

EDB's response to Ombudsman's direct investigation report

Regarding a report released by the Ombudsman today (January 14) on its direct investigation into the Education Bureau (EDB)'s mechanism for approving applications for school fee revision from Direct Subsidy Scheme (DSS) and private schools and collection of other charges by private schools, the EDB said it would consider seriously how to follow up on the recommendations.

A spokesman for the EDB said, "On the revision of school fees, we noted that the Ombudsman considers that the EDB has followed the established mechanism for granting approval and there is no irregularity in the EDB's practice. As a matter of fact, the EDB has all along been handling fee revision applications from DSS and private schools based on the established mechanism. In assessing the applications, the EDB takes into account, among others, the schools' justifications for the proposed rate of fee revision, their financial position, whether there has been sufficient communication with parents and whether the latter's concerns have been duly addressed, as well as other related factors such as social and economic situations and the schools' operating expenses.

"According to our records, a few DSS and private schools have proposed comparatively higher rates of fee increases at all or some levels of the schools in the past few years. These were only individual cases which had specific reasons for the proposed fee increases, such as expenditure for conducting large-scale school improvement projects, the need to rectify financial deficits or developing and enhancing the school curricula. The EDB has explained to the Ombudsman the reasons for approving such applications."

He added, "Private schools (including international schools) operate on a self-financing and market-driven basis and have to bear all school expenditures on their own. In order to meet the financial needs in relation to teaching and learning, school development, improvement of school facilities and infrastructure, some private schools may take out loans or implement fundraising schemes, such as debentures, capital levies and nomination rights. The EDB has noted that the modes of such fundraising schemes are becoming more diversified. We will take into account the Ombudsman's recommendations and review and improve our existing regulatory mechanism with a view to formulating as soon as possible a more comprehensive mechanism for approving the collection of other charges by private schools, and setting up a relevant database."

The spokesperson stressed, "Private schools have been playing a unique role in the provision of education in Hong Kong. While we are mindful of the legal requirements when devising the regulatory mechanism, we would also take into account the situation and needs of the schools and be careful not to interfere excessively in the operation mode of private schools so that they

could continue to play their necessary role."

Food product company in Yuen Long convicted again for illegally discharging industrial wastewater

A bean product factory belonging to Sun Fat Heung Food Product Limited at Sheung Tsuen, Pat Heung, Yuen Long, discharged untreated industrial wastewater into a river again. The company was convicted and fined \$18,000 at Fanling Magistrates' Courts for contravening the Water Pollution Control Ordinance (WPCO) today (January 14). According to records, the company was fined a total of \$55,000 by the court for committing the same offence three times in July and November last year. In addition, the company was convicted and fined \$10,000 by the court on December 24 last year for contravening the Air Pollution Control (Smoke) Regulations as a result of a chimney of its factory emitting dark smoke consistently.

The Environmental Protection Department (EPD) is very concerned that food processing factories disregard the law and illegally discharge pollutants repeatedly, adversely affecting air quality and the water quality of rivers nearby. To tackle the problem concerned, the EPD has been collecting useful intelligence through various channels, including reports from members of the public, analysis of information on factories' modes of operation and targeted blitz operations.

During a late-night operation in June last year, EPD officers successfully detected that the bean product factory in Yuen Long belonging to Sun Fat Heung Food Product Limited was again discharging turbid and milky industrial wastewater with a strong odour directly into an adjacent river, adversely affecting the river's water quality. After collecting samples of the wastewater discharged for tests, test results showed that the concentration of five-day biochemical oxygen demand in the samples exceeded the upper limit of the relevant legal standards by 53 times. Subsequently, the EPD prosecuted the company involved again under the WPCO. The EPD earnestly reminded the company directors concerned about the relevant legal liabilities in a meeting with the company's management. The management of the company confirmed that they had hired a consultancy to improve their wastewater treatment facilities with a view to preventing their factory from discharging substandard industrial wastewater. The EPD will continue to monitor the situation.

A spokesman for the EPD reminded operators of food factories that they must properly design their factories and install suitable and effective

pollution control equipment. To avoid polluting the environment, they must also arrange for experienced technicians to carry out regular inspections and maintenance of their equipment to ensure that such equipment functions effectively and treats pollution emissions properly.

Anyone contravening the WPCO may be liable to a maximum fine of \$200,000 and six months' imprisonment on a first conviction. A maximum fine of \$400,000 and six months' imprisonment may be imposed on a subsequent conviction. Anyone contravening the Air Pollution Control (Smoke) Regulations may be liable to a fine of \$20,000 on first conviction. A maximum fine of \$20,000 and three months' imprisonment may be imposed on a subsequent conviction.

Office of The Ombudsman press conference (with photo)

The following is issued on behalf of the Office of The Ombudsman:

The Ombudsman, Ms Winnie Chiu, held a press conference this morning (January 14) to announce the results of two direct investigation reports. The reports are "Education Bureau's Mechanisms for Approving Applications for School Fee Revision by Direct Subsidy Scheme/Private Schools and Collection of Other Charges by Private Schools" and "Lands Department's Enforcement against Commercial Use of Public Pedestrian Passages and Public Atria in Private Malls". Details can be found on the website of the Office of The Ombudsman: ofomb.ombudsman.hk/abc/en-us/news.



Community Care Fund Digital Television Assistance Programme open for applications

Hong Kong will enter an era of full digital TV broadcasting on December 1 (00.00 hours) this year. To underpin the implementation, the Government launched today (January 14) the Community Care Fund Digital Television Assistance Programme to help analogue TV households in need to obtain digital TV receivers, so that they can continue to access local free TV programmes. The programme is open for applications from today.

The programme has secured about \$450 million from the Community Care Fund and will be administered by the Hong Kong Council of Social Service (HKCSS). Eligible analogue TV households can choose one of the following digital TV receivers according to their family needs: a set-top box, a 24-inch digital TV set or a 32-inch digital TV set.

The Secretary for Commerce and Economic Development, Mr Edward Yau, said, "The implementation of full digital TV broadcasting marks a new milestone in Hong Kong's broadcasting industry. According to the latest survey, the digital TV penetration rate has been further enhanced, with over 90 per cent of Hong Kong households already switched to digital TV, while the number of households receiving analogue TV broadcasting has dropped from 7 per cent to 4 per cent (around 100,000 households) over the past two years. These figures show that most of the Hong Kong residents are ready for full digital TV broadcasting.

"We care about the small number of households who are still watching analogue TV, mostly grass-roots and elderly households. We want to help them through the programme. Application procedures are designed with a view to bringing convenience to the public. They are very simple. Analogue TV households who are benefiting from specified social assistance programmes or of low-income will not be required to go through additional means testing," he said.

Mr Yau added that to streamline the procedure, the electrical appliances contractor will liaise with the applicant and arrange one-stop services, including delivery and installation of a digital TV receiver as well as disposal of the old analogue TV set, within eight weeks after receipt of an application. More than 80,000 households are expected to benefit from the programme.

For details of eligibility, please refer to part one of the application form attached.

The Chief Executive of the HKCSS, Mr Chua Hoi-wai, said that a total of

100 service units across 18 districts operated by non-governmental organisations will assist in handling the applications, with staff answering enquiries on the spot. The member organisations of the HKCSS will also utilise their community networks to introduce the programme to targeted beneficiaries. The HKCSS will brief the District Councils on the programme details as necessary.

Application forms for the Community Care Fund Digital Television Assistance Programme can be obtained from the 100 district service units which assist in implementing the programme and the Home Affairs Enquiry Centres in the 18 districts, or downloaded from the programme website (digitaltv.hkcss.org.hk/en/). Completed forms should be submitted to the service units or by post. The assistance programme will run until July 15, 2021. For details, please visit the dedicated website or call 2922 9230.

Transcript of remarks by CE at media session before ExCo meeting (with video)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at a media session before the Executive Council meeting this morning (January 14):

Reporter: Chief Executive, do you think China is not being very open and transparent about the Wuhan outbreak because as they didn't report any other provinces being affected at all while Hong Kong has already reported dozens of suspected cases and even Thailand has one confirmed case? So do you think it is a bit suspicious when China says no cases have been reported in other provinces? And my second question is about the barring of the head of Human Rights Watch from entering Hong Kong. Beijing's Foreign Ministry spokesman said the NGO is responsible for the social unrest in Hong Kong, so my question is whether the decision to stop him from coming to Hong Kong is a political one? And I'd also like to ask about the work of the Judiciary because the Chief Justice Geoffrey Ma said yesterday that the Judiciary is studying whether the working hours of the courts can be extended to handle the large number of cases arising from the social unrest. What do you think of that suggestion and would the Government allocate more resources to the Judiciary to handle the matter?

Chief Executive: First of all, I understand that the Mainland authorities, in dealing with this disease issue, has been communicating with the World Health Organization. I am sure that they will continue to do so. As far as relationship between the Mainland authorities and the Hong Kong health authorities in the prevention and control of diseases, we have established

communication channels for many years and on this particular occasion, those communication channels have been operating. That's why I mentioned in my introductory remarks that we have received information about the disease, we have received information about the genome sequencing so that our experts could look at whether we could put in place faster systems to identify the virus. And we have also been invited to take part in this sort of trip to understand the actual efforts being made in dealing with this situation. Beyond that it is not for me to comment on how another authority has been dealing with the situation in that jurisdiction.

As far as immigration control, as usual, we will not comment on individual cases. The immigration authorities will deal with each case based on the existing legislation and the existing immigration policy taking into account the actual circumstances of the case.

As far as the Chief Justice's remarks yesterday, I have to say that we are facing some unprecedented challenges in dealing with a large number of people being arrested and probably also the large number of prosecutions being made, which will then be taken to the court. I am extremely grateful to the Judiciary for devising various means at various levels of courts to try to speed up the court cases because we all want justice to be done effectively. And this is not the first time that the Judiciary has given us that indication. At the very early process they have already said that they have asked the various levels of court to devise appropriate means to speed up the processing of those cases, but the important thing is to ensure that it is a fair trial. If the Chief Justice has other ideas as a result of this working group, the Administration would definitely fully cooperate in terms of providing additional resources. I may just add that on the question of providing additional resources to the Judiciary, this has always been the Administration's policy. For quite some years now, we always give Judiciary the priority in the allocation of resources, and I think for many years the Judiciary has not been denied any additional resources that they have sought from the Administration. And we will continue to do so, especially under these very special circumstances.

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