

Appointment to Standing Committee on Directorate Salaries and Conditions of Service

The Government announced today (March 18) that the Chief Executive has appointed Ms Lau Shing-yan as a member of the Standing Committee on Directorate Salaries and Conditions of Service (the Directorate Committee) for a term of two years from April 1, 2020, to March 31, 2022.

The Government expressed its gratitude and appreciation to retiring member Mr Peter Sit Kien-ping for his invaluable contributions to the work of the Directorate Committee.

The Directorate Committee tenders advice to the Chief Executive on matters relating to the structure, pay and conditions of service of directorate ranks in the civil service. It is chaired by Dr Pang Yiu-kai. Other serving members are Professor Karen Chan Ka-yin, Dr Clement Chen Cheng-jen, Mrs Ann Kung Yeung Yun-chi and Mr Ivan Sze Wing-hang.

LCQ22: Legal aid services

Following is a question by Hon Tony Tse Wai-chuen and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (March 18):

Question:

Under the Legal Aid Ordinance (Cap. 91), a person granted legal aid (aided person) may nominate solicitor/counsel of his/her own choice to be his/her legal representative. The Legal Aid Department (LAD) may, on the grounds that the number of legal aid cases assigned to that nominee has exceeded the limit, reject the nomination and ask the aided person to make another nomination from the Legal Aid Panel. However, some members of the legal sector have relayed that currently there are still quite a number of solicitors/counsels who have been assigned a large number of legal aid cases and, among those solicitors/counsels, some have delayed the handling of such cases on various grounds possibly due to excessive workload. Such situation may jeopardize the interests of various litigation parties and compromise justice. In this connection, will the Government inform this Council:

(1) of the respective numbers of solicitors and counsels to whom the number of legal aid cases assigned exceeded the limit, in each of the past five

years;

(2) of (i) the respective numbers of legal aid cases taken up by the top five solicitors and counsels who were assigned the highest numbers of legal aid cases, and (ii) the total amount of fees received by each of the top five solicitors and counsels who had received the largest amounts of fees respectively for civil and criminal legal aid cases, in each of the past five years;

(3) whether the LAD has compiled information on its rejection of the nominations of solicitors/counsels made by aided persons;

(i) if so, of the number of such cases in the past five years, the respective numbers of solicitors and counsels involved, and the reasons for rejecting such nominations; if there were no such cases, whether the LAD will review if the current criteria and limits for assigning cases are too lax;

(ii) if not, how the LAD reviews the effectiveness of the criteria concerned, and whether the LAD will compile the relevant information; and

(4) whether the LAD uncovered, in the past five years, any case of solicitors/counsels unreasonably delaying the handling of the legal aid cases assigned to them; if so, whether the LAD reviewed if such solicitors/counsels had concurrently taken up too many legal aid cases, and of the LAD's follow-up actions taken?

Reply:

President,

According to section 13 of the Legal Aid Ordinance (Cap. 91) (the Ordinance), the Director of Legal Aid (DLA) may act for the aided person through Legal Aid Counsel or assign any lawyers in private practice who are on the Legal Aid Panel (the Panel) nominated by either the DLA or the aided person. Having regard to the principle that an aided person's interest is of paramount importance, if an aided person nominates a lawyer pursuant to the Ordinance, the Legal Aid Department (LAD) takes the view that the nomination should be given due weight and should not be rejected unless there are compelling reasons. Examples of such reasons include unsatisfactory past performance of the nominated lawyer, disciplinary actions taken against the nominated lawyer by regulatory body, or the number of assignments taken up by that nominated lawyer has exceeded the limit.

For the various parts of the question, my response is as follow:

(1) The LAD has established procedures on assigning lawyers to handle legal aid cases and assignment limits. According to the Manual for Legal Aid Practitioners, the overall legal aid (including civil and criminal) assignment limits for solicitors and counsel are respectively 60 and 45 within the past twelve months.

In the past five years, no solicitors or counsel have been assigned with

cases more than the relevant permitted limits.

(2) The numbers of cases assigned to the top five solicitors and counsel in the past five years are listed in Annex 1.

The total civil and criminal legal aid fees paid to the top five solicitors and counsel in the past five years are listed in Annex 2.

(3) In the past five years, the numbers of times when the LAD rejected the nomination of solicitors or counsel by the aided persons are as follows:

Year	Number of times
2015	643
2016	544
2017	658
2018	875
2019	815

Under certain circumstances, an aided person may nominate more than one solicitor or counsel with respect to the same case, or that he/she may request the change of representing lawyer(s) at different stages of a case. The LAD only keeps record on the number of times of rejecting aided persons' nominations, but not the number of cases involved, nor how many solicitors and counsel are involved.

The reasons for the DLA's rejection of aided persons' nominations are mainly that the nominated solicitor or counsel has already been assigned with cases reaching the limits in the past twelve months. Other reasons include that the experience or expertise of the nominated solicitor or counsel has not yet satisfied the minimum requirement of the assigned case, or that there is record of unsatisfactory past performance or misconduct.

(4) The LAD has been monitoring and imposing sanctions on cases of unsatisfactory performance or misconduct of assigned solicitor or counsel according to the established mechanism. In the past five years, the LAD handled 34 cases where the assigned cases had been unreasonably delayed. Nonetheless, no evidence suggests that cases being unreasonably delayed are owing to a solicitor or counsel having been assigned with too many cases at the same time.

If it is proven that there is indeed unsatisfactory performance or misconduct (including cases being unreasonably delayed), the LAD can issue advisory letters to the solicitor or counsel concerned, put the solicitor or counsel in the Record of Unsatisfactory Performance/Conduct, or even remove his/her name from the Panel.

SED on class resumption and complaints against teachers

Following is the transcript of remarks by the Secretary for Education, Mr Kevin Yeung, at a media session after attending the Legislative Council (Legco) today (March 18):

Reporter: When will the Government have a concrete plan as to when school will resume? You mentioned by the end of March. So what will be the criteria? And for the second question, how would you respond to the accusation that the EDB (Education Bureau) is "operating in a black box" concerning the complaints against teachers? Thank you.

Secretary for Education: At this stage, we are still observing the development of the epidemic, both in Hong Kong and also in overseas places, and we aim to form a view by the end of March on whether April 20 is possible for class resumption. In doing so, as I have said, we have to observe the development of the epidemic, we have to check with the schools to see whether they are prepared to do that, and also we have to assess the adequacy of suitable prevention materials, including masks.

On your second question, as I explained in the (LegCo) Chamber, when we deal with the complaints against teachers, we are adopting a very fair and open mechanism in dealing with them. Of course, we could not disclose every single case to everyone, because there are privacy considerations, and in the course of investigation sometimes we need time to gather all the facts. But I think we have an open mechanism, so all teachers know which stage we are up to, and they have a chance to do their own representation. And if they are not happy with our decision, they can always appeal to us.

(Please also refer to the Chinese portion of the transcript.)

LCQ2: Shatin to Central Link

Following is a question by the Hon Kenneth Lau and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (March 18):

Question:

The Shatin to Central Link (SCL), which is under construction, is

divided into the Tai Wai to Hung Hom Section and the Hung Hom to Admiralty Section. The former links up the existing West Rail Line (WRL) with the Ma On Shan Line to form the Tuen Ma Line (TML), and a section of TML from Wu Kai Sha Station to Kai Tak Station is named TML Phase 1. TML Phase 1 was commissioned on the 14th of last month, and Hin Keng Station, the expanded part of Diamond Hill Station and Kai Tak Station were also put into operation at the same time. In this connection, will the Government inform this Council:

(1) whether it has assessed the passenger throughput of the various stations along TML Phase 1 during peak and non-peak hours at the initial stage of commissioning of the line, as well as the impacts on the passenger throughput of the various stations along WRL and the effect of diverting road traffic in the Tuen Mun district to be brought about by the commissioning of TML Phase 1; if so, of the details;

(2) given that in recent months, train services have been repeatedly disrupted owing to demonstrations and the facilities of MTR stations have been vandalised repeatedly, of the measures to be taken by the authorities to protect the facilities of the various stations along TML Phase 1 and minimise the impacts of demonstrations on train services; and

(3) of the latest timetable for the full commissioning of SCL, and the new measures in place to ensure the quality of the construction works and the completion of the works on schedule?

Reply:

President,

Thanks for the Hon Kenneth Lau's question.

(1) Tuen Ma Line Phase 1 (TML1), i.e. extending the existing Ma On Shan Line to three new stations, namely Hin Keng, Diamond Hill and Kai Tak Stations, was commissioned on February 14, 2020. The travelling time between Tai Wai Station and Diamond Hill Station has been substantially reduced from 17 minutes to around nine minutes, providing passengers of the East Rail Line (EAL) and Ma On Shan Line (MOSL) an alternative to access the urban districts. The commissioning of TML1 will facilitate passengers to travel along the stations in Ma On Shan areas and East Kowloon more efficiently and conveniently, as well as to divert part of the EAL passengers destined to East Kowloon and Hong Kong Island East, contributing to relieve the most congested section of EAL from Tai Wai Station to Kowloon Tong Station.

Upon the commissioning of TML1, as at March 13, 2020, the average daily patronage using the new Hin Keng Station and Kai Tak Station in the first month was about 38 000; about 5 000 passengers interchanged from TML1 to Kwun Tong Line at Diamond Hill Station during peak hours. In view of the short operation period of TML1 since its commissioning, we will continue to observe the change of the travelling patterns of passengers, in particular the travelling mode of the passengers plying between New Territories East and East Kowloon or Hong Kong Island East. In addition, as the passengers'

travelling patterns have been affected by the recent novel coronavirus outbreak, we need more time to identify if there is a more stable diversion effect. The Transport Department and the MTR Corporation Limited (MTRCL) will continue to closely monitor the diversion effect upon the commissioning of TML1.

Furthermore, MTRCL will continue to maintain smooth operations of the stations along Kwun Tung Line by adopting various measures, including introducing short trips for busy stations as far as possible during peak hours; improving station facilities and platform management, etc.

Regarding the concern of the Hon Kenneth Lau about West Rail Line (WRL), in preparation for the commissioning of Tuen Ma Line in the future, all 7-car trains in WRL and 4-car trains in MOSL were upgraded and converted to 8-car trains in advance to enhance overall passenger carrying capacity. MTRCL has been monitoring the patronage and the usage of facilities in various stations, and will adopt various patronage management measures to ensure smooth train operations and passenger flow. These measures will be reviewed from time to time.

(2) In view of the large scale public order events over the last few months, some of the TML1 station facilities have been damaged in varying degree, including the damage to the glazing at the station entrances and graffiti on the walls outside the stations. To safeguard public safety, the damaged station facilities have been fenced off with fire-proof hoarding. In light of the current situation, new stations have been protected by temporary installations, including strengthening and protective measures at new station entrances. Further to the smooth commissioning of TML1 on February 14, the Government and MTRCL will continue to closely monitor the situation, endeavour to ensure the safety and smooth operation after the commissioning of TML1, and safeguard the safety of the passengers and members of the staff of MTRCL.

(3) Due to the quality issue of works of the Hung Hom Station Extension revealed in May 2018 and the spate of incidents, there was a need to conduct relevant investigations and propose suitable measures. MTRCL assessed that the target commissioning date of "Tai Wai to Hung Hom Section" should be at most deferred to the end of 2021.

As regards "North South Corridor" of the Shatin to Central Link (SCL), since October 2019, there had been multiple damages to the EAL facilities necessitating maintenance and cancellation of works originally planned during non-traffic hours. Therefore, MTRCL considered that the commissioning date for Hung Hom to Admiralty Section had to be deferred to the first quarter of 2022. In addition, due to serious damages to the facilities at the University Station of EAL and adjacent railway section at the end of last year and the impact of the recent novel coronavirus outbreak on the works progress, the Highways Department (HyD) and MTRCL are reviewing the construction schedule of the North South Corridor and exploring the feasibility of accelerating key activities.

HyD and its monitoring and verification consultant completed the review

of supervision records for Tai Wai Station, Hin Keng Station, Diamond Hill Station, Kai Tak Station, Sung Wong Toi Station and To Kwa Wan Station along East West Corridor under the SCL project. HyD also implemented measures to assure works quality and progress, including arranging monthly site inspections, conducting surprise checks, and engaging audit sampling for the progress, procedures and quality of the works by MTRCL. The Government also conducted stringent acceptance work for each new railway line. For example, TML1 was commissioned smoothly on February 14, after conducting trials, acceptance tests and inspections since the end of October 2019, and the concerned railway facilities were confirmed as safe and in sound condition by Electrical and Mechanical Services Department.

LCQ8: Hong Kong residents stranded on the Mainland

Following is a question by the Hon James To, and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (March 18):

Question:

To curb the spread of the novel coronavirus epidemic, a number of Mainland provinces, cities, counties, towns and villages have implemented closed management one after another since early January this year, under which the entry and exit of persons and vehicles are subject to stringent restrictions. It is learnt that thousands of Hong Kong residents are currently stranded on the Mainland. In this connection, will the Government inform this Council:

(1) whether it knows the current number of Mainland-stranded Hong Kong residents, with a breakdown by (i) their whereabouts and (ii) the age group to which they belong (i.e. aged below 18, 18 to 60, and above 60); among such persons, the respective numbers of pregnant women and infants aged below one;

(2) of the respective to-date numbers of Mainland-stranded Hong Kong residents who have (i) requested the SAR Government to deliver medicaments to them from Hong Kong and (ii) obtained such medicaments, with a breakdown by their whereabouts; if it has received requests for the delivery of medicaments from Hong Kong residents stranded in places outside Hubei Province on the Mainland, whether it has made the arrangements; if not, whether it can make the arrangements expeditiously; whether it has, by drawing reference from the practices adopted by overseas postal administrations, arranged the use of unmanned aircraft systems to deliver medicaments to Hong Kong residents who are located at places with inconvenient transport links or those who cannot go out conveniently;

(3) of the to-date number of Mainland-stranded Hong Kong residents confirmed to have been infected with the novel coronavirus, together with a breakdown by the gender and age group (covering 10 years each) to which they belong; among such persons, the number of those who have been admitted to hospitals for medical treatment, together with a breakdown by their whereabouts; and

(4) whether the offices of the SAR Government on the Mainland have liaised with the Mainland authorities to discuss how arrangements can be made to assist Mainland-stranded Hong Kong residents in returning to Hong Kong (e.g. conducting novel coronavirus testing on them in batches, and making transport arrangements to take persons confirmed uninfected back to Hong Kong); if so, of the details of the relevant preparatory work (including the arrangements for the quarantine and isolation of such residents after their return to Hong Kong) and the progress made so far?

Reply:

President,

The reply to the four parts of the question is as follows:

(1) As at the morning of March 16, more than 3 400 Hong Kong residents who had requested for assistance from the Hong Kong Special Administrative Region (HKSAR) Government were stranded in various places in Hubei Province. They belong to different age groups, and there are six pregnant women among them. The SAR Government is greatly concerned about the situation of the Hong Kong residents there. The Hong Kong Economic and Trade Office in Wuhan (Wuhan ET0), the Hong Kong and Macao Affairs Offices in the province and different municipalities as well as other non-governmental organisations will continue to provide practical assistance on all fronts to the Hong Kong residents stranded in Hubei Province.

(2) Some of the Hong Kong people in Hubei Province, especially those with chronic illnesses, require medications provided in Hong Kong. Since public transport service in Hubei Province has yet to resume normal, arrangements have been made by the HKSAR Government to deliver medications to the Hong Kong people in Hubei Province who are in need. As at the morning of March 16, arrangements were made to deliver medications to 233 Hong Kong people in Hubei Province.

In addition, given the compulsory quarantine measures in Hong Kong, an increasing number of Hong Kong people in Guangdong and Fujian Provinces are unable to make day trips to Hong Kong to attend follow-up consultations to replenish their medications and return to the Mainland on the same day as they did so previously. Although their family members may collect the prescription medications for them from clinics, they cannot deliver the medications to the Mainland using ordinary mail services. To address their concerns, the HKSAR Government has introduced a special scheme for delivering prescription medications. Priority is given to those currently located in Guangdong and Fujian Provinces who will run out of prescription medications by end March. As at the morning of March 16, arrangements were made to

deliver medications to more than 1 800 Hong Kong people in need.

(3) According to available information, as at the morning of March 16, 20 Hong Kong people belonging to different age groups in the Mainland were confirmed to have been infected with COVID-19, amongst which 14 were in Hubei Province, four in Guangdong Province, one in Fujian Province and one in Guangxi Zhuang Autonomous Region. Three of them are being treated in hospitals in Hubei Province, one of them is being treated in a hospital in Guangdong Province and 15 of them have been discharged. Among those who are hospitalised, all are stable except one who is in serious condition. Moreover, a 77-year-old man from Hong Kong who usually resided in Wuhan was infected with COVID-19 and passed away after his treatment failed. The Wuhan ET0, upon being informed of the case, immediately contacted his family in Guangzhou to offer assistance.

(4) On March 4 and 5, the HKSAR Government sent the first batch of four chartered flights to take Hong Kong residents stranded in Hubei Province back to Hong Kong. The first batch of chartered flights mainly assisted Hong Kong residents stranded in Wuhan to return to Hong Kong. For those in areas outside Wuhan, priority was accorded to relatively urgent cases, including pregnant women, those who suffered from serious illnesses or were urgently in need of medical treatments in Hong Kong, and secondary school graduates who needed to sit for the Hong Kong Diploma of Secondary Education (HKDSE) Examination. The HKSAR Government brought back a total of 469 Hong Kong residents from Hubei Province during this operation, including 379 Hong Kong residents in Wuhan and 90 Hong Kong residents and accompanying persons in other parts of Hubei Province who had an urgent need to return to Hong Kong. Those with an urgent need to return to Hong Kong included 14 pregnant women, 21 who suffered from serious illnesses or were urgently in need of medical treatments in Hong Kong, and nine secondary school graduates who needed to sit for the HKDSE Examination.

When arranging for the return of Hong Kong residents stranded in Hubei Province, the HKSAR Government took a series of measures to minimise public health risks and the risk of cross-infection. Staff of the Department of Health had conducted a health assessment beforehand for each and every person bound to take the chartered flights to Hong Kong to check whether they had any symptoms such as fever. The Hubei Provincial Government had also conducted verification to ascertain that all those who were allowed to board the flight were not confirmed or suspected cases of COVID-19, and were not close contacts of confirmed patients. Before boarding, passengers had undergone four temperature checks to ensure that they were not having fever, or developing abnormal vital signs, respiratory tract symptoms or other signs of infectious diseases, and they were required to put on protective gears. Upon disembarkation from the plane, medical staff from the Department of Health briefed the returnees about the quarantine arrangements and checked their body temperature. They were then taken to the quarantine centre in Chun Yeung Estate by coaches to undergo 14 days of quarantine observation. They also took a laboratory test to ascertain whether they were infected with COVID-19.

On March 16, the HKSAR Government announced that it would arrange the second batch of chartered flights to take Hong Kong residents stranded in Xiaogan, Xianning, Huangshi and Wuhan in Hubei Province back to Hong Kong. For Hong Kong residents in Hubei Province with relatively urgent needs, such as pregnant women, those who suffer from serious illnesses or are urgently in need of medical treatments in Hong Kong, or secondary school graduates who need to sit for the HKDSE Examination, the HKSAR Government has already arranged them to take the first batch of chartered flights to return to Hong Kong as far as possible. For Hong Kong residents with urgent needs who are still in Hubei Province, the HKSAR Government will discuss the matter with the Hubei Provincial Government and relevant local departments, and seek medical advice on whether they are fit for travel, with the aim of taking them back to Hong Kong on the second batch of chartered flights as far as practicable.

As for Hong Kong residents who are now in areas other than Xiaogan, Xianning, Huangshi and Wuhan with no urgent needs, the HKSAR Government will continue to maintain close liaison with the Hubei Provincial Government and make arrangements for them by batches according to priorities.