

LCQ17: Gift Book Pilot Scheme

Following is a question by the Hon Ip Kin-yuen and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (July 15):

Question:

The Education Bureau (EDB) announced on June 18 this year the launching of a Gift Book Pilot Scheme (the Pilot Scheme), under which all participating public-sector schools (including special schools) and Direct Subsidy Scheme schools will be allocated a one-off grant, calculated according to the number of students in each school (about \$100 per student), for the procurement of printed books to be given to students for free. Under the Pilot Scheme, schools were required to complete the procurement procedure (including selecting books on the designated book lists provided by the EDB, inviting quotations and placing orders for the books) within the period from June 18 to July 9 this year. In this connection, will the Government inform this Council:

(1) why the EDB set the requirement that schools and students participating in the Pilot Scheme may only select and buy books on the designated book lists, instead of following the approach for book procurement applicable to the Promotion of Reading Grant, i.e. schools selecting on their own those books which match the needs and abilities of their students;

(2) as quite a number of members of the education sector have relayed that the schedule for schools to complete the procurement procedure within 13 school days was too tight, whether the EDB had consulted the education sector when it set the deadline; of the respective current numbers and percentages of primary and secondary schools which completed the procurement procedure by July 9 (including the completion of book selection, invitation for quotations and placement of orders for books within the relevant deadlines); whether it has assessed the impacts on schools' class resumption work after the outbreak of the epidemic brought about by schools having to complete the procurement procedure in a hasty manner;

(3) as some members of the education sector have criticised that the number of books published by a certain publishing group accounts for over 70% of the total number of books on the designated book lists, which has aroused suspicion of transferal of benefits, of the details of the compilation of the designated book lists, including (i) the rank of the officer-in-charge, (ii) the criteria for book selection and (iii) the time spent on compiling the lists; whether the EDB had consulted teachers, teacher-librarians and members of the publishing industry on the book lists; the measures in place to ensure that the books on the book lists can be delivered to participating schools in July before the commencement of the summer vacation;

(4) as the EDB has indicated that the Pilot Scheme has the support from the Hong Kong Publishing Federation (the Federation), of the reasons for and the

details of the EDB's decision to cooperate with the Federation (including the role of the Federation in the Pilot Scheme, as well as whether the Federation participated in the relevant work such as compiling the book lists, assisting schools in book procurement and supplying the books);

(5) of the detailed estimated expenditure of the Pilot Scheme;

(6) as some schools were unable to complete the procurement procedure within the aforesaid deadline, of the detailed arrangements for the late participation in the Pilot Scheme by such schools, including whether the level of the grant to be received by such schools will remain unchanged; if not, of the reasons for that; whether it has assessed if the situation where schools, due to different reasons, were unable to participate in the Pilot Scheme causing their students not being given any free books is unfair to the students concerned;

(7) as some booksellers have indicated that it was difficult for them to cope with the surge in quotation requests from schools within a short span of time, and that they were unable to obtain the publishers' guarantee of supply of all the books being ordered and even unable to have any supply of the books from the publishers, which made such booksellers unable to provide quotations, whether the EDB has approached schools to gain an understanding of the difficulties they encountered in procuring books, and whether it has assessed if monopolisation has occurred; and

(8) whether the EDB will consider making changes to the Pilot Scheme as follows: (i) abolishing the requirement that schools and students may only select books on the designated book lists, and (ii) extending the deadline for completion of the procurement procedure to the end of this year or the beginning of the coming year, so that teacher-librarians and teachers will have ample time to select suitable books for their students?

Reply:

President,

The Education Bureau (EDB) is committed to promoting "Reading to Learn" and has been supporting schools to organise diversified reading activities which are in line with the curriculum through various measures, thereby developing students' reading interest and habits from a young age to enhance their reading skills and learning capabilities. The EDB has long been providing recommended book lists to schools with a view to promoting reading. For example, the previous Chinese and English Extensive Reading Schemes were also provided with recommended book lists. Since the 2018/19 school year, to align with the disbursement of the Promotion of Reading Grant to all public sector schools, the EDB has suggested four themes for reading, namely Chinese History and Culture, Healthy Living, Moral Education, and Science, Technology, Engineering and Mathematics (STEM) Education. Professional staff from the relevant Key Learning Areas of the EDB have provided schools with theme-related recommended book lists with reference to the curriculum and students' learning needs. For details, please refer to www.edb.gov.hk/en/curriculum-development/4-key-tasks/reading-to-learn/contrib

[ution-of-book-titles/index.html](http://education-of-book-titles/index.html). Schools may use the grant to procure reading materials or organise different types of school-based reading activities to create a favourable environment for reading. Moreover, the EDB has collaborated with the publishing sector and professional organisations to organise large-scale reading promotion activities such as the Joyful Reading Carnival 2019 for encouraging parent-child reading. Furthermore, to provide more diversified opportunities to promote reading among students, reading award schemes and competitions will be held on a need basis at irregular intervals for certain curricula and subjects. The EDB originally planned to organise another Joyful Reading Carnival in early 2020, but the event had to be cancelled because of the epidemic. In view of the benefits and importance of reading to students and the need to make up for the lack of reading activities in this school year, despite the very limited time for preparation, the EDB launches the Gift Book Pilot Scheme (2020) (hereafter the Pilot Scheme) and provides schools with details for ease of implementation so as to benefit students.

Our reply to the various parts of the question raised by the Hon Ip Kin-yuen regarding the Pilot Scheme is as follows:

(1) to (3) and (6) to (8) On top of the existing diversified reading activities, the Pilot Scheme is a token of goodwill from the EDB to encourage students to read, with an aim to offer free printed books to about 600 000 primary and secondary school students before the summer holiday through schools' procurement. Launching the Scheme on a trial basis, the EDB hopes to encourage students to enjoy leisure reading during the summer holiday and nurture good reading habits. Schools can make effective use of the books offered by the EDB to enhance the reading promotion activities in the next school year, such as arranging sharing sessions to encourage students to exchange their views on the books and to cultivate their reading interest and habits. Schools may also organise, for example, class-based/level-based book crossing activities for sharing reading resources, which can help students develop a sense of gratitude and learn to cherish what they have, thereby nurturing positive values in them.

Primary and secondary schools resumed classes by level from late May to mid-June respectively. We announced the above Pilot Scheme in mid-June to allow primary and secondary schools to duly undertake the book procurement procedures after class resumption. According to the EDB's understanding from the publishers, there is only a limited stock of printed books currently. When there are a large amount of orders, it is very likely that publishers have to reprint or increase the printing of books. In addition, taking into consideration that logistic arrangements and book distribution will take time, it is necessary to complete the procedures of book selection and procurement within a short period of time, so that students can receive the books before the summer holiday. When procurement of English books from overseas publishers is required, it is quite impossible to complete the procurement procedures in a short time. Therefore, a pragmatic approach is adopted to include only local Chinese books in the Pilot Scheme. As regards the arrangement for obtaining written quotations, the special measure to allow schools to shorten the period for quotations from two or three weeks to

one week will enable schools to complete their book procurement procedures as early as possible, so that students can receive the books before the summer holiday. If schools are not able to complete the procurement procedures within one week due to preoccupation with heavy administrative work, they can choose to proceed with procurement in accordance with their established procedures and complete it within two to three weeks. However, the delivery of books to the schools concerned before late July may not be guaranteed.

The EDB has all along been recommending books based on the professional considerations of the quality of the books with reference to the school curriculum for students at different key stages of primary and secondary schools. The publishers of the books have never been a consideration. Therefore, there is no question of giving preferential treatment to a particular bookstore or books from a certain publisher.

Based on the aforementioned recommended book lists on the four themes, the EDB's professional staff have updated and consolidated within a very short period of time the designated book lists, which consist of a certain amount of quality books from different publishers, to provide schools with sufficient choices to facilitate the participation of the scheme. Schools can exercise discretion on book selection according to their own contexts and actual operational needs. For example, schools can appoint suitable staff to select books from the EDB's designated book lists for students with reference to students' abilities and interests, or let students choose from the book lists. Schools can also choose to place a bulk order for a few book titles, or select books together with parent-teacher associations. It was reported that to increase students' interest in reading, some schools let students choose the books they liked from the designated book lists.

This Pilot Scheme has its own inherent aims, including to enable students to enjoy leisure reading during the summer holiday and to align with the suggested themes for reading since the 2018/19 school year. Moreover, as these books are special gifts to students from the EDB, they are different from those purchased through the prevailing school-based book procurement practices. We do not see the need to change the implementation details of the scheme. We will not cancel the requirement on the selection of books from the designated book lists, or extend the procurement period to the end of this year or early next year. According to our preliminary understanding, many schools have placed orders according to the designated measures and the process is smooth in general. Despite the EDB's announcement of early commencement of summer holiday due to the epidemic, schools may consider giving students the books in an appropriate way with due consideration given to the public health or using the books as extra-curricular reading materials in the new school year.

Regarding the comment that the scheme involves transfer of benefits, it is totally unfounded and has politicised the promotion of reading in schools, which is against the interest of students. Since printed book publishers have different market share and the types of their publications vary, it is not difficult to understand that the proportions of their books on the designated book lists are different.

We have to point out clearly that apart from the Pilot Scheme for this summer, schools are provided with the recurrent Promotion of Reading Grant (about \$20,000 – \$40,000 and \$50,000 – \$70,000 per year for primary and secondary schools respectively). Even though classes were suspended for four months this year, schools can still enjoy the full amount of the grant. Same as the previous year, schools can procure varied kinds of books of different languages according to their school-based needs and established book procurement procedures to enrich the collection of their school libraries. Schools can even procure e-books as there is no procurement restriction in this regard.

Schools will receive the one-off grant by the end of July this year and should use it for the procurement of books for students by the end of August this year. Upon the deduction of the actual amount spent on the purchase of printed books, schools should return the unspent balance to the EDB by the end of November this year. Our staff have provided to schools relevant information and explanation about the procurement procedures and other related arrangements. As mentioned before, the procurement process is smooth in general. Schools may choose whether to join the Pilot Scheme or not. As pointed out by the EDB at the briefing session of the Pilot Scheme for school principal representatives of school councils, if schools consider not joining the Pilot Scheme, they may still enjoy the free use of the Hong Kong Education City's eRead Scheme until the end of this year, allowing students to read both Chinese and English e-books.

With regard to the number and percentage of schools that have completed the procurement procedures on or before July 9, since schools place order with book suppliers directly and do not need approval from the EDB beforehand, we do not have relevant information.

(4) The EDB works in collaboration with the publishing sector and professional organisations to create a reading atmosphere at all fronts. Being an important stakeholder in the publishing sector, the Hong Kong Publishing Federation has supported and participated in the reading promotion activities organised by the EDB, such as the Joyful Reading Carnival 2019. The Federation is also the supporting organisation of the Pilot Scheme. It is not involved in the compilation of the designated book lists of the Pilot Scheme. Nevertheless, the Federation provides assistance in disseminating the information of the Pilot Scheme to its members and the sector as well as enlisting the support of book stores and publishers in the supply of books and related logistics so that the ordered books can be delivered to schools in a timely manner.

(5) The total expenditure for the Pilot Scheme is about \$60 million and the actual amount will depend on the number of schools/students participating in the scheme. A review will be conducted upon completion of the Pilot Scheme to consider whether it will be launched again in the future. The relaunching of the Scheme is also subject to the priority in resource allocation of the EDB every year. In response to the misunderstanding and unfounded criticisms expressed by some people, the EDB issued a clarification on the Summer Reading Programme – Gift Book Pilot Scheme on June 19, 2020 to ensure a correct understanding of the facts. For details, please refer to

LCQ15: Parking spaces on Hong Kong Island

Following is a question by the Hon Kwok Wai-keung and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (July 15):

Question:

Some members of the public have relayed that car parking spaces on the Hong Kong Island have all along been in short supply, resulting in illegal on-street parking of vehicles as well as activities of picking up/setting down passengers and loading/unloading goods by vehicles from time to time, which have aggravated the problem of traffic congestion and caused inconvenience to the residents. On the other hand, the Government has planned to implement pilot projects on automated parking systems in two government buildings proposed to be built on Chung Kong Road in Sheung Wan and Sheung Mau Street in Chai Wan. In this connection, will the Government inform this Council:

(1) of the details of the law enforcement actions taken last year by the Police on the Hong Kong Island against illegal parking (including the number of fixed penalty notices issued, and the number and locations of large-scale operations conducted), and how the frequency of such actions compares with that of the year before;

(2) of the respective current numbers of on-street parking spaces and those parking spaces in the public and the private car parks on the Hong Kong Island, with a breakdown by District Council district and type of vehicles that may be parked therein; the increase/decrease in such numbers in the coming year as estimated by the Government;

(3) of the respective dates for (i) public consultation and (ii) commencement of works in respect of the two aforesaid pilot projects; the respective estimated numbers of parking spaces to be provided by the two projects, with a breakdown by type of vehicles that may be parked therein; and

(4) whether it has put in place new measures for the short or medium term to alleviate the shortage of parking spaces on the Hong Kong Island and the problems arising therefrom (including traffic congestion and air pollution); if so, of the details?

Reply:

President,

The Government's current policy on the provision of parking spaces is to accord priority to considering and meeting the parking demand of commercial vehicles (CVs) and to provide an appropriate number of private car (PC) parking spaces if the overall development permits, but at the same time not to attract passengers to opt for PCs in lieu of public transport, so as to avoid aggravating the road traffic. After consulting the Hong Kong Police Force (the Police) and Transport Department (TD), my reply to the various parts of the Hon Kwok Wai-keung's question is as follows:

(1) The numbers of fixed penalty notices (FPNs) issued by the Police against illegal parking in the Hong Kong Island Region under the Fixed Penalty (Traffic Contraventions) Ordinance (Cap. 237) between 2018 and May 2020 and the percentage changes as compared with the corresponding period of the previous year are tabulated below:

Year	Number of FPNs issued against illegal parking	Percentage changes as compared with the corresponding period of the previous year
2018	385 196	—
2019	287 149	-25 per cent
2020* (January to May)	208 844	+32 per cent

*Provisional figure

The Police have not maintained records on the numbers and locations of enforcement actions conducted against illegal parking for specific districts.

(2) As at May 2020, the numbers of on-street parking spaces as well as parking spaces in car parks provided by the Government and privately-operated car parks on the Hong Kong Island, with breakdowns by district and by vehicle type, are tabulated below:

1. On-street parking spaces on the Hong Kong Island

District	PCs#	CVs@	Motorcycles	Total*
Central & Western	471	215	587	1 273
Wan Chai	1 003	35	687	1 725
Eastern	441	124	653	1 218
Southern	628	192	415	1 235

2. Parking spaces in car parks provided by the Government on the Hong Kong Island

District	PCs#	CVs@	Motorcycles	Total
Central & Western	4 134	482	345	4 961
Wan Chai	2 766	318	267	3 351
Eastern	3 147	348	356	3 851
Southern	2 725	193	482	3 400

3. Parking spaces in privately-operated car parks on the Hong Kong Island

District	PCs#	CVs@	Motorcycles	Total
Central & Western	34 053	609	483	35 145
Wan Chai	35 811	190	351	36 352
Eastern	43 111	1 738	1 452	46 301
Southern	36 031	1 130	965	38 126

Note:

PC parking spaces can be used by PCs, taxis as well as van-type light goods vehicles (LGVs) with such sizes that can be accommodated within PC parking spaces.

@ CVs include LGVs, medium goods vehicles, heavy goods vehicles, coaches and non-franchised public buses, but exclude van-type LGVs as they may be parked at PC parking spaces.

* About 60 parking spaces reserved for special public services (such as refuse collection or post offices' vehicles) are excluded.

TD has been closely monitoring the parking needs of different districts and is committed to taking forward various measures to increase car parking spaces. Nevertheless, the provision of parking spaces hinges on views of local stakeholders, site constraints and the progress of individual development projects. Hence, TD is not in a position to make a precise projection on the change in the number of parking spaces on the Hong Kong Island for the coming year.

(3) TD is taking forward pilot projects on automated parking systems (APSs) so as to acquire and consolidate experience in building, operating and managing different types of APSs and the financial arrangements. This will pave the way for wider application of APSs in public car parks in future. So far, having regard to such criteria as parking demand, geographical environment, planning restrictions, impact on local traffic, etc, TD has identified four sites for launching APS pilot projects, including the proposed government building site at Chung Kong Road in Sheung Wan and another at Sheung Mau Street in Chai Wan. Since TD is conducting feasibility assessments on the two pilot projects in Sheung Wan and Chai Wan, the implementation timetables and numbers of parking spaces involved are not available yet. Upon completion of the assessments, TD will consult relevant

District Councils.

(4) To increase car parking spaces as appropriate, the Government is actively pursuing a host of short- and medium-to-long-term measures, including the following:

(i) designating suitable on-street locations as night-time parking spaces for CVs;

(ii) encouraging schools to allow school buses to park within school premises after school hours;

(iii) reviewing the standards on parking spaces and loading/unloading bays for CVs as well as the standards on parking spaces for PCs stipulated in the Hong Kong Planning Standards and Guidelines with a view to updating the relevant requirements, thereby increasing the number of ancillary parking spaces in future housing developments; and

(iv) following the principle of "single site, multiple uses" to provide public parking spaces in suitable "Government, Institution or Community" facilities and public open space projects.

Besides, TD plans to install a total of 12 000 new generation of on-street parking meters by phases starting from the fourth quarter of 2020. Each of the new parking meters will be equipped with space sensor(s) to detect whether the relevant on-street parking spaces are occupied. For this purpose, the Government introduced the relevant bill into the Legislative Council (LegCo) in November 2019. If the bill is passed by LegCo within the current legislative session, TD will activate the space sensors of the new parking meters with the legal backing provided by the relevant legislation. Real-time information of the relevant parking spaces will then be disseminated through TD's website and "HKeMobility" mobile application to facilitate motorists' search for vacant parking spaces, thereby reducing traffic and air pollutants generated by vehicles circulating on roads in search of parking spaces.

Apart from the above-mentioned new initiatives, the Police all along pay much attention to the problem of illegal parking, and changing the irresponsible behaviour of road users that causes traffic obstructions is among the Police's traffic enforcement priorities in 2020. The Police will continue to seek to change such undesirable behaviour through publicity and education, and combat illegal parking through patrols and law enforcement. For drivers who commit traffic offences by causing traffic obstructions, the Police will issue warnings or summons, or even tow away the vehicles concerned. Should there be serious illegal parking on individual road sections causing obstruction to traffic, members of the public may report such cases to the Police for prompt handling.

LCQ20: Student guidance personnel

Following is a question by the Hon Mrs Regina Ip and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (July 15):

Question:

Some student guidance personnel have relayed that while they join hands with school-based social workers and Student Guidance Teachers (SGTs) to provide Comprehensive Student Guidance Service, their posts are not on the approved establishment of teaching staff members of their schools. As a result, their salaries are on the low side with a lack of promotion prospect. On the other hand, the Education Bureau (EDB) wrote to a relevant organisation on June 28 last year, indicating that the EDB was collecting data and views by way of questionnaire survey and school visits, etc. in order to review the implementation of the relevant policies, including the mode of cooperation among student guidance personnel/school-based social workers and SGTs. In this connection, will the Government inform this Council:

(1) of the details of the aforesaid review exercise, (e.g. the content of the questionnaire and the names of the schools visited), the work schedule and the latest progress; whether the EDB will submit the review results to the Panel on Education of this Council;

(2) whether it will consider creating permanent posts of student guidance personnel in primary and secondary schools; if so, of the details; if not, the reasons for that; and

(3) whether it will formulate professional development strategies for student guidance personnel, e.g. providing them with in-service education subsidies and progression pathways; if so, of the details; if not, the reasons for that?

Reply:

President,

The Education Bureau (EDB) has all along been encouraging schools to adopt a whole school approach for guidance and discipline in supporting and catering for students in need. Guidance work is no longer only the responsibility of social workers or guidance personnel. Teachers will work in collaboration with guidance personnel, social workers or other professionals (e.g. school-based educational psychologists) to provide students with comprehensive and extensive guidance service. In recent years, additional resources have been allocated to schools, including the implementation of the policy of "one school social worker for each school" in public sector primary schools and enhanced school-based educational psychology service in primary

and secondary schools, and professional training and support have been provided to teachers on an on-going basis to promote the healthy development of students. Currently, every school has already set up a guidance team, which comprises several teachers led by a senior teacher, responsible for co-ordinating the guidance work of the whole school. The school social worker and student guidance personnel (SGP) also serve as ex-officio members of the team. This multi-disciplinary whole school approach facilitates the establishment of a robust student guidance system for the provision of sustainable services and minimises the impact arising from the turnover of individual personnel.

Our reply to the question raised by the Hon Mrs Regina Ip is as follows:

(1) Since the implementation of the policy of "one school social worker for each school" in primary schools in the 2018/19 school year, the EDB has been continuously reviewing its implementation through different methods, including questionnaire surveys and school visits. In the 2019/20 school year, a questionnaire survey for public sector primary schools was conducted to gather information concerning school social workers and SGP employed by public sector primary schools as well as how the policy of "one school social worker for each school" was implemented. Visits to some 30 schools were made to further understand the implementation of the Comprehensive Student Guidance Service and their views on the policy of "one school social worker for each school". Information shows that over 80% of public sector primary schools have employed at least one school-based registered graduate social worker. The new funding mode is in general well received by schools. Moreover, schools are found to be capable of effectively using the supervision and professional support provided by relevant organisations, which is considered helpful in enhancing the quality of student guidance service. In the 2020/21 school year, we plan to continue to collect such relevant information, including utilisation of guidance resources in schools, collaboration between school social workers/student guidance teachers/SGP and teachers, as well as the professional support on the overall school guidance service by social work supervisors, through school visits and questionnaire surveys. We will continue to communicate with the school sector to gauge its views and suggestions, so as to review and strengthen school social work and guidance services.

(2) SGP posts are not provided in the present approved staff establishment of schools. However, schools may exercise discretion in deploying the relevant grants provided by the EDB and consider whether to engage SGP and the number of such professionals to be engaged having regard to their school-based needs for the provision or strengthening of school-based guidance service. There is no uniform requirement for SGP engaged by schools and they may include registered teachers with qualifications and experience in guidance, registered social workers or professionals in guidance with degrees and relevant experience in psychology and counselling. SGP are normally employed by schools on contract terms or engaged through hiring service by service providers. With the implementation of the policy of "one school social worker for each school" in primary schools, the resources allocated to schools under the new funding mode have been increased. After employing one school-based

registered graduate social worker, most of the schools still have sufficient resources to hire other SGP. As the actual circumstances and needs of schools vary, the EDB considers it necessary to allow flexibility for schools to deploy resources to provide various kinds of enhanced support to students according to their needs. Therefore, it is not advisable to change the existing mechanism.

(3) Every year, the EDB organises professional development programmes on various topics, including mental health, prevention of child abuse, anti-school bullying and supporting students on their relationship problems, etc., for related staff members of schools with a view to enhancing their counselling competencies in early identification and intervention for cases in need. Besides, to support school operation and development, we have all along been providing schools with recurrent grants for their flexible deployment in supporting staff members (including SGP) to participate in professional development programmes according to their school-based needs. In addition, we encourage SGP who do not possess the required qualification for being appointed to the post of Primary School Assistant Social Work Officer to consider pursuing in-service training as necessary, so that they can obtain the qualification of registered graduate social workers and continue to provide social work/guidance service in schools.

LCQ8: Assistance for victims of road traffic accidents

Following is a question by the Hon Chan Kin-por and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (July 15):

Question:

The Traffic Accident Victims Assistance (TAVA) Scheme, which is administered by the Social Welfare Department (SWD), aims to provide victims of road traffic accidents or their dependents with speedy financial assistance calculated on the basis of the injuries sustained by or the death of the former. It has been reported that some persons who had not sustained any injury in the traffic accidents happened to them obtained, by pretending to be feeling unwell, medical certificates for sick leave of no less than three days so that they can apply for assistance under the TAVA Scheme. Moreover, some members of the insurance industry have relayed that some organisations suspected of engaging in champerty have sent persons station outside the office of the Traffic Accident Victims Assistance Section of SWD to persuade TAVA Scheme applicants to entrust their cases to the solicitors designated by such organisations, and arrange them to apply for legal aid for instituting legal proceedings to make claims for compensation. In this

connection, will the Government inform this Council:

(1) of the respective numbers of applications received and approved as well as the total amount of financial assistance disbursed by SWD under the TAVA Scheme in the past five years; among such cases, the relevant numbers and total amount of financial assistance in respect of those cases in which the applicants were professional drivers;

(2) of the number of TAVA Scheme applicants who were prosecuted in the past five years for allegedly obtaining financial assistance by deception and the total amount involved; among such persons, the number of those who were professional drivers;

(3) whether it will review if the eligibility criteria for the TAVA Scheme are too lax (e.g. the financial situation of the applicants and the element of responsibility for the traffic accident being disregarded), thereby giving lawbreakers opportunities to obtain financial assistance by deception; if so, of the details; if not, the reasons for that; and

(4) whether the authorities initiated any investigations in the past five years into suspected champerty cases involving traffic accidents; if so, of the number of such cases; of the measures in place to eradicate such unlawful acts?

Reply:

President,

The Traffic Accident Victims (Assistance Fund) Ordinance (Cap 229) provides for the establishment of the Traffic Accident Victims Assistance (TAVA) Scheme, which is administrated by the Social Welfare Department (SWD). The objective of the Scheme is to provide speedy financial assistance to road traffic accident victims (including pedestrians and drivers) or their surviving dependents (in case of death) on a non-means-tested basis, regardless of the element of fault leading to the occurrence of the accident. Payments are made for personal injuries, while loss of or damage to property is not covered.

After consulting the relevant responsible bureaux/departments, the consolidated reply to the Member's question is as follows:

(1) In the past five years, the number of applications received, the number of applications approved and the amount of assistance paid under the TAVA Scheme are as follows:

Year	Number of applications received	Number of applications approved	Amount of assistance paid (\$ million)
2019-20	9 342	6 820	290.4
2018-19	8 483	7 334	280.2
2017-18	8 419	6 553	235.0

2016-17	8 799	7 340	254.6
2015-16	8 524	7 148	229.0

SWD does not keep statistics on the cases by the applicant's occupation.

(2) In the past five years, there was one case of suspected fraud prosecuted by the Police. Since the applicant concerned had withdrawn his application, SWD did not authorise any payment of assistance.

(3) The TAVA Scheme is a social welfare initiative which aims to provide speedy financial assistance to injured victims of road traffic accidents or their surviving dependents (in case of death). To prevent abuse and fraud, an application for assistance payment must meet the following conditions:

(i) the accident must have been reported to the Police and determined by the Police as a road traffic accident; and

(ii) the victim is injured or killed in the accident. In case of injury, the injured victim must be certified by a registered doctor that such injury requires hospitalisation of no less than three days or issued with proof for medical leave of no less than three days.

SWD staff will verify the information submitted by applicants when considering their applications, so as to ensure the assistance is paid and disbursed to eligible applicants. SWD collaborates and maintains close liaison with the Police, the Hospital Authority (HA) and the Department of Health (DH) to thoroughly review suspicious traffic accidents, medical proof and medical reports. Depending on the circumstances, the proof and reports submitted by applicants will be passed to HA or DH for re-assessment, and suspected cases of fraud will be referred to the Police for follow-up.

When processing an application, SWD will clearly explain to the applicant that obtaining assistance payment by deception is a criminal offence. Apart from being ineligible for assistance, the applicant is also liable on conviction under the Theft Ordinance (Cap 210) to imprisonment of a maximum of 14 years.

(4) Those injured in accidents who wish to pursue legal claims should seek professional legal advice, or assistance from the Law Society of Hong Kong or the relevant government departments such as the Legal Aid Department, Labour Department and SWD. Maintenance and champerty are common law offences which are punishable by a fine and up to seven years' imprisonment. If the Police are aware of any suspected cases of maintenance or champerty or receive relevant reports, they will carry out comprehensive and professional investigations. The Police do not maintain statistics in respect of suspected champerty cases relating to traffic accidents. Besides, on public education, the Government has been strengthening public awareness against the relevant illegal acts through broadcasting of Announcements in the Public Interest on TV stations and radio stations.

LCQ11: Designating judges to handle national security cases

Following is a question by the Hon Tanya Chan and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (July 15):

Question:

As provided in Article 44 of the Law of the People's Republic of China on Safeguarding National Security in the Hong Kong Special Administrative Region, which has come into effect since June 30 this year, the Chief Executive (CE) shall designate a number of judges from the various levels of court to handle cases concerning offence endangering national security (judges for national security cases), and CE may, before making such designation, consult the Committee for Safeguarding National Security of the Hong Kong Special Administrative Region (the Committee) and the Chief Justice of the Court of Final Appeal (CJ). In this connection, will the Government inform this Council if it has studied:

- (1) whether CE may designate judges for national security cases without consulting CJ; if it has studied and the outcome is in the affirmative, of the circumstances under which or the considerations based on which CE may do so;
- (2) whether CE may reject or only partially accept CJ's advice on the designation of judges for national security cases; and
- (3) in the event of discord between the advice on the designation of judges for national security cases offered by the Committee and that by CJ, whether CE should give priority consideration to the advice of CJ; if it has studied and the outcome is in the negative, of the reasons for that?

Reply:

President,

According to Article 44 of the Law of the People's Republic of China on Safeguarding National Security in the HKSAR (the National Security Law), the Chief Executive (CE) shall designate a number of judges from the magistrates, the judges of the District Court, the judges of the Court of First Instance and the Court of Appeal of the High Court, and the judges of the Court of Final Appeal, and may also designate a number of judges from deputy judges or recorders, to handle cases concerning offence endangering national security. Before making such designation, the CE may consult the Committee for Safeguarding National Security of the HKSAR (the National Security Committee)

and the Chief Justice of the Court of Final Appeal (CJ).

The Government's reply to the Hon Tanya Chan's three-part question is that the CE is the authority to designate judges and may consult the National Security Committee and the CJ. In designating the first batch of magistrates on July 3, 2020, the CE has consulted both.