

LCQ1: Protection of animal rights, interests and welfare

Following is a question by the Hon Kwong Chun-yu and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 23):

Question:

Regarding the protection of animal rights, interests and welfare, will the Government inform this Council:

(1) as it has been mentioned in the 2017 Policy Agenda that the Government would "study the existing legislation related to animal welfare, and explore introducing a concept of positive duty of care on animal keepers", of the latest progress of that task, the approach for amending the law, and the timetable for public consultation in this respect;

(2) given that while there are now over 540 000 cats and dogs being kept as pets in Hong Kong according to an estimation made in a consultancy report, most means of public transport currently prohibit people carrying animals with them from boarding, whether the authorities have plans to explore with the relevant public transport operators permitting passengers to carry animals with them when travelling in designated train compartments and in franchised buses of certain routes, so as to make it more convenient for pets to travel with their owners; if so, of the details and timetable; if not, the reasons for that; and

(3) given that the Leisure and Cultural Services Department has planned to turn six existing parks into "Inclusive Parks for Pets" and launched a one-year trial scheme this month, but some members of the public have criticised that the relevant facilities are unavailable in such parks, whether the authorities have plans to make improvements and expand the trial scheme to cover every District Council district; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Transport and Housing Bureau and the Home Affairs Bureau, my reply to various parts of the question is as follows:

(1) To further safeguard animal welfare, we are mapping out the major direction and drawing up preliminary proposals for amending the existing legislation, including reviewing the maximum penalty levels and introducing a concept of positive duty of care on animal keepers, i.e. requiring animal keepers to take all necessary measures to protect the welfare of their

animals, such as providing proper care and sufficient space for their animals and preventing them from disease, injury or suffering, etc. In the past few months, the Food and Health Bureau and the Agriculture, Fisheries and Conservation Department (AFCD) met different stakeholders and introduced to them the preliminary legislative amendment proposals. At present, AFCD is considering views received and drafting the consultation document, with a view to consulting the public in the second quarter in 2019.

(2) Public transport services have heavy usage in Hong Kong, which account for around 90 per cent of all passenger journeys and carry over 12 million passenger trips per day on average. At present, the legislation regulating different modes of public transport allows the visually impaired to board with guide dogs. The legislation also allows operators of public light buses, taxis, non-franchised buses and ferries to decide themselves whether passengers are permitted to board with pets. The Transport Department will continue to make use of the established liaison channels to encourage these operators to provide appropriate assistance to those who need to travel with pets.

As regards the railway and franchised buses, the by-laws and regulations concerned prohibit passengers from boarding trains and franchised buses with pets, except for the visually impaired accompanied by guide dogs. As the patronage of MTR and franchised buses is high and the space in their compartments is limited, they can be rather congested most of the time. In considering whether passengers are to be permitted to use public transport services with pets, the Government has to balance the needs of different stakeholders, including the perspective of protecting animal welfare, considering the reaction of pets in a crowded and confined environment as well as the impact on other passengers. The Government will continue to keep in view the public views on this issue so as to consider whether there should be any change to the existing arrangement.

(3) The Leisure and Cultural Services Department (LCSD) is open-minded about, and adopts a positive attitude to, suggestions of opening up its venues as pet gardens. LCSD has been in close liaison with District Councils in identifying suitable venues for designation as pet gardens. They are generally set up at the designated area of the parks. The number of venues with pet garden managed by LCSD has increased from 19 in 2010 to 49 at present.

In recent years, quite a number of members of the public hope that LCSD can open up the parks in entirety for them to visit with pets. In response to requests from the public, the Trial Scheme of "Inclusive Park for Pets" (the Trial Scheme) was launched by LCSD in January 2019, under which six suitable parks (including Victoria Peak Garden in Central and Western District, Tong Yam Street Hillside Sitting-out Area in Sham Shui Po, Kai Tak Runway Park in Kowloon City, Shing Mun River Promenade Garden No. 3 (Area B) in Sha Tin, Wang Yip Street South Rest Garden in Yuen Long and Tai Wo Hau Road Playground in Kwai Tsing) were selected from various districts across the territory for opening up the whole venues for members of the public to enter and use the venues with pets, with a view to enabling the use of park facilities by

different users in an inclusive environment. LCSD had consulted the District Councils concerned on the locations and the relevant arrangements of the Trial Scheme and obtained their support. LCSD will review the effectiveness of the Trial Scheme one year after its implementation with a view to considering whether to provide "Inclusive Park for Pets" in more districts.

As a new attempt of LCSD, the Trial Scheme aims at enabling park users and members of the public who bring their pets into LCSD's parks to use park facilities together in an inclusive environment, thereby promoting exchanges and integration in the community. As the "Inclusive Parks for Pets" are not specifically designed for use by pets, there are less pet facilities provided compared with pet gardens. Nonetheless, additional dog excreta collection bins have been provided and cleansing efforts have been stepped up by LCSD in the "Inclusive Parks for Pets". At the same time, LCSD is actively examining the feasibility of providing hand-washing facilities in two "Inclusive Parks for Pets" which have not yet been provided with such facilities for the convenience of pet owners. LCSD will continue to listen to views of the public in an effort to enhance the supporting facilities in the "Inclusive Park for Pets".

More application forms for Caring and Sharing Scheme to be available

In view of the public demand, additional Chinese application forms for the Caring and Sharing Scheme will be available in batches from today (January 23) for collection by members of the public at the Home Affairs Enquiry Centres of the Home Affairs Department, the Working Family Allowance Office and the Student Finance Office of the Working Family and Student Financial Assistance Agency.

"About 900 000 of the first tranche of 1 million Chinese application forms have been distributed so far and additional copies will be available in batches in the coming days. Application forms can also be downloaded from the website of the Scheme (css.gov.hk)," a Government spokesman said.

"According to the Scheme, the application period will begin on February 1 and run for three months until April 30. This is to ensure that the general public will have ample time to fill in and submit the application forms," the spokesman added.

Renewal of taxi permits to tie in with extended relaxation of restricted zones for taxis

The Transport Department (TD) announced today (January 23) that to tie in with the relaxation of restricted zones for taxis, new restricted zone permits for taxi owners/drivers will be issued starting January 28.

A TD spokesman said, "The Government announced on December 28, 2018, to progressively carry out works to permanently relax the restrictions on taxis for picking up or setting down passengers in all designated restricted zones on roads with speed limits at 70 kilometres per hour or below (except taxi restricted zones) with the following operation hours:

- (1) 8am to 10am and 5pm to 7pm;
- (2) 8am to 10am and 5pm to 8pm;
- (3) 7am to 7pm; and
- (4) 7am to 8pm.

"The Government will progressively install supplementary traffic signs displaying 'Except taxi pick up or drop off' beneath traffic signs for a no-stopping restriction erected in restricted zones across the territory. This will spare the taxi trade the need to renew the restricted zone permits annually. The works are expected to be completed by 2021. Before the completion of the works, the TD will continue to issue restricted zone permits to the taxi trade at the end of January each year.

"Since the existing restricted zone permits of taxis will expire after January 31 this year, taxi owners/drivers are required to replace their existing permits with the new ones. The TD will set up counters at 16 designated LPG refilling stations (see Annex) from January 28 to 30 for the issue of new permits from noon to 6pm daily. Permit renewal services will also be available at the TD's four licensing offices in Admiralty, Cheung Sha Wan, Kwun Tong and Sha Tin from January 28."

The spokesman added that taxi owners/drivers are required to bring along and show their existing permits at these counters to obtain the new ones.

The spokesman reminded taxi drivers to continue to exercise self-discipline and to strictly observe the "pick up, drop-off and go" and "no waiting" rules. If there are any violations of the rules causing obstruction to other road users, the Government may consider implementing traffic control measures, including restoring the no-stopping restrictions for taxis at certain road sections.

The TD and the Police will continue to closely monitor the traffic situation. The Police will also take appropriate enforcement action against taxi drivers who do not observe the "pick up, drop-off and go" and "no

waiting" rules.

Enquiries about the relaxation and arrangements for permit renewal can be directed to the 1823 Call Centre.

LCQ16: Importation of care workers under Supplementary Labour Scheme

Following is a question by the Hon Ho Kai-ming and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 23):

Question :

Will the Government inform this Council of the respective numbers of applications (i) received and (ii) approved in the past five years which were made under the Supplementary Labour Scheme for importation of care workers for residential care homes for the elderly; in respect of the applications approved, a breakdown of the number of care workers by education level and type of qualifications, as well as their current median monthly wage?

Reply :

President,

My reply to Hon Ho's question is as follows:

From 2013 to 2017, employers of the elderly care service sector applied to import 1 069, 1 885, 1 361, 2 039 and 1 694 care workers respectively under the Supplementary Labour Scheme (SLS). The numbers of imported care workers approved in these five years were 651, 1 377, 1 035, 1 383 and 1 510 respectively. The collation of relevant statistics of 2018 will be completed in the first quarter of 2019. The vetting of applications received towards year-end may be completed in the following year, and hence the number of imported workers approved in the year does not correspond to the number of imported workers applied for in the same year.

The Labour Department does not have information on the educational attainment or qualifications of imported care workers employed by employers. According to the requirements under SLS, employers should pay wages to imported workers at a level no less than the median monthly wages of local workers in comparable positions. According to statistics of the Census and Statistics Department, the current median monthly wage of care worker post is \$13,000.

LCQ17: Injuries sustained to an employee when travelling between his place of residence and his place of work

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Labour and Welfare, Dr Law Chi-kwong, in the Legislative Council today (January 23):

Question:

Under the Employees' Compensation Ordinance (Cap. 282), when a Tropical Cyclone Warning Signal No. 8 or above or a Red/Black Rainstorm Warning Signal is in force, an employer is liable to pay compensation if his employee sustains an injury or dies as a result of an accident while travelling by a direct route from his place of residence to his place of work within a period of four hours before the time of commencement of his working hours for that day, or from his place of work to his place of residence within a period of four hours after the time of cessation of his working hours for that day. In this connection, will the Government inform this Council:

(1) whether the Labour Department will compile statistics on the following: the respective numbers of accidents occurring to employees while (i) at work and (ii) commuting to and from work when the aforesaid warning signal(s) is/are in force, and a breakdown of those numbers by type of accidents as well as by the industry and type of work in which the employees are engaged; and

(2) given that the aforesaid requirement is applicable only to accidents occurring while such warning signal(s) is/are in force but employees often need to, upon cancellation of the warning signal(s), commute to and from work when the safety of the roads has yet to be ascertained, whether the authorities will extend the ambit of the requirement concerned to cover accidents occurring within a period of four hours after the cancellation of the warning signal(s); if so, of the details; if not, the reasons for that?

Reply:

President,

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

(1) The Labour Department does not keep statistics involving cases on injuries or fatalities sustained by employees as a result of accidents

arising out of employment during the time when Tropical Cyclone Warning Signal No. 8 or above or a Red/Black Rainstorm Warning Signal is in force, or cases on accidents happened to employees whilst travelling to and from work.

(2) According to the Employees' Compensation Ordinance (ECO), if an employee sustains an injury or dies as a result of an accident arising out of and in the course of employment, the employer is in general liable to pay compensation under ECO.

ECO provides that when Tropical Cyclone Warning Signal No. 8 or above or a Red/Black Rainstorm Warning Signal is in force, if an employee sustains an injury or dies as a result of an accident while travelling from his/her place of residence to his/her place of work by a direct route within a period of four hours before the time of commencement of his/her working hours for that day, or from his/her place of work to his/her place of residence within a period of four hours after the time of cessation of his/her working hours for that day, the accident shall be deemed to arise out of and in the course of employment. The employer is liable to pay compensation in accordance with ECO.

ECO adopts a "no-fault" principle, whereby employers are in general liable to pay compensation under the Ordinance even if their employees might have committed acts of faults or negligence when the accidents occurred. It is hence necessary to take into account the interests of employees and the affordability of employers concurrently in determining the statutory liability for compensation of employers. The suggestion of further extending the coverage of ECO to accidents happened to employees whilst travelling to and from work after the cancellation of the abovementioned warning signals would involve a significant change to the current employees' compensation system with far-reaching implications. We do not plan to pursue such an amendment to ECO at present.