points to its cleansing service contractors, in the past five years;

(7) of the respective numbers of cases in which FEHD imposed punishments on its cleansing service contractors in each of the past five years for breaching (a) the clauses relating to the demerit point system and (b) other clauses in SEC, as well as the following details of such cases: (i) names of contractors, (ii) number of breaches, (iii) details of the breaches, (iv) the respective numbers of verbal warnings, written warnings and default notices issued, and (v) total amount of the monthly service charges deducted;

(8) of the cumulative number of written warnings or default notices that FEHD's contractors have received within a period for breaching clauses in SEC which are unrelated to the demerit point system before deductions are made to monthly service charges paid to them and punishments are imposed on them under the debarment mechanism; and

(9) of the respective numbers of complaints received by FEHD last year about its cleansing service contractors (i) underpaying wages, (ii) defaulting on wage payments, (iii) failing to sign SEC, (iv) exceeding working hour limits and (v) failing to make severance payments/long service payments; among each category of complaints, the number of those found substantiated, and the number of contractors penalised as a result (with a breakdown by form of punishment)?

Reply:

President,

Having consulted the Transport and Housing Bureau, our reply to the various parts of the question raised by the Hon Leung Yiu-chung is as follows:

(1) The total number of outsourced service contracts of the Food and Environmental Hygiene Department (FEHD) which will expire in the financial years 2019-20 to 2021-22 is 113. Information about the cleansing service contracts is set out at Annex 1, and information about the security guard service contracts is set out at Annex 2.

(2) The information about the staff employed by FEHD's cleansing and security guard service contractors in the past three financial years is set out at Annex 3.

(3) As at December 31, 2018, FEHD employed 2 773 Workman II, among them, 2 003 Workmen II provided public cleansing services. At present, the minimum pay point of Workman II is Model Scale 1 Pay Scale Point 0 (\$13,040 per month) and the maximum pay point is Model Scale 1 Pay Scale Point 8 (\$15,365 per month). Their average working hours per week is about 45 hours. If employees are required to work when a Black Rainstorm Warning Signal or a Tropical Cyclone Warning Signal No. 8 (or above) is in force, they are entitled to the Rainstorm Black Warning Allowance or Typhoon Allowance.

(4) There are 159 permanent off-street refuse collection points (RCPs) under FEHD, among which 143 are managed by FEHD's cleansing service contractors.

Generally speaking, RCPs with roll call points are provided with changing facilities but do not have separate rest rooms. If changing facilities are not available in some RCPs due to space restriction, contractors are allowed to provide, where feasible, temporary changing and storage facilities in the RCPs. As for FEHD's newly constructed RCPs, changing and storage facilities are provided.

Under the service contracts signed between FEHD and its contractors, it is stipulated that contractors shall comply with all legislation in relation to the execution of the contracts, including the Occupational Safety and Health Ordinance (Cap. 509) and its subsidiary regulations. Therefore, employers have to ensure, as far as reasonably practicable, their employees' safety and health at work, which includes the provision of sufficient drinking water for employees.

Mobile refuse compactors are provided in RCPs depending on operational needs and the site conditions.

The numbers of RCPs provided with changing facilities, drinking facilities and mobile refuse compactors managed by FEHD's cleaning service contractors with a breakdown by 18 districts are set out at Annex 4.

(5) Details of the contracts for the provision of property management, cleansing and security guard services at public housing estates under the management of the Hong Kong Housing Authority (HA) are tabulated at Annex 5, Annex 6 and Annex 7 respectively.

(6) The number of verbal warnings, written warnings, default notices issued, cases of monthly service payments deduction, times of giving demerit points, as well as the amount of monthly service payments deducted in the past five financial years by FEHD to its cleansing service contractors are set out at Annex 8.

(7) The number of cases in which FEHD imposed punishments on its cleansing service contractors in the past five financial years for breaching contractual obligations are set out at Annex 9 and Annex 10.

(8) When FEHD issues a default notice to its service contractor, the monthly service payment will be deducted immediately. While the number of written warnings or default notices issued to a contractor will not affect the contractor's eligibility for tendering, it may affect the contractor's chances of success in bidding for Government contracts.

(9) The number of complaints received by FEHD in 2018-19 (as at November 30, 2018) against its cleansing service contractors about underpayment of wages, non-payment of wages, no signing of Standard Employment Contract (SEC), exceeding maximum working hours and failure to grant severance/long service payment, as well as details of these complaints are tabulated at Annex 11.

[Man convicted of exporting excessive](#)

amount of powdered formula

A 32-year-old man was sentenced to two months' imprisonment today (January 16) at Fanling Magistrates' Courts for exporting an excessive amount of powdered formula, in contravention of the Import and Export (General) (Amendment) Regulation 2013 (the Amendment Regulation).

Customs officers inspected an outgoing private car at Man Kam To Control Point yesterday. Twenty-four cans of powdered formula weighing 21.6 kilograms in total with an estimated market value of about \$6,700 were seized on board the vehicle. The male driver of the private car was then arrested.

Under the Amendment Regulation, it is an offence to export powdered formula, including milk powder and soya milk powder, for infants and children under 36 months without a licence. To allow a reasonable quantity for personal use, the prohibition does not apply to powdered formula not exceeding 1.8kg in total net weight that is exported in the accompanied personal baggage of a person leaving Hong Kong. However, the person must be aged 16 or above and must not have left Hong Kong in the last 24 hours. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for two years.

Customs reminds members of the public and outbound travellers to observe the Amendment Regulation effective since March 1, 2013.

Members of the public may report any unlicensed export of powdered formula to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).

LCQ2: Stepped-up efforts to handle non-refoulement claims efficiently

Following is a question by the Dr Hon Priscilla Leung and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (January 16):

Question:

It has been reported that in recent years, quite a number of people commonly known as "bogus refugees" lodged torture claims or non-refoulement claims (claims) under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment immediately upon their arrival in Hong Kong. While their claims are being processed by the Immigration Department, they take up illegal employment in Hong Kong, and even engage in criminal

activities such as drug trafficking, possession of arms and armed conflicts, which pose a threat to the law and order of Hong Kong. In this connection, will the Government inform this Council:

(1) whether it will step up the law enforcement efforts for combating crimes committed by bogus refugees, including deploying additional police officers to patrol the black spots of crimes committed by them; if so, of the details; if not, the reasons for that;

(2) as the Government has plans to amend the Immigration Ordinance to implement measures to prevent claimants from delaying the screening and repatriation procedure, whether the Government will concurrently make new provisions for removing the incentives for bogus refugees to come to Hong Kong; if so, of the details; if not, the reasons for that; and

(3) whether it will consider converting the defunct Vietnamese boat people detention centres on Tai A Chau and Green Island into transit centres for claimants, as well as immediately repatriating those claimants who have completed their sentence terms for criminal offences to their places of origin; if so, of the details; if not, the reasons for that?

Reply:

President,

The Hong Kong Special Administrative Region (HKSAR) Government has been operating the Unified Screening Mechanism since March 2014 to screen torture claims lodged under the Immigration Ordinance and non-refoulement claims lodged on applicable grounds, including the risk of cruel, inhuman or degrading treatment or punishment as referred to in the Hong Kong Bill of Rights pursuant to the relevant rulings of the Court of Final Appeal (CFA), etc.

The HKSAR Government is very concerned with problems arising from non-refoulement claimants. To solve such problems, the Security Bureau (SB) commenced a comprehensive review in 2016 and has been, via various measures, expediting the screening of claims, combating entry of illegal immigrants and their unlawful stay in Hong Kong, as well as preventing the abuse of the screening mechanism.

Overall speaking, the Immigration Department (ImmD) has achieved very good results in speeding up the screening of claims. As at the end of 2018, only about 540 claims were pending screening by the ImmD, representing a drop of over 90 per cent as compared with the peak. The ImmD anticipates that screening of all pending claims can be completed within the first quarter of this year.

Besides, efforts against the smuggling of illegal immigrants and the online pre-arrival registration requirement for visitors from the major source country of overstayers have also yielded positive results. The numbers of non-ethnic Chinese (NEC) illegal immigrants and non-refoulement

claims have decreased significantly by 80 per cent as compared with the peak.

Next, the HKSAR Government has to ensure that appeals can be processed as soon as practicable, and that claimants whose claims and appeals have both been rejected will be removed to their countries-of-origin at the earliest.

We are also considering legislative amendments to plug the existing loopholes, with a view to improving the screening procedures in the long run, preventing various delay tactics and expediting the completion of every case, while at the same time strengthening the powers of the ImmD in removal, detention and enforcement as appropriate, so as to avoid a rebound in the number of claims and processing time. Plugging the relevant loopholes will help solve the various long-standing social problems (including security risk) caused by non-refoulement claimants.

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

(1) The Government has been monitoring the situation of crimes committed by NEC persons (including non-refoulement claimants) and their taking part in triad activities in Hong Kong. The Police have been deploying manpower to step up control according to the crime trends in various districts for prevention and detection of crimes.

To address the related issues in a focused manner, formulate strategies and coordinate enforcement operations, the Police have set up the "Crime Wing Working Group on NEC Involvement in Organized Crime and Triad Activities". Its duties cover monitoring the trend of NEC persons taking part in organized crimes and triad activities; developing strategies for the Police Force; coordinating enforcement operations and enhancing the capability in gathering intelligence.

On combatting crimes at the district level, the Organized Crime and Triad Bureau launched new strategies in 2017 to tackle the problem of NEC persons committing crimes, with emphasis placed on four aspects, namely training, intelligence gathering and sharing, multi-agency cooperation and enhanced enforcement actions.

Besides, the Police have also maintained liaison with local and overseas law enforcement agencies, consulates in Hong Kong and NEC communities, and will take timely actions against any illegal acts, intelligence or trends.

All persons, regardless of their background, nationality or race, shall abide by the law of Hong Kong. The Police will continue to, in accordance with the relevant crime trends and operational needs, formulate effective measures and take targeted actions for maintaining law and order.

(2) It is imperative and important to fundamentally solve the problems relating to non-refoulement claimants through legislative amendments in the long run. As such, we consulted the Panel on Security in July 2018 and last Tuesday in respect of the proposed amendments under consideration.

Firstly, we have put forward a series of proposals for plugging procedural loopholes and improving the overall screening efficiency, such as requiring claimants to lodge their claims within three months, shortening the statutory time frames for, inter alia, submitting claim forms and filing appeals, and tightening rules on rescheduling requests after absence at interviews or hearings, etc. with a view to minimising the room for claimants to abuse the procedures so that claims can be handled promptly and the rejected claimants can be removed to their countries-of-origin as soon as possible.

In addition, the Government has proposed legislative amendments against unlawful employment, including:

- (i) increasing the penalty on overstayers or persons refused landing for taking up unlawful employment by increasing the maximum imprisonment from 2 to 3 years to align with the penalty on illegal immigrants for taking up unlawful employment;
- (ii) expanding the coverage of unlawful employment by stipulating that where the employment of illegal worker(s) by a person of a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary, partner or other similar officer, then that other person commits the like offence;
- (iii) increasing the penalty for employing illegal immigrants, overstayers and persons refused landing, etc. by increasing the maximum fine and imprisonment to \$500,000 and 10 years respectively.

It is believed that by expediting screening, plugging procedural loopholes, increasing penalties for taking up unlawful employment and hiring illegal workers, further examining detention strategies which are lawful, feasible and effective, as well as sustaining efforts against smuggling of illegal immigrants and enhancing law enforcement, the incentives for lawbreakers to enter Hong Kong can be effectively eliminated.

(3) We understand the grave concerns in the community over the potential security risk posed by some non-refoulement claimants. As repeatedly emphasized by the Government, we have been actively considering all lawful, feasible and effective measures when dealing with the relevant problems. Regarding the suggestion of setting up reception centres, we will continue to examine the requirements and considerations on detention. Tackling detention-related problems, under the current approach or in other manners, involves a series of elements including land, infrastructure, manpower, resources, management and security, etc. Therefore, a prudent and holistic research has to be conducted before making any decision.

As I explained during the consultation with the Panel on Security last week, on detention strategies, we are considering legislative amendments to ensure that the ImmD has the lawful and justifiable grounds to detain

claimants at different stages of the screening and removal procedures. As such, I hope that the bill to be submitted by the SB will be approved early by the Legislative Council, so as to provide clearer legislation for solving a series of problems that must be addressed, including detention.

Separately, in accordance with the judgment laid down by the CFA in 2012 for the Udamaka case, the Government cannot remove any person, however dangerous or undesirable his conduct is, to another state where he faces a genuine and substantial risk of cruel, inhuman or degrading treatment or punishment. In other words, if a claimant is guilty of any crime or even sentenced to imprisonment, the ImmD still has to complete all the screening procedures (including appeal) before taking removal actions. The SB has already requested the ImmD and the Torture Claims Appeal Board to expedite screening, particularly the screening of claimants with criminal records, so as to complete their screening before the full sentence is served, thus enabling early commencement of repatriation. The ImmD will continue to speed up the removal procedures, including further discussing with governments of major source countries, airlines and other government departments on enhancing the overall removal efficiency, with a view to removing especially the rejected claimants to their countries-of-origin as soon as possible.

Thank you, President.

Tender results of the 10-year Government Bonds under the Institutional Bond Issuance Programme

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority, as representative of the Hong Kong Special Administrative Region Government (HKSAR Government), announces today (January 16) that tender for a 10-year Government Bond (issue number 10GB2901) under the Institutional Bond Issuance Programme was held today.

A total of HK\$1.5 billion 10-year Government Bonds were allocated today. A total of HK\$7.824 billion tender applications were received. The bid-to-cover ratio, i.e. the ratio of bonds applied for to bonds issued, is 5.22. The average price accepted is 98.57, implying an annualised yield of 2.141%.

HKSAR Government Institutional Bond Issuance Programme Government Bond tender results

Tender results of 10-year Government Bonds under the Institutional Bond

Issuance Programme:

Tender Date	: January 16, 2019
Issue Number	: 10GB2901
Stock Code	: 4236 (HKGB 1.97 2901)
Issue and Settlement Date	: January 17, 2019
Tenor	: 10-year
Maturity Date	: January 17, 2029
Coupon Rate	: 1.97%
Amount Applied	: HK\$7.824 billion
Amount Allotted	: HK\$1.5 billion
Bid-to-Cover Ratio*	: 5.22
Average Price Accepted (Yield)	: 98.57 (2.141%)
Lowest Price Accepted (Yield)	: 98.22 (2.181%)
Pro-rata Ratio	: About 23%
Average Tender Price (Yield)	: 97.07 (2.313%)

*Calculated as the amount of bonds applied for over the amount of bonds issued.