

LCQ15: Protecting jurors from clandestine video-recording and photo-taking

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Justice, Ms Teresa Cheng, SC, in the Legislative Council today (June 6):

Question:

It has been reported that four alleged incidents of clandestine video-recording and photo-taking in courtrooms occurred in the past three months. Three of such incidents occurred during the trial of cases of the offences of riot, etc. committed in Mong Kok, and the latest one occurred during the trial of contempt of court case relating to the Occupy Mong Kok movement in 2014. On February 23, a man pointed his mobile phone to the direction of the jury and took photos and videos, and disseminated the photos and video clips through an instant messaging software. However, the judge who tried the case decided not to pursue the matter after the man deleted the photos and video clips. On May 18, when the jurors of that case retired for deliberation, the Judiciary received an email with words which read "there are a lot more" and with a photo with features of the jurors. Some members of the legal profession have considered that the person who sent the email attempted to challenge the court's impartiality in the trial of the case. On the other hand, it has been reported that in an article entitled "Smart tips to observe trials in High Court" posted on a Mainland website with a number of photos featuring local courts, the author said that, "fortunately, the clandestine photo-taking was not discovered by the judge". Also, an article entitled "What kind of experience is it to observe trials in Hong Kong's High Court", along with photos of local courts, can be found through a Mainland Internet search engine. Those articles show that the courts in Hong Kong seem to have become a tourist attraction for Mainland tourists. In this connection, will the Government inform this Council:

- (1) whether it has assessed if the aforesaid acts of clandestine video-recording and photo-taking, as pointed out by the media, relate to politically sensitive cases, and whether such incidents (i) involved the intention of some people to influence the trials by sending out threatening messages, (ii) will cause members of the public who serve as jurors to worry about their identities being exposed and their personal safety, and (iii) has an impact on the confidence of members of the public on the court's impartiality in trying cases;
- (2) whether it will seriously pursue the criminal liability of the aforesaid persons involved in the clandestine video-recording and photo-taking;
- (3) whether it knows if the Judiciary has stepped up measures to prevent the recurrence of incidents of clandestine video-recording and photo-taking of

the jury in court to ensure that they discharge their duties impartially without worries and free from threats; and

(4) whether it will request the relevant Mainland authorities to (i) address squarely the aforesaid issues and (ii) step up education of Mainland residents of their obligation to abide by the laws of Hong Kong, including the requirement that no video-recording and photo-taking is allowed when observing trials in court, when they are in Hong Kong?

Reply:

President,

Trial by jury for criminal cases at the Court of First Instance (CFI) is an indispensable component of the criminal justice system and a deep-rooted aspect of the common law tradition of Hong Kong. Article 86 of the Basic Law provides that "the principle of trial by jury previously practised in Hong Kong shall be maintained."

In *HKSAR v Lee Ming-tee and another* (2001) 4 HKCFAR 133 (FACC No. 8 of 2000), the Court of Final Appeal pointed out in its judgment that "reliance on the integrity of the jury and its ability to try the case fairly on the evidence, to put aside extraneous prejudice and to follow the directions of the judge is fundamental to the jury system itself."

Any intended or actual threat that constitutes undue pressure on jurors and judicial officers resulting in biased acts on their parts is completely unacceptable. Such acts may not only bring about injustice to the defendants in certain cases, but also weaken public confidence in the jury system and the criminal justice system.

In a recent case of criminal contempt of court handled by the CFI of the High Court involving photo-taking in court, the defendant was convicted by the Court for criminal contempt of court. In the reasons for verdict and sentence, the Court clearly pointed out that photo-taking in court would very likely prejudice or interfere with the due administration of justice. This is because photo-taking in the courtroom would possibly disrupt or interrupt court proceedings. Moreover, photo-taking may cause concern or unease among jurors and witnesses (including victims in sexual assault cases), in particular when their identities are disclosed, thereby leading to issues of their safety. If the photographs are misused, it will deal an even more serious blow to the due administration of justice. Therefore, photo-taking in court would very likely constitute the offence of criminal contempt of court.

Under existing laws, there are generally two ways to deal with the acts of taking photographs in court:

(i) Under section 7 of the Summary Offences Ordinance (Cap. 228), certain acts of taking photographs in court are prohibited. Offenders are liable to a fine of \$2,000 upon conviction.

(ii) Suspected offenders may also be prosecuted for criminal contempt of court, and could be sentenced to a fine and imprisonment upon conviction.

In a most recent case involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge has taken forward proceedings for contempt of court according to summary procedures in respect of the act of clandestine photo-taking by the offender. The offender was ultimately convicted and sentenced to imprisonment for seven days. As regards another incident involving clandestine photo-taking of jurors during a trial at the CFI, the Police have launched investigation into the case. The Department of Justice (DoJ) will take a serious approach in following up on the case, and on receipt of the Police's investigation report and evidence gathered, it will consider, in accordance with the Prosecution Code and the applicable law, whether to initiate prosecution or proceedings for committal for contempt of court.

In respect of the question raised by the Hon Paul Tse, the DoJ has consulted the Judiciary Administration, whose response to part (3) of the question is as follows:

"The Judiciary takes the view that due administration of justice is of paramount importance for all court proceedings. In particular, trial by jury is an important part of the administration of justice under the common law, which is constitutionally protected under Article 86 of the Basic Law. Serving jurors must be free from all actual or perceived interference or pressure. An important safeguard is the prohibition of photography and audio or video recording inside courtrooms.

According to the Judiciary, the Judiciary has all along been taking measures to remind court users that photo-taking is not allowed in courtrooms. For example, clear signage is posted inside courtrooms and at court lobbies. The Judiciary staff has been reminding court users of such restriction as necessary. The Judiciary has also been referring cases involving photo-taking at court buildings to the DoJ and/or Police for follow-up actions as appropriate.

The Judiciary is very concerned with the recent incidents of photo-taking in courtrooms when proceedings were held and takes the matter seriously. Besides taking the necessary follow-up actions, the Judiciary has recently put in place the following enhancement measures:

- (i) making public announcements in courtrooms before commencement of court proceedings to remind court users of the photo-taking prohibition. The announcements are made in Cantonese, English and Putonghua;
- (ii) putting up more notices and signage on the prohibition of photo-taking in more prominent areas in courtrooms and at court lobbies;
- (iii) reminding court users of the prohibition of photo-taking more extensively by Judiciary staff verbally or through written notices as appropriate; and
- (iv) strengthening security personnel manpower during court proceedings for monitoring the situation as necessary.

In addition, the Judiciary is actively considering the issuance of a Practice Direction to regulate the use of mobile phones and other devices with photo-taking or audio/video recording capability for jury proceedings."

As regards parts (1), (2) and (4) of the Hon Paul Tse's question, the DoJ's response is as follows:

(1) and (2) We do not provide specific comments on individual cases. In respect of the incident of clandestine photo-taking of jurors referred above, it is already under police investigation. The DoJ attaches great importance to the incident. But to avoid affecting the related follow-up actions, it is inappropriate for us to comment any further or disclose any specific details at this stage. On receipt of the Police's investigation report and evidence gathered, the DoJ will make an independent professional consideration as to whether to initiate prosecution or proceedings for committal for contempt of court in accordance with the Prosecution Code and the applicable law, and the offender may also be subject to arrest or punishment. In the most recent case involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge emphasised in his judgment that the court must protect the privacy and safety of jurors and witnesses, so that they would not be subject to unnecessary interference. And because photographs taken inside the court may also be disseminated quickly and fall into the hands of the bad elements, thereby seriously disrupting the court's judicial proceedings, it is necessary to impose penalties with deterrent effect on offenders for illegal photo-taking in court.

(4) Taking into account the various measures set out in the Judiciary's response to part (3) of the question set out above, it is considered that there are sufficient measures to ensure that people observing trials in court are aware of the requirement that photo-taking is not allowed in court. The sentence imposed in the most recent case involving clandestine photo-taking during court proceedings in the CFI has also sent a clear and deterring signal to the public, the court definitely would not tolerate acts of illegal photo-taking in court.

[LCQ11: Supply of sites for private housing](#)

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 6):

Question:

According to the information from a think tank, it is projected that 24 280 residential units can be built on the private housing sites launched in

the first three quarters of the past financial year. As many as 64 per cent of such units will be provided by privately-led development projects, which is 49 percentage points higher than the average percentage (around 15 per cent) for the past five financial years. The think tank has also pointed out that the current problem of acute housing shortage in Hong Kong can be attributed to a certain extent to the lack of reserves for "spade-ready" sites (i.e. the sites concerned have been properly zoned, and do not require resumption, clearance or reprovisioning of existing facilities, site formation, or provision of additional infrastructure) by both the Government and private developers. In this connection, will the Government inform this Council:

(1) whether it has explored why as many as 64 per cent of the aforesaid 24 280 residential units will be provided by privately-led development projects; if so, of the details; as the Secretary for Development remarked in December last year that there was no guarantee that the momentum for private development projects would be maintained in the coming years, of the authorities' ways to increase Government-led land supply so as to achieve the annual supply target for private residential units;

(2) given that a number of the sites included in the Land Sale Programme for the 2017-2018 financial year (e.g. the sites located in Pak Shek Kok of Tai Po and Castle Peak Road-Area 48 of Tuen Mun, as well as the eight sites located in Kai Tak) are not spade-ready sites, whether the authorities have drawn up a timetable for converting such sites into spade-ready sites; if not, of the reasons for that; if so, the details and the estimated total number of residential units to be built on such sites;

(3) whether it will set up a reserve for spade-ready sites and improve the existing land premium mechanism in order to increase land supply; if so, of the details; if not, the reasons for that; and

(4) whether it will resume major reclamation projects for setting up a land reserve; if so, of the timetable; if not, the reasons for that?

Reply:

President,

My reply to various parts of the question is as follows:

(1) Private housing land supply sources include government land sale, railway property development projects, projects of the Urban Renewal Authority (URA) and private development/redevelopment projects. The aggregate private housing land supply in 2017-18 (i.e. from April 2017 to March 2018) can provide a total of about 25 500 housing units. Details are set out below:

Source of land supply	Estimated flat number
-----------------------	-----------------------

Government land sale	5 840
Railway property development projects	2 600
Projects of the URA	280
Private development/redevelopment projects	16 780
Total	25 500

While there was a significant boom in private developments and redevelopments in 2017-18, with an estimated flat yield significantly higher than the 10-year average (i.e. 2007 to 2016) of 4 200 flats, the Government is unable to accurately forecast whether this situation will continue as private developments or redevelopments are initiated by the private land owners taking into account different considerations, including the owner's assessment on the market outlook, development initiative and financial consideration, etc. Hence, the Government does not and should not rely on a single source of land supply. We will continue to maintain a sustained and stable private housing land supply to meet the needs for private housing land in the community.

(2) The 2018-19 Land Sale Programme comprises a total of 27 potential residential sites capable of providing about 15 250 private housing units. As at May 2018, out of the 27 sites, amendments to the outline zoning plan (OZP) are not required or have been completed for 20 sites (including nine sites in Kai Tak), capable of providing about 11 760 units. The other seven sites require amendments to the OZPs for rezoning or increasing the development density; these sites are capable of providing about 3 490 units. We will complete the statutory processes in a timely manner having regard to the land sale programme.

Following established practice, government sites expected to be put up for sale will be decided and announced on an annual basis, shortly before the start of the financial year concerned, taking into account prevailing circumstances such as the readiness of individual sites, the supply situation from other private housing land supply sources, the housing supply target set under the Long Term Housing Strategy and market conditions.

(3) and (4) Land development takes time and we need sustained efforts for the planning and development of land resources. Under a multi-pronged approach, the Government endeavours to identify and provide land to meet the emerged, foreseeable and unforeseeable needs for housing, economic and social developments. Over the past few years, the Government has identified, through land use reviews, over 210 sites with housing development potential in the short to medium term, involving a total of over 310 000 housing units (with over 70 per cent being public housing). These sites, together with the initiative to suitably increase development intensity as well as the

implementation of the Kai Tak Development, Anderson Road Quarry Site, railway property developments and urban renewal projects, could provide over 380 000 units in the short-to-medium term. As for the medium-to-long term, the Government is pressing ahead various New Development Areas and railway property developments (including Siu Ho Wan Depot) projects to provide over 220 000 residential flats.

In the medium-to-long term, reclamation as a means of land formation is indeed capable of providing more sizeable new land to accommodate different uses. Among other efforts, reclamation works for the Tung Chung New Town Extension has commenced in end-2017. We will seek funding from the Legislative Council in due course to commence the detailed studies for other reclamation projects.

Besides, the Task Force on Land Supply (Task Force) launched a five-month public engagement exercise on April 26, 2018 to lead a discussion in the community on the pros and cons and relative priority of 18 land supply options (including near-shore reclamation outside Victoria Harbour) and relevant issues (such as building a land reserve), with a view to making a compromise on the land supply options and strategy while achieving the broadest consensus in the community. Based on the public views collected, the Task Force will submit a report to the Government tentatively by end-2018.

Regarding streamlining and expediting the premium assessment process, the Government has implemented various measures in recent years. For example, premium assessments are centralised at Lands Department (LandsD) Headquarters in respect of lease modification/land exchange cases involving a premium of over \$100 million or a gross floor area permissible exceeding 10 000 square metres after the lease modification/land exchange. LandsD has also adopted a new set of updated construction costs data as a common reference by the Government and market practitioners to facilitate agreement in premium negotiations. The Government introduced the Pilot Scheme for Arbitration on Land Premium (Pilot Scheme) in October 2014 to facilitate early agreement on land premium payable for lease modification/land exchange applications, with the objective of expediting land supply for housing and other uses. Given the limited number of completed arbitration cases, the Government after consideration has extended the Pilot Scheme for two years until October 2018 to accumulate more experience and will conduct a review towards the end of the trial period.

Government increases shareholding in Hong Kong Exchanges and Clearing

Limited to 6 per cent

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

The Hong Kong Special Administrative Region Government notified Hong Kong Exchanges and Clearing Limited (HKEx) on June 4 that it has increased its shareholding in HKEx, for the account of the Exchange Fund, to 6.00 per cent.

This is a modest and limited increase in shareholding as a result of scrip dividend election under the scrip dividend scheme in relation to the final dividend for the year ended December 31, 2017.

The shareholding in HKEx is a strategic use of the Exchange Fund by the Government to enable the Government to contribute, over the longer term, to HKEx's development, particularly in strategic partnerships and linkages with other institutions in the region.

The Government became a minority controller of HKEx by increasing its shareholding to 5.88 per cent of HKEx's issued share capital in September 2007.

LCQ4: Immunisation for children

Following is a question by the Hon Holden Chow and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 6):

Question:

At present, the Department of Health (DH) provides vaccines and boosters for children from birth to Primary Six under the Hong Kong Childhood Immunisation Programme (the Immunisation Programme) in order to protect them from 11 infectious diseases, such as measles, poliomyelitis and chickenpox. Parents may bring their children from birth to five years of age to the various Maternal and Child Health Centre for immunisation. Inoculators of DH will visit primary schools to provide immunisation service to primary students. Moreover, children aged six months to under 12 years are eligible for free and subsidised seasonal influenza vaccination (SIV) via the Government Vaccination Programme (GVP) and Vaccination Subsidy Scheme (VSS) respectively. In this connection, will the Government inform this Council:

(1) of the number and percentage of children in the relevant age groups receiving the various types of vaccines and boosters under the Immunisation

Programme, as well as the number of inoculators visiting schools to provide immunisation service, in each of the past three years;

(2) of the number of primary schools participating in the outreach SIV activities at schools organised under VSS in each of the past two years, and the number of primary school students thereby receiving vaccination; the total number of children receiving free SIV via GVP in each of the past three years; and

(3) whether it will consider including SIV in the Immunisation Programme in the near future, and deploying inoculators to schools to provide SIV for primary students; if so, of the details, including the additional number of inoculators needed to be recruited; if not, the reasons for that?

Reply:

President,

Vaccination is an effective means to protect oneself against infectious diseases. The Government is currently conducting several free vaccination programmes or subsidy schemes (note 1) to provide free or subsidised vaccination services for children of different target groups.

Having consulted the Department of Health (DH), I now give a reply to the three parts of the question by the Hon Holden Chow as follows:

(1) Eligible children will receive different types of free vaccines and boosters under the Hong Kong Childhood Immunisation Programme (HKCIP) for the prevention of 11 types of infectious diseases. Vaccines are first given to newborn babies in hospitals. During their pre-school period, children will receive different types of vaccines and boosters at recommended ages of vaccination at the DH's Maternal and Child Health Centres (MCHCs). As for primary school children, vaccination is provided at schools by the DH's outreaching School Immunisation Team (SIT) (details at Annex 1). Apart from the free vaccination provided by the DH, parents may arrange their children to receive vaccination in private healthcare facilities or clinics at their own expense.

In each of the past three years, about 112 000 to 120 000 doses of vaccine were given to newborn babies by public and private hospitals; about 600 000 doses to children by the DH's MCHCs; and about 160 000 doses to all Primary One and Six school children by the SIT under the HKCIP (details at Annexes 2, 3 and 4 respectively). The number of staff of the SIT was 58 in the financial years from 2015/16 to 2017/18 (details at Annex 5).

Since 2001, the DH has conducted territory-wide immunisation coverage surveys regularly to monitor the vaccination coverage of pre-school children (note 2). The most recent survey conducted in 2015 (note 3) indicated that the overall coverage of various vaccines under the HKCIP had reached as high as above 95% (details at Annex 6). In addition, the SIT examines the immunisation records of primary students when vaccination is provided at

schools annually. Statistics show that the vaccination coverage of Primary One and Six students has been consistently maintained above 97% (details at Annex 7).

(2) Regarding seasonal influenza vaccination, children aged 6 months to less than 12 years can receive subsidised vaccination at the clinics of private doctors enrolled in the Vaccination Subsidy Scheme (VSS) (note 4). These private doctors can also organise outreach vaccination activities in primary schools. In the seasons of 2016/17 and 2017/18 (note 5), about 17 000 students in 54 primary schools and 24 000 students in 65 primary schools received influenza vaccination respectively under the VSS. While these school outreach vaccination services were provided by private doctors enrolled in the VSS, the logistics and inspection of services were carried out by the Centre for Health Protection (CHP) of the DH.

In addition, children from families receiving Comprehensive Social Security Assistance or those holding valid Certificate for Waiver of Medical Charges may receive free influenza vaccination under the Government Vaccination Programme (GVP) at the DH's MCHCs (for children aged 6 months to under 6 years) or the Student Health Service Centres (for children aged 6 years to under 12 years) (note 6). In the seasons of 2015/16, 2016/17 and 2017/18 (note 7), some 2 400, 1 600 and 1 900 eligible children received influenza vaccination respectively under the GVP.

(3) The CHP has kept abreast of the latest position of the World Health Organization on immunisation and vaccination, the scientific development and application of new vaccines as well as their cost-effectiveness, the latest global and local epidemiology of vaccine preventable diseases, and the experience of other health authorities. The Scientific Committee on Vaccine Preventable Diseases under the CHP holds regular meetings and makes recommendations to the CHP regarding the types of vaccines to be incorporated into the HKCIP from the public health perspective. Generally speaking, the incorporation of a new vaccine to the HKCIP will be based on scientific evidence, taking into account a number of public health considerations including the overall disease burden on society, the efficacy and safety of the vaccine, the availability of other effective preventive measures, cost-effectiveness and public acceptance of the vaccine.

The CHP is actively preparing for the launch of the School Outreach Vaccination Pilot Programme (Pilot Programme) in the 2018/19 school year. Under the Pilot Programme, the Government will provide free outreach influenza vaccination services for participating primary schools by either the Government Outreach Team or the Public-Private-Partnership Outreach Team. Meanwhile, the CHP is working to enhance the school outreach vaccination services (note 8) under the existing VSS (enhanced outreach VSS) by such ways as increasing the amount of subsidy and strengthening the support for participating private doctors. A list of doctors participating in the enhanced outreach VSS will be uploaded to the CHP's website in due course. No extra fees will be charged by these participating private doctors for the service.

Primary schools which will not participate in the Pilot Programme may take the initiative to invite private doctors on the list to provide free outreach vaccination services at their schools. The CHP will review various modes of influenza vaccination, including services provided by the Government Outreach Team, the Public-Private-Partnership Outreach Team and the enhanced outreach VSS, with a view to working out a mode of vaccination for the future, including whether the Pilot Programme will be regularised and the manpower required.

Note 1: They include the Hong Kong Childhood Immunisation Programme, the Government Vaccination Programme and the Vaccination Subsidy Scheme.

Note 2: It refers to the percentage of children having received vaccination at recommended ages under the HKCIP.

Note 3: Immunisation records (or vaccination cards) of children born between 2009 and 2012 were randomly examined.

Note 4: In the seasons of 2015/16, 2016/17 and 2017/18 (as at May 20, 2018), some 45 200, 110 600 and 150 000 eligible children received influenza vaccination respectively under the VSS.

Note 5: As at May 20, 2018.

Note 6: In 2016/17, the Government extended the scope of the eligible target groups of the GVP and the VSS to cover eligible children aged 6 years to under 12 years. These enhancement measures have been regularised from the season of 2017/18 onwards.

Note 7: As at May 20, 2018.

Note 8: Primary schools, kindergartens and child care centres will be covered.

LCQ16: Safety, repair and maintenance of lifts

Following is a question by Dr Hon Elizabeth Quat and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 6):

Question:

Recently, incidents of lift failures causing casualties have occurred frequently, arousing grave public concern about issues such as the safety, maintenance, repair and replacement of lifts. In this connection, will the Government inform this Council:

(1) of the number of written notifications, received by the Director of Electrical and Mechanical Services from the responsible persons for lifts in each of the past five years, in respect of the lift incidents specified in Schedule 7 to the Lifts and Escalators Ordinance (Cap 618) (with a breakdown

by (i) District Council district and (ii) whether the notification was made within the deadline of 24 hours after the incident came to the person's knowledge), as well as the number of such incidents made public by the Electrical and Mechanical Services Department (EMSD); the penalties imposed on the persons convicted for failing to give notifications within the deadline;

(2) whether EMSD will make public more information about registered lift contractors (contractors), including the company scale, the number of workers/engineers, the qualifications held by the workers/engineers and the records of non-compliance; if so, of the details and timetable; if not, the reasons for that;

(3) whether EMSD will publish reference costs for repair and maintenance of lifts for reference by members of the public; if so, of the details; if not, the reasons for that;

(4) of the current total number of lifts throughout the territory and, among them, the respective numbers and percentages of those which are over 20 and over 25 years old;

(5) given that the Code of Practice for Lift Works and Escalator Works (the Code) issued by EMSD has no legal effect and does not contain provisions on penalties, whether the Government will consider (i) increasing the penalties for contractors whose aggregate points under the current performance monitoring points system have reached a certain level (e.g. prohibiting them from bidding for the Government's lift works contracts for a certain period of time), and (ii) implementing a performance monitoring points system for registered workers/engineers; if so, of the details; if not, the reasons for that;

(6) whether the Government will consider incorporating into Cap 618 those clauses in the Code which are particularly important to the protection of users' safety; if so, of the details; if not, the reasons for that;

(7) of the current number of lifts inspected by EMSD each year on average, as well as the mechanism, workflow and criteria for selection of targets for inspection; whether it will consider giving priority to the inspection of lifts which are 20 years old or above; whether it will step up the monitoring of contractors and registered lift engineers, including stepping up the review of their work and surprise inspection; if so, of the details; if not, the reasons for that;

(8) whether the Government will draw up an action plan for enhancing the safety of lifts throughout the territory and give priority to enhancing the safety of those lifts which were installed before 1993, including requiring lifts to have/be retrofitted with (i) a double brake system, (ii) an unintended car movement protection device, (iii) an ascending car overspeed protection device, (iv) advanced car door mechanical lock and door safety edge, (v) an intercom and CCTV system, (vi) an obstruction switch to protect suspension ropes, and (vii) automatic rescue devices; if so, of the details;

if not, the reasons for that;

(9) whether the Government will expeditiously establish a dedicated subsidy scheme for enhancing lift safety, with a view to subsidising safety enhancement works for lifts 20 years old or above; if so, of the details and timetable; if not, the reasons for that;

(10) whether it has assessed if the existing manpower establishment of EMSD is adequate for dovetailing with the implementation of various measures to enhance lift safety; if it has assessed and the outcome is in the negative, of the number of staff members needed to be recruited;

(11) whether it knows the annual average (i) number of graduates from lift repair and maintenance courses and (ii) number of persons joining the industry, in the past five years; whether the Government will take measures to improve the remuneration packages of lift and escalator repair works practitioners so as to attract new blood to join the industry; and

(12) as some contractors who are not the original manufacturers of the lifts concerned are unable to obtain the lift plans from the original manufacturers, which has undermined the quality of their repair work, whether the Government will enact legislation for mandatory provision of lift plans by the original manufactures to their counterparts, so as to ensure the quality of repair works; if so, of the details; if not, the reasons for that?

Reply:

President,

The operation of lifts in Hong Kong is regulated by the Lifts and Escalators Ordinance (Cap 618) (the Ordinance), which was put into operation on December 17, 2012, to replace the repealed Lifts and Escalators (Safety) Ordinance (Cap 327). The Ordinance introduces a series of new and enhanced regulatory measures including stipulating clearly the responsibilities of the Responsible Person (i.e. owner of the lift/escalator and any person who has the management or control of the lift/escalator), the Registered Contractor, the Registered Engineer and the Registered Worker. Since the Ordinance came into operation, the number of incidents (Note) that must be reported to the Electrical and Mechanical Services Department (EMSD) involving failure of lift and escalator equipment has been remarkably reduced as compared with that before the Ordinance was put in effect, with a reduction of 72 per cent from an average of 28 cases per year from 2010 to 2012 to an average of 7.8 cases per year from 2013 to 2017. The EMSD will continue to strictly enforce the Ordinance and is committed to introducing various measures to enhance the safety of aged lifts, so as to ensure that the public can enjoy safe lift services.

Our reply to the question raised by Dr Hon Quat is as follows:

1. The number of written notifications, received by the Director of Electrical and Mechanical Services from the Responsible Persons for lifts in

each of the past five years, in respect of the lift incidents stipulated in Schedule 7 to the Ordinance is 330 in 2013, 446 in 2014, 439 in 2015, 427 in 2016 and 461 in 2017. Their distribution (by District Council district) is as follows*:

District	2013	2014	2015	2016	2017
Central & Western	8.2%	6.6%	7.5%	5.9%	7.8%
Eastern	10.1%	11.1%	9.6%	10.3%	7.5%
Southern	3.7%	2.9%	3.9%	3.3%	4.0%
Wan Chai	5.0%	7.7%	8.1%	7.3%	8.7%
Kowloon City	4.2%	5.3%	7.3%	6.8%	5.4%
Kwun Tong	8.0%	9.0%	5.5%	6.8%	8.0%
Sham Shui Po	5.0%	7.7%	6.0%	4.9%	2.8%
Yau Tsim Mong	2.7%	4.5%	11.7%	11.2%	11.6%
Wong Tai Sin	3.2%	3.4%	4.4%	3.5%	5.4%
Islands	2.4%	2.6%	3.1%	5.9%	4.0%
Kwai Tsing	10.3%	7.7%	7.0%	4.7%	7.3%
North	5.0%	4.0%	2.6%	2.6%	3.8%
Sai Kung	6.9%	6.3%	2.6%	5.9%	3.8%
Sha Tin	6.6%	3.4%	3.1%	5.4%	3.1%
Tai Po	3.4%	2.1%	4.4%	4.0%	3.8%
Tsuen Wan	6.6%	6.9%	6.2%	4.2%	4.7%
Tuen Mun	4.8%	5.0%	5.2%	5.2%	4.7%
Yuen Long	3.7%	3.7%	1.8%	2.3%	3.5%

* The figures have been shown by rounding up or down and they may not be equal to 100 per cent when summing up.

The EMSD will publish quarterly the statistics of the reportable incidents together with the announcement of "Registered Contractors' Performance Rating" on the department's website.

According to records, the main reason that the Responsible Persons did not notify the EMSD within 24 hours after the incident was that they did not immediately know that or could not clearly distinguish whether the case was a reportable incident. At present, the EMSD does not keep statistics of such cases by categories. The EMSD will take into account the seriousness of the case (such as whether the Responsible Person has been repeatedly in breach of the requirements) and whether they have reasonable excuse, to decide if enforcement actions should be taken, which may include issuing of advisory or warning letters or carrying out of prosecution. In the past five years, the EMSD has issued a total of 16 advisory letters to relevant Responsible Persons for their failure to notify the EMSD of the incident within 24 hours after the incident came to their knowledge.

(2) and (3) Registered lift contractors are required to arrange and supervise qualified persons to carry out lift works. Registered lift contractors are also required to provide sufficient workforce and provide adequate training and instructions to their workers so as to ensure the lift works can be carried out safely and properly. The EMSD will conduct regular audits on registered lift contractors to check whether there are sufficient workforce, skills, staff training, etc.

In order to assist Responsible Persons for lifts in selecting a suitable registered lift contractor, the EMSD provides the following information for reference by the Responsible Persons:

- * The maintenance price figures and related information for lifts at private residential and commercial premises are released on a half-yearly basis to increase the transparency of the market prices;
- * The "Registered Contractors' Performance Rating" is announced on a quarterly basis to indicate the performance of each contractor in terms of safety and services quality. When the contractor is involved in a serious incident under investigation, the EMSD will add remarks to the contractor concerned in the webpage announcing the performance rating; and
- * In order to facilitate the Responsible Persons to invite tenders for the maintenance or modernisation works for their lifts, the EMSD has prepared the "Sample Contract for Procurement of Comprehensive Lift/Escalator Maintenance Service" and "Sample Specifications for Engagement of Registered Lift Contractor for Carrying out Lift Modernisation Works" for reference by the Responsible Persons during tendering.

The EMSD will continue to listen to the views of various stakeholders and provide appropriate technical support for the Responsible Persons.

(4) As of the end of 2017, there were about 66 200 lifts in Hong Kong, of which about 35 200 (about 53 per cent of the total) and about 27 900 (about 42 per cent of the total) were more than 20 and 25 years old (years that the lift has been put into service) respectively.

(5) and (6) The Code of Practice for Lift Works and Escalator Works (the Code) is issued by the EMSD under the provisions of the Ordinance. The Code provides practical guidance for reference by the registered persons and states that they must comply with the procedures stipulated under the Ordinance when carrying out lift or escalator works.

During the daily surveillance checks and incident investigations, if the EMSD discovers that a contractor and/or Registered Worker/Engineer has performed unsatisfactorily or even contravened the Ordinance, the EMSD will take appropriate action according to the seriousness of the case. For serious cases, prosecution will be taken in accordance with the Ordinance and/or the cases will be submitted to the Disciplinary Board Panel for hearing, and the contractor and/or Registered Worker/Engineer concerned may eventually be subject to cancellation or suspension of registration. As the relevant procedures will take time, the EMSD has introduced the "Registered Lift and Escalator Contractors' Performance Rating System", as an administrative

measure other than enforcement under the Ordinance. This will enable the EMSD to deduct the score of a contractor immediately according to the seriousness of the incident. The scores will be uploaded to the department's website so that the public can know the performance of each contractor in a timely manner, thus enabling them to choose a suitable contractor to provide maintenance services for their lifts. The EMSD will also make remarks in the said website promptly when a contractor is involved in a serious incident under investigation, so that the public can make a holistic assessment when choosing their lift contractors.

The EMSD will review and revise the "Registered Lift and Escalator Contractors' Performance Rating System" from time to time. As the EMSD has received suggestions from many stakeholders recently, it will initiate a new round of review with a view to further improving the system.

(7) The EMSD adopts a risk-based approach and strengthens inspections for lifts with higher risk factors, such as those with longer in-service years, frequent complaints/failures, so as to monitor the maintenance works and check for contraventions of the Ordinance. The EMSD conducted about 11 200 inspections of lifts and escalators in 2017.

The EMSD will make greater efforts to inspect the maintenance and examination of lifts, in particular those components which will affect the safe operation of lifts. It is expected that the number of inspections this year will increase to about 14 000, i.e. an increase of 25 per cent.

The EMSD will also review to step up the monitoring and regulation of Registered Contractors and Registered Engineers.

(8) and (9) Lifts must have proper regular periodic examinations and maintenance to ensure their safe use. However, as the lifts aged, the maintenance problems encountered will increase in terms of number and complexity. Owing to rapid technological advancement in recent years, modern lifts are equipped with more comprehensive safety devices than the aged ones. There are thus rooms for improving and enhancing aged lifts from the lift safety perspective. In view of this, the EMSD promulgated the "Guidelines for Modernising Existing Lifts" in 2011, which aims at recommending the Responsible Persons to install safety devices (including the unintended car movement protection device) for their aged lifts to make the lifts safer, more reliable and comfortable.

As of the end of 2017, there were about 66 200 lifts in Hong Kong, of which about 80 per cent were not equipped with safety devices of the latest standard. Owing to the fact that the lift modernisation is carried out on a voluntary basis, modernisation works of different level have been carried out to about 5 200 lifts since 2011. The progress is not remarkable.

In view of the above, the Development Bureau and the EMSD are actively formulating new measures in short term, medium term and medium to long term to enhance the safety of aged lifts, thereby further protecting public safety.

(10) The EMSD attaches great importance to lift and escalator safety, and has set up a dedicated team responsible for regulating lift and escalator safety throughout the territory. In 2018/19, the EMSD has increased the manpower of the dedicated team to 43 staff members, in order to strengthen the inspections of aged lifts. Regarding the new series of measures that will be implemented in the future, the EMSD will further examine the manpower requirements to cope with the additional workload.

(11) As of the end of 2017, there were about 66 200 lifts and about 9 300 escalators in Hong Kong. From 2012 to 2017, the total number of lifts and escalators increased from about 69 000 to about 75 600, i.e. an increase of about 10 per cent, while the number of Registered Workers increased from about 4 900 to about 5 700, i.e. an increase of about 16 per cent. In recent years, Registered Contractors have also been actively recruiting general workers in addition to Registered Workers and there was an increase in general workers from about 700 in 2012 to about 1 850 in 2017. After these general workers have received relevant training and accumulated sufficient experience, they can apply to become Registered Workers. Therefore, the total number of workers increased from about 5 600 in 2012 to about 7 570 in 2017, i.e. an increase of about 35 per cent, which was higher than the increase in number of lifts and escalators in the same period. This shows that the industry's manpower situation is gradually improving.

In the past five years, the average annual number of intakes and graduates of relevant lift courses, and the change in manpower of Registered Workers and general workers are as follows:

Academic Year	Number of intakes of apprentice course	Number of graduates of apprentice course**
2013/14	95	27
2014/15	102	31
2015/16	205	32
2016/17	251	53
2017/18	255	This academic year has not yet finished

**The number of graduates is the number of students who completed the course and were graduated in the respective academic year. In general, the apprenticeship course is a four-year course and therefore the graduates of the respective year are normally students who enrolled the course four years ago or before.

Year	Increase in number of new Registered Workers as compared with a year before	Increase in number of new general workers as compared with a year before***
------	---	---

2013	43	22
2014	219	380
2015	89	411
2016	114	273
2017	299	125

*** The number of new general workers is compiled based on the regular survey of Registered Contractors' manpower situation.

Although the manpower situation has gradually improved, the current supply of manpower is still relatively tight. In order to attract more new blood to join the lift and escalator industry, we have implemented the following series of measures in recent years:

- * The Vocational Training Council (VTC) and the Construction Industry Council (CIC) jointly introduced "Earn & Learn" Scheme in 2014. The number of new apprentices enrolled each year has increased remarkably, from about 70 in the past to more than 200 in 2015 and 250 in both 2016 and 2017;

- * In 2016, the VTC and the University of Hong Kong School of Professional and Continuing Education launched two different courses related to lift and escalator for the practicing workers to acquire the required academic qualifications to meet the registration requirements of Registered Workers;

- * The CIC has implemented the "Contractor Cooperative Training Scheme" for Electrical and Mechanical (E&M) trades (including lift and escalator mechanics) to provide financial support to those who wish to join the lift and escalator industry;

- * Since 2016, the EMSD has started to invest more than \$600 million in recruiting over 1 000 technician trainees in five years to provide new bloods for the entire E&M industry (including lift and escalator trade) to cope with future challenges; and

- * In early 2018, the EMSD collaborated with the industry to produce a promotional video to attract newcomers to the industry. Production of the video has been completed, which has been uploaded onto the department's website for public viewing.

In light of the fact that more new blood have joined the industry in the past three years and most of them are still undergoing apprenticeship training, we expect that these apprentices will graduate in the next two to three years and join the industry. By that time, the manpower in the industry will increase further, and will be able to take up more lift modernisation and maintenance works in the future.

(12) According to the Code, documents such as manuals and drawings, equipment, spare parts, and tools of the lift or the escalator being held by the outgoing Registered Contractor should be returned to the Responsible Person for safe custody. Registered Contractors undertaking installation of a lift or an escalator should also consolidate instructions provided by the manufacturer of the lift or the escalator and other relevant information, such as type examination certificates, layout drawings, calculations, circuit diagrams, power supply drawings, testing and commissioning results for

preparation of an Operation and Maintenance (O&M) manual for the lift or the escalator system. Such O&M manual should be provided to the Responsible Person upon completion of the installation works. When changing lift/escalator maintenance contractors, the smooth handover of maintenance work is extremely important for continuous safe and proper operation of the lifts/escalators. Therefore, the EMSD requires contractors who hand over or take over maintenance work shall complete and sign the "Checklist for Handover and Takeover of Lift/Escalator Maintenance" (including maintenance manuals and drawings). Registered Contractors shall provide full support to the Responsible Persons in accordance with the checklist and the latest requirements of the Code during the process of handover or takeover. Registered Contractors should also keep a copy of the completed and signed checklist. In order to make the Registered Contractors strictly follow the relevant requirements, the EMSD listed such requirements as a point-deduction item in the last review of the "Registered Lift and Escalator Contractors' Performance Rating System", which came into effect in February 2018.

Note: In accordance with the Ordinance, the Responsible Person for a lift must notify the Director of Electrical and Mechanical Services of the following lift incidents:

- (i) A person dies or is injured and the death or injury involves a lift or any associated equipment or machinery of a lift;
- (ii) A failure of the main drive system of a lift;
- (iii) A breakage of any suspension rope of a lift;
- (iv) A failure of any brake, overload device, safety component or safety equipment of a lift; or
- (v) A failure of any interlocking device for any door of the lift-way of a lift.

Upon receiving notification of the above lift incidents, the EMSD will arrange on-duty staff for an investigation as far as practicable.