

LCQ22: Management of skips

Following is a question by the Hon Chan Hak-kan and a written reply by the Acting Secretary for the Environment, Mr Tse Chin-wan, in the Legislative Council today (June 13):

Question:

In the light of the recommendations in Report No. 61 of the Director of Audit, the Environment Bureau leased out two sites last year, one adjacent to Tseung Kwan O Area 137 Fill Bank and another at Siu Lang Shui Road in Tuen Mun West, by way of short-term tenancies for use by the skips trade for storing skips. It has been reported that the utilisation rates of the two skip storage sites have been on the low side. As a result, the problem of unauthorised placement of skips on streets has not improved. In this connection, will the Government inform this Council:

(1) of the design capacities for skips of the two aforesaid sites, and whether it knows the average numbers of skips stored daily and monthly thereat since they were leased out; whether the Government has plans to set aside other sites for storing skips; if so, of the details; if not, the reasons for that;

(2) of the number and contents of the complaints about skips received by the Government in each of the past three years, as well as the number of warnings issued and the number of skips removed in respect of such cases; the average time lapsed from receipt of the complaints to removal of the skips by the Government, and set out the relevant figures by District Council district;

(3) of the following information on the cases handled respectively by (a) the Lands Department and (b) the Police, in the past three years: (i) the respective numbers of cases in which skip operators were prosecuted and convicted, (ii) the average time lapsed from institution of prosecutions to conclusion of the cases, and (iii) the punishments generally imposed on the convicted persons;

(4) of the number of traffic accidents involving skips in each of the past three years; the causes for such accidents and the resultant casualties;

(5) as it was pointed out in the aforesaid Report that to tackle the problem of unauthorised placement of skips, the government departments concerned and the stakeholders were generally in support of introducing a permit system, of the details of the Government's work on the introduction of the permit system; and

(6) given that the Guidelines for Mounting and Placing of Skips formulated by the Transport Department have no legal effect, whether the Government will consider regulating skip operation by way of legislation with a view to reducing traffic accidents caused by skips; if so, of the details; if not, the reasons for that, and whether the Government has more effective ways to

solve the problem of unauthorised placement of skips in the long run?

Reply:

President,

To follow up the recommendations made in Report No. 61 of the Director of Audit, the Government has set up a Joint Working Group on Management of Roadside Skips under which the efforts of relevant government bureaux and departments are co-ordinated by the Environment Bureau and the Environmental Protection Department to enhance the management and control of roadside skips. Regarding the questions raised by the Hon Chan Hak-kan, the Government's consolidated reply is as follows:

(1) One of the major causes of the problem of placement of skips at the roadsides is the shortage of proper storage areas. Through open tender, the Government has provided two sites, one adjacent to Tseung Kwan O Area 137 Fill Bank and the other at Siu Lang Shui Road in Tuen Mun West, to the relevant organisations of the skip operators trade by way of short-term tenancies (STT) for storing skips. The STT site in Tseung Kwan O can store about 120 skips, and its occupancy rates have been increasing since its commencement of operation in January 2017. Currently, both the average daily and monthly occupancy rates are over 90 per cent. As for the STT site in Siu Lang Shui in Tuen Mun, it can store some 80 skips. Since its commencement of operation in December 2017, the average daily and monthly occupancy rates have been around 30 per cent. The comparatively low occupancy rates are attributable to the insufficiency of facilities thereat. The tenant has committed to enhancing the related facilities so as to boost the occupancy rates. The Government will continue to monitor the utilisation of these two sites and actively identify more suitable sites in various districts for use under STTs by the skips trade to store skips.

(2) and (3) The complaints about roadside skips received by the Government in the past were usually related to road obstruction or illegal occupation of government land. Currently, the Hong Kong Police Force (HKPF) and the Lands Department (LandsD) handle complaints against roadside skips in accordance with the Summary Offences Ordinance (Cap. 228) and the Land (Miscellaneous Provisions) Ordinance (Cap. 28) respectively. Figures on complaints about roadside skips received, advice or warnings issued and skips removed by the HKPF and the LandsD, as well as the respective numbers of cases in which skip operators were prosecuted and convicted, over the past three years are tabulated at Annexes 1 and 2, with breakdowns by police district and District Council district respectively. In general, upon receipt of advice or warnings issued under the Summary Offences Ordinance by frontline police officers at the scene, skip operators will arrange removal of their skips according to the situations. As each incident was considered on its own circumstances prevailing at the scene, the HKPF did not maintain the information on the average time lapsed from receipt of the complaints to removal of the skips. Penalties for cases convicted under the Summary Offences Ordinance ranged from \$500 to \$3,500 in the past. For the LandsD, the penalty for cases convicted under the Land (Miscellaneous Provisions) Ordinance was \$1,500 in 2015. The time lapsed from institution of prosecutions to convictions in

court depends on court arrangements and whether litigations are required, and normally takes six weeks to six months.

(4) According to the information provided by the Transport Department (TD), the number of traffic accidents involving roadside skips and the related injuries in the past three years are tabulated below. All the accidents were minor ones and mainly attributable to behaviours of the drivers concerned, including driving inattentively, losing control of the vehicle and reversing negligently, etc.

Year	Number of traffic accidents involving roadside skips with injuries	Number of injuries
2015	4	4
2016	4	6
2017	3	5

In addition to the provision of suitable sites to the trade for storage of skips, the Government has engaged a term service contractor since February 2017 to assist enforcement departments in speeding up the removal of skips found to be posing serious obstruction to traffic or imminent danger to the public, thereby further enhancing enforcement efficiency and the deterrent effect. Between February 2017 and April 2018, the departments concerned conducted 34 joint enforcement operations against the unauthorised placement of skips, covering the black spots in Tseung Kwan O, Sai Kung, Kowloon Bay and Kai Tak. The extent of unauthorised placement of skips at these black spots has been noticeably improved. The government departments concerned will continue to organise joint enforcement operations as necessary in various districts to deter the malpractice of unauthorised placement of skips at roadsides.

(5) and (6) The Government has, through organising seminars for the skip operators trade, been promoting safe practices in skip operations and wider adoption of the Guidelines for Mounting and Placing of Skips (Guidelines) issued by the TD. In parallel, the Government has also been in close liaison with the skip operators trade to explore the setting up of a trade-led voluntary skips registration system. Compliance with applicable government requirements and guidelines (e.g. those covered in the TD's Guidelines and other guidelines addressing environmental concerns) will be among the criteria for registration. The voluntary skips registration system will be instrumental in addressing the trade's concerns and raising the compliance rate of government requirements and guidelines. Skip operators are initially receptive to the idea of exploring a voluntary skips registration system to facilitate their skip operations. To take this initiative forward, the Government is engaging an external consultant to work with the skip operators trade in formulating proposals by 2018 for setting up a trade-led voluntary skips registration system.

The Government will review the effectiveness of the above measures, and will, having regard to the progress of the related work and experience gained

from the voluntary skips registration system, examine whether there is a need to introduce a new regulatory system for skips operations in the long run.

LCQ13: Assisting the deaf/hard-of-hearing residents in residential care homes for the elderly

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (June 13):

Question:

It is learnt that there are currently more than 150 000 deaf/hard-of-hearing persons in Hong Kong and over 80 per cent of them are elderly persons (i.e. persons aged 60 or above). At present, a majority of residential care homes for the elderly (RCHEs) have not put in place a policy which is friendly towards the deaf/hard-of-hearing elderly persons (such as providing sign language training to their staff, providing auditory training to their residents and installing fire alarm lights), making it difficult for the deaf/hard-of-hearing elderly persons to integrate themselves into the environment in RCHEs and to seek assistance when necessary. Some members of the public have pointed out that as the population of Hong Kong is ageing and most people's hearing will deteriorate with age, the Government should provide RCHEs dedicated for the deaf/hard-of-hearing elderly persons. In this connection, will the Government inform this Council:

- (1) whether it knows the number of deaf/hard-of-hearing residents in RCHEs in each of the past five years;
- (2) whether it knows the number of RCHE staff members across the territory in each of the past five years who knew sign language, with a breakdown by type of RCHEs (i.e. subvented homes, contract homes, non-profit-making self-financing homes and private homes) in which they worked;
- (3) whether it has implemented a policy under which arrangements are made for the deaf/hard-of-hearing elderly persons to reside centrally in RCHEs with facilities and services that are friendly to the deaf/hard-of-hearing elderly persons; if so, of the details; if not, the reasons for that, and whether it will implement such a policy and set up such type of RCHEs;
- (4) whether it has put in place a policy to assist the deaf/hard-of-hearing residents in RCHEs in improving their social life; if so, of the details; if not, the reasons for that, and whether it will implement such a policy; and

(5) as some deaf/hard-of-hearing residents in RCHEs have relayed that because they are unable to communicate with those RCHE staff who do not know sign language, they cannot obtain the necessary assistance immediately when they feel unwell and have urgent needs, whether the authorities have put in place a policy to assist such residents, including providing sign language training to RCHE staff; if so, of the details; if not, whether it will implement such a policy?

Reply:

President,

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

(1) The Social Welfare Department (SWD) does not have information on the number of elderly persons with hearing impairment residing in residential care homes for the elderly (RCHEs).

(2) SWD does not have information on the number of RCHE staff who know sign language.

(3)&(4) SWD has since 2003 implemented the Central Waiting List mechanism to collectively process applications from elderly persons for subsidised long-term care services and service matching. Applicants have to be assessed under the Standardised Care Need Assessment Mechanism for Elderly Services, and the accredited assessors adopt an internationally recognised assessment tool known as "Minimum Data Set – Home Care" to comprehensively assess the impairment level in the elderly persons' abilities to take care of themselves, physical functioning, memory and communication skills, behaviour and emotion, etc., as well as their health conditions, the environmental risk they may face and whether they could cope with these issues in their daily lives, with a view to identifying their care needs and matching them with appropriate services.

Hearing is one of the factors in assessing the communication skills of elderly persons. After elderly persons have been allocated an RCHE placement, SWD will forward the assessment results to the RCHEs concerned so as to facilitate their professional teams to formulate appropriate individual care plans and provide appropriate support and counselling services for those in need. Representatives of the RCHEs will also meet with the elderly persons before admission to further understand their care needs and enhance their individual care plans.

At present, SWD provides subsidised residential care services for the elderly under an integrated approach, thereby enabling elderly persons of different physical conditions to receive continuous care. The facilities of subvented and contract RCHEs (e.g. hearing aids) can cater for the care needs of elderly persons with hearing impairment. Separately, elderly persons receiving Comprehensive Social Security Assistance (including those residing in RCHEs) may, subject to medical recommendation, apply for special grants to cover the costs for purchasing the necessary assistive devices (including hearing aids).

(5) According to the prevailing requirements, an RCHE shall be provided with a fire detection system and a fire alarm system; and apart from audio warning devices, visual alarm signals shall be installed to form part of the fire alarm system. Besides, an RCHE shall install a call bell at the bedspace of each resident requiring a high level of care, as well as in toilet cubicles and bathrooms, for residents to seek assistance immediately when necessary.

SWD has all along provided RCHE staff with training courses on taking care of elderly persons with special needs. SWD is planning to organise in 2018-19 a training course for RCHE staff on taking care of residents with hearing impairment, with a view to enhancing their awareness and skills in this aspect.

LCQ13: Assisting the deaf/hard-of-hearing residents in residential care homes for the elderly

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(1) whether it knows the number of deaf/hard-of-hearing residents in RCHEs in each of the past five years;

(2) whether it knows the number of RCHE staff members across the territory in each of the past five years who knew sign language, with a breakdown by type of RCHEs (i.e. subvented homes, contract homes, non-profit-making self-financing homes and private homes) in which they worked;

(3) whether it has implemented a policy under which arrangements are made for the deaf/hard-of-hearing elderly persons to reside centrally in RCHEs with facilities and services that are friendly to the deaf/hard-of-hearing elderly persons; if so, of the details; if not, the reasons for that, and whether it will implement such a policy and set up such type of RCHEs;

(4) whether it has put in place a policy to assist the deaf/hard-of-hearing residents in RCHEs in improving their social life; if so, of the details; if not, the reasons for that, and whether it will implement such a policy; and

(5) as some deaf/hard-of-hearing residents in RCHEs have relayed that because they are unable to communicate with those RCHE staff who do not know sign language, they cannot obtain the necessary assistance immediately when they feel unwell and have urgent needs, whether the authorities have put in place a policy to assist such residents, including providing sign language training to RCHE staff; if so, of the details; if not, whether it will implement such a policy?

Reply:

President,

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(2) SWD does not have information on the number of RCHE staff who know sign language.

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LCQ21: Improper disposal of decoration waste in public rental housing estates

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (June 13):

Question:

Quite a number of tenants of newly completed public housing estates will have decoration works carried out for their new homes before moving in. Under the existing requirements, tenants must dispose of decoration waste in a proper manner, and in order to avoid the accumulation of waste in common areas such as building corridors and lift lobbies, the property service agents (PSAs) concerned will collect Debris Removal Charges from tenants for disposing of all waste collectively. Under this arrangement, decoration contractors employed by tenants may dispose of decoration waste at the designated debris dumping points set up by PSAs in the housing estates. However, some members of the public have relayed to me that in recent months, large quantities of decoration waste have accumulated in the common areas of several newly completed public housing estates in the New

Territories (e.g. Ying Tung Estate at Tung Chung, Yan Tin Estate at Tuen Mun and Kwai Tsui Estate at Kwai Chung), seriously undermining environmental hygiene and jeopardizing the health and safety of tenants. In this connection, will the Government inform this Council:

(1) how the Housing Department (HD) currently curbs the improper disposal of decoration waste by decoration contractors in the common areas of housing estates; whether the HD has regularly deployed staff members to conduct inspections at newly completed housing estates with a view to curbing such behaviour; if so, of the details and outcome of such inspections; if not, the reasons for that;

(2) of the follow-up measures adopted when improper disposal of decoration waste in the common areas of housing estates has been found during the inspections conducted by HD staff members or when such reports are received by them;

(3) whether decoration contractors are required to bear legal liability for improper disposal of decoration waste; if so, of the details (including the penalties); whether the HD will blacklist such contractors to prohibit them from carrying out decoration works at the units of HD's housing estates for a certain period of time, with a view to enhancing the deterrent effect; if so, of the details; if not, the reasons for that; and

(4) of the number of decoration contractors warned or penalised for improper disposal of decoration waste in housing estates in the past two years?

Reply:

President,

In response to various parts of the question raised by the Hon Holden Chow, a consolidated reply is at below:

According to the Waste Disposal Ordinance, a person commits an offence if he deposits waste illegally without the permission of the land owner. Such acts may be prosecuted by the Environmental Protection Department.

As regard the Hong Kong Housing Authority (HA), according to the HA's rules, tenants of newly-completed PRH are required to submit applications before carrying out decoration works. The HA distributes the application forms for decoration works to tenants together with the intake documents. Tenants are free to choose their decoration arrangements, including conducting decoration with assistance from relatives/friends, employing decoration companies in the market, or engaging services from any decoration contractor (DC) listed on the Reference List of DCs maintained by the HA (not limited to the DCs allocated by the Housing Department to station at the estates).

Besides, the HA's estate offices would remind tenants, through intake briefing sessions and decoration handbooks, not to alter existing facilities without approval in order to avoid wastage of resources and generation of

construction waste. During decoration, tenants should not dispose of decoration wastes and/or refuse in public areas to avoid damaging environmental hygiene and creating public safety hazards.

During decoration, workers are required to wear permits issued by estate offices for identification purpose. They should also register at the security guard counters at the lobby when entering or exiting the building. Tenants should, during the decoration period, display the approval documents together with information of the approved work items at a conspicuous place in the unit in order to facilitate inspections by estate staff to ensure that the decoration works are carried out as approved and that there is no other irregularity, including indiscriminate disposal of decoration wastes.

In view of the various potential environmental hygiene and safety problems caused by simultaneous execution of decoration works by many tenants in newly completed PRH estates during the intake period, the estate offices would carry out cleaning operations at estate common areas and inside buildings more frequently, step up patrol and take control actions including referring cases to relevant authorities for enforcement actions.

Contractors on the Reference List of DCs must comply with the Guidelines for Reference List of DCs and the terms and conditions of undertaking decoration works when providing services, including taking precautionary measures to safeguard public health, ensure work safety, and abate fire hazards. DCs must properly place all decoration debris at the dumping point within the estates and should not dispose of them recklessly or cause any obstructions. If irregularities are found, the HA will, depending on the circumstances, take appropriate regulatory actions including issuing warnings; or in more severe circumstances, revoking the work licence of the contractor; or even delisting the DC from the Reference List. A delisted DC will be barred from re-admission to the Reference List for two years.

Moreover, for misdeeds committed by tenants at the estate (including the tenant and his/her family members in the tenancy), HA can take regulatory actions in accordance with the Marking Scheme for Estate Management Enforcement. Five penalty points will be allotted if a relevant person is found "obstructing corridors or stairs with sundry items rendering cleansing difficult" or "disposing of domestic refuse indiscriminately, such as improper disposal in lift lobbies or inside bins without cover"; and seven penalty points will be allotted for "dumping or disposing of decoration debris indiscriminately at refuse collection points, within building or in other public areas". When a tenant has accrued 16 points within two years, his/her tenancy is liable to termination.

The HA does not maintain consolidated statistics on warnings or penalties imposed on DCs for the non-compliant disposal of decoration wastes.

For the recently completed Ying Tung Estate, Yan Tin Estate and Kwai Tsui Estate mentioned in the question, the HA issued 28 warnings to DCs regarding dumping of decoration wastes and the DCs concerned had followed up the matters immediately.

LCQ17: Protection for flexible workforce

Following is a question by the Hon Charles Mok and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (June 13):

Question:

It has been reported that the "Gig economy" has become increasingly popular in recent years. Quite a number of people have switched to freelancing and taken up jobs through Internet platforms or applications. A study has pointed out that Hong Kong's flexible workforce (i.e. temporary employees, part-time employees, self-employed persons/freelance workers, etc.) has grown substantially in the past 10-odd years. However, flexible workers are subject to a greater risk of unemployment, lower employment income and more inferior labour benefits and protection, as compared with permanent employees. In this connection, will the Government inform this Council:

(1) Of the number of complaints received by the Labour Department in the past three years, which were made by flexible workers because their labour rights and interests had been undermined, and the respective numbers of related prosecutions and convictions;

(2) Whether it has compiled statistics on the current size of population taking up flexible jobs, as well as the occupation distribution, average number of working hours per week, average monthly income, and entitlements to labour benefits and protection (including paid sickness days and annual leave, holiday pay, employees' compensation insurance policies and the contributions made by employers to their Mandatory Provident Fund scheme accounts) of those people; and

(3) Given that the governments of a number of places (including the European Union, the United Kingdom, the United States, Singapore, etc.) have started to study and implement systems for protecting freelance workers, whether the authorities will, by making reference to the practices of such governments, amend the Employment Ordinance (Cap 57) and other relevant legislation to enhance the protection for flexible workers, as well as conducting relevant studies and public consultations?

Reply:

President,

The Employment Ordinance (E0) serves to provide for the protection of the employment conditions of employees. Employees covered by E0, irrespective

of their hours of work, are entitled to certain fundamental protection under the Ordinance. For temporary employees, part-time employees and self-employed persons/freelance workers mentioned in the question, temporary employees and part-time employees are those in the status of employees and are entitled to the rights and benefits under EO when the relevant eligibility criteria are met. As regards self-employed persons/freelance workers who are not employees, EO is not applicable. In determining whether a person is an employee or not, it does not hinge solely on the label of the post or contract concerned, but is subject to the actual circumstances of providing the services.

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

(1) Since self-employed persons/freelance workers are not employees, the Labour Department (LD) does not keep statistics on their complaints. Furthermore, as the statistics on complaints and prosecutions in respect of employees whose employment rights and benefits are infringed maintained by LD do not have further breakdowns by employees' working hours or employment period, relevant statistics concerning temporary employees or part-time employees are not available.

(2) For temporary employees and part-time employees, the Census and Statistics Department (C&SD) provides the number of part-time employees by industry as well as their median hours of work and median monthly employment earnings in accordance with the results of the General Household Survey (GHS) for the first quarter (Q1) of 2018 at the Annex. Such survey does not have information on temporary employees.

For self-employed persons/freelance workers, C&SD provides the number of self-employed persons by industry as well as their median hours of work and median monthly employment earnings in accordance with the results of the abovementioned survey at the same Annex.

GHS does not collect information on such labour benefits and protection as paid sick leave and annual leave, holiday work salary, labour insurance and contributions under the mandatory provident fund (MPF) schemes by employers pertaining to self-employed persons and part-time employees. On the other hand, according to the information provided by the Mandatory Provident Fund Schemes Authority (MPFA), as some members of the workforce, such as regular employees who have been employed for less than 60 days, are exempt from joining MPF schemes, the statistics on MPF contributions maintained by MPFA do not cover all temporary employees, part-time employees and self-employed persons/freelance workers in Hong Kong.

(3) The Government reviews EO from time to time having regard to social changes and the pace of economic development, with a view to improving the statutory rights and benefits of employees progressively.

Under EO, employees who are employed under a continuous contract and have fulfilled the relevant conditions stipulated in the Ordinance are entitled to a series of employment benefits such as rest days, paid statutory holidays, annual leave, sickness allowance, severance payment and long

service payment, etc. While temporary employees and part-time employees are in the status of employees, they are accorded certain fundamental protection under E0 even if they are not employed under a continuous contract. This includes payment of wages, restrictions on wage deductions, entitlement to statutory holidays and protection against anti-union discrimination, etc. In addition, the Employees' Compensation Ordinance provides for compensation payable to employees who sustain work injuries or suffer from prescribed occupational diseases, regardless of their hours of work or duration of employment. The Minimum Wage Ordinance also accords the protection of statutory minimum wage to employees within its coverage.

As regards self-employed persons/freelance workers, we note that concerns about their working conditions are still subject to exploration and deliberation in other places and a more comprehensive and systematic mode of protection is yet to be developed. Given this, it is difficult for the time being to make any methodical comparison or reference on the matter. At present, the Government has no plan to expand the scope of E0.