

# LCQ17: Handling of non-refoulement claims

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 20):

Question:

Under the prevailing policy, where non-refoulement claimants (claimants) who are to be repatriated have lodged applications for judicial review (JR) in relation to the results of their claims, the Immigration Department (ImmD) will temporarily suspend the actions of sending them back to their places of origin. The number of applications for leave for JR in relation to the results of such claims received by the Court of First Instance surged from 1 006 in 2017 to 2 851 in 2018. To reduce abuse of the procedure for handling claims, the authorities indicated in January this year that they were considering amending the Immigration Ordinance (Cap 115). Moreover, the authorities proposed in June this year to amend the High Court Ordinance (Cap 4) to facilitate the handling of cases, including claims-related JR applications, in a more efficient manner. In this connection, will the Government inform this Council:

(1) whether it knows the number of applications for leave for JR received by the Judiciary from claimants since January 1 this year, as well as the relevant estimated figure for the coming year;

(2) whether it knows the respective maximum numbers of relevant (i) applications for leave for JR and (ii) appeal cases that can be heard by the court each year at present; the time needed, as estimated by the Judiciary on the basis of the current numbers and trends of these two types of cases, for all such cases to be heard;

(3) whether it knows the amount of expenditure incurred by the Judiciary in each of the past three years for handling the applications for leave for JR and appeal cases in relation to the results of such claims, as well as the estimated amount of the relevant expenditure in the coming three years (set out in a table);

(4) of the latest progress of the work to amend Cap 4 and Cap 115;

(5) as the Judiciary's earlier proposal to reduce the number of judges hearing appeals concerning applications for leave for JR from three to two is considered to be not very effective, whether the authorities have discussed with the Judiciary the adoption of other new measures to expeditiously clear the backlog of applications for leave for JR and appeal cases; if so, of the details; if not, the reasons for that;

(6) whether it knows if the Judiciary will consider setting up special courts to expedite the hearing of claims-related cases, so as to avoid affecting the pace of other JR cases being heard;

(7) of the number of claimants in each of the past five years who were arrested for taking up illegal employment during the period when the hearings for their applications for leave for JR were pending (set out in a table);

(8) of the respective current numbers of the various types of claimants in Hong Kong (including claimants who have lodged claims, have lodged appeals against the results of their claims, have lodged applications for leave for JR, have lodged appeals against the results of their applications for leave for JR, are being imprisoned and are awaiting repatriation, as well as claimants whose claims have been substantiated and who are awaiting arrangements for departing Hong Kong);

(9) of the estimated public expenditure involving claimants in each of the coming four financial years (set out a breakdown of the expenditure in a table); and

(10) whether ImmD is equipped with adequate facilities for detaining those claimants who pose a threat to life or property; whether the authorities will, by making reference to the past practices adopted by the Government for handling Vietnamese boat people, detain such claimants in closed facilities?

Reply:

President,

The Government has in the past three years implemented various initiatives to handle non-refoulement claims, which yielded positive results. Last year, the number of non-ethnic Chinese illegal immigrants and new non-refoulement claims received significantly dropped by about 80 per cent from the peak. The Immigration Department (ImmD) has also largely completed the screening of pending claims which once accumulated to over 11 000.

As at the end of October 2019, under the Unified Screening Mechanism (USM), around 300 claimants were pending screening of their claim by ImmD and about another 3 700 claimants were pending decision of appeal by the Torture Claims Appeal Board (TCAB).

On the other hand, according to the records of ImmD, around 6 400 unsuccessful claimants whose claims have been rejected under USM have applied to the court for leave for judicial review (JR) or for JR. Under the prevailing policy, to strike an appropriate balance between the protection of civil liberty and the implementation of immigration control, ImmD will temporarily suspend the removal of any persons (including non-refoulement claimants) from Hong Kong if relevant court proceedings have commenced or are about to commence.

Besides, around 2 600 other unsuccessful claimants remained in Hong Kong as they were imprisoned, involved in ongoing criminal investigation process or because of some other reasons, or were waiting for repatriation arrangements. Taken together, there were in total about 13 000 claimants pending results of their claims or appeals under USM and unsuccessful claimants whose claims have been rejected but who were applying for JR or who remained in Hong Kong for some other reasons.

In consultation with the Judiciary, the Government's reply to the various parts of the Hon Elizabeth Quat's question is as follows:

Parts (1) and (2)

According to the Judiciary, the number of leave applications for JR filed in the Court of First Instance of the High Court, including those relating to non-refoulement claim cases, between 2016 and 2018 are set out at Annex. Information in the Annex shows that the number of leave applications for JR relating to non-refoulement claims accounts for about 95 per cent of the total number of leave applications filed in 2018 (i.e. 2 851 out of a total of 3 014 applications). The relevant numbers for 2019 are still under compilation by the Judiciary. As the number of cases filed is beyond the control of the Judiciary and would largely depend on the parties' own decisions to take out legal proceedings, the Judiciary is not in a position to provide an estimate on the number of a particular type of cases.

All cases received by the Judiciary will be handled in accordance with the established rules and procedures, and each case will be handled as expeditiously and efficiently as reasonably practicable. The Judiciary does not set limits on the number of cases to be handled by the courts in a year or any specified period.

Furthermore, the Judiciary is not in a position to estimate the time required by the courts to handle a particular type of cases, as the processing and the eventual disposal of an individual case can be affected by a wide range of factors, including the complexity of the case, the preparedness of the parties, etc, some of which are beyond the control of the courts.

Part (3)

As advised by the Judiciary, they do not have the breakdown or estimates of the operating expenses by types of cases or levels of courts.

Part (4)

According to the Judiciary, they are proposing to introduce amendments to the High Court Ordinance (Cap 4) to facilitate the more efficient handling of cases, including those initiated by way of JR for cases stemming from non-refoulement claims, and to put judicial resources to the best use. These amendments seek to streamline court procedures and increase the flexibility in the deployment of judicial manpower thereby bringing about a positive

impact on the overall case management. The Judiciary earlier consulted the Legislative Council (LegCo) Panel on Administration of Justice and Legal Services at its meeting on June 24, 2019 and other stakeholders, including the Hong Kong Bar Association and the Law Society of Hong Kong, as well as other court users, on the proposed amendments. The Panel and the stakeholders concerned were generally supportive of the proposed amendments. The Judiciary is working with the Department of Justice with a view to taking forward the proposed amendments as soon as practicable in the current legislative session.

As regards the Immigration Ordinance (Cap 115), the Security Bureau will introduce an amendment bill into the LegCo in the first half of the current legislative session, with a view to improving the screening procedures of non-refoulement claims and appeals and plugging the existing loopholes, in order to effectively prevent the number of claims and processing time from building up again; as well as to strengthening ImmD's effectiveness in respect of enforcement, removal and detention.

Parts (5) and (6)

According to the Judiciary, in addition to the proposed legislative amendments to the High Court Ordinance as mentioned in Part (4) of the reply, the Judiciary has been taking other measures to address issues arising from the tight manpower situation to process, among others, non-refoulement claim cases. Specifically, the Judiciary has launched a new round of open recruitment of Judges and Judicial Officers (JJOs) at all levels of court starting from mid-2018 with a view to enhancing the substantive judicial manpower to cope with the operational needs of the courts. In February 2019, the Judiciary created four posts of the Deputy Registrar of the High Court, on top of the existing JJOs, to strengthen the judicial manpower resources in the Masters Office of the High Court. In the meantime, the Judiciary has been engaging temporary judicial resources as far as practicable to cope with its operational needs.

According to the Judiciary, all cases are carefully considered and handled as expeditiously as is reasonably practicable. Whilst the Judiciary has no plan to set up a special court to process JR cases in relation to non-refoulement claims, additional designated deputy High Court judges are engaged to cope with the continued surge of such cases. The Judiciary also plans to increase judicial manpower and court staff to help handle these cases. The Judiciary will submit their proposal to the LegCo for consideration when ready.

Part (7)

ImmD has all along been taking enforcement actions against non-ethnic Chinese (NEC) illegal workers and their employers, so as to reduce the economic incentives for NEC persons to stay in Hong Kong. In the first 10 months of 2019, ImmD conducted 548 targeted operations against NEC illegal workers, arresting a total of 301 NEC illegal workers and persons for other immigration offences (such as illegal remaining or possession of forged

identity cards), and 178 local employers. At the same time, ImmD continues to strengthen publicity to remind employers that employment of persons not lawfully employable is a serious criminal offence liable to immediate imprisonment.

The number of NEC persons on recognisance (mostly non-refoulement claimants) arrested for taking unlawful employment in violation of section 38AA of the Immigration Ordinance in the past five years are tabulated as follows:

Year	Number of Persons Arrested
2015	232
2016	302
2017	381
2018	332
2019 (till October)	184

ImmD does not maintain separate breakdown on non-refoulement claimants involving in illegal work during their application for leave for JR.

#### Part (8)

As mentioned above, according to the records of ImmD, as at the end of October 2019, there were a total of about 13 000 claimants whose claims or appeals were pending determination under USM and unsuccessful claimants whose claims have been rejected but who were applying for JR or who remained in Hong Kong for some other reasons, breakdown as follows:

Reasons for remaining in Hong Kong	Number of claimants
(I) USM	
Claims pending screening by ImmD	300
Appeals pending decision by TCAB	3 700
Sub-total	4 000
(II) Other reasons	
Pending application for leave for JR or application for JR	6 400
Imprisoned, remanded, involved in prosecution or investigation process, absconded	1 400

Pending removal (including application for travel document and return flight arrangement)	1 200
Sub-total	9 000

Furthermore, as at the end of October 2019, there were 137 claimants whose claims have been substantiated under USM remaining in Hong Kong. The United Nations High Commissioner for Refugees will, having regard to the specific circumstances of each case, arrange for suitable claimants whose claims have been substantiated to resettle in a third country.

Part (9)

In the 2019-20 financial year, the estimated major expenditures on handling non-refoulement claims and related work (excluding the handling of relevant applications for leave for JR or applications for JR by the Judiciary, and the legal aid provided by the Legal Aid Department in relevant cases) are tabulated as follows:

Year	Screening of claims and handling of appeals/petitions (\$Million)	Repatriation of rejected claimants (\$Million) ^	Publicly-funded legal assistance (\$Million)	Humanitarian assistance (\$Million)	Total (\$Million)
2019-20 (Estimate)	353	45	110	755	1,263

^ Only manpower expenditure for work relating to the removal of non-refoulement claimants is included. As other expenditures are incurred by duties which form part of ImmD's overall repatriation work (e.g. arrangement for air tickets and application for documents), we do not maintain a separate breakdown relating to claimants.

ImmD has largely completed the screening of backlog claims and we expect that TCAB will complete the handling of pending appeals by the end of 2020 at the earliest. Therefore, the expenditures on screening non-refoulement claims and handling related appeals/ petitions, as well as on publicly-funded legal assistance are expected to decrease. However, the expenditures on repatriation of rejected claimants may increase. As regards the expenditures on humanitarian assistance, it will depend on the progress of repatriation of rejected claimants. The Government will continue to reserve sufficient resources to handle the above work according to actual needs, yet we are not able to provide any concrete and accurate estimate at this stage on the relevant expenditures in the coming years.

Part (10)

Suggestions of setting up reception centres or closed camps involve various issues concerning the law, land, infrastructure, manpower, resources, management and security, etc. Given the complexity of the issues involved, the suggestions must be carefully and thoroughly examined. The Government will continue to proactively consider all lawful, practicable and effective measures. On the other hand, we will propose legislative amendments to the Immigration Ordinance in the amendment bill mentioned above to elaborate on the factors to be taken into account when considering whether a period of detention is reasonable and lawful. At present, a small fraction of non-refoulement claimants are detained at the Castle Peak Bay Immigration Centre pending their removal from Hong Kong. We will closely monitor the situation and consider the need for increasing detention facilities in due course.

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## LCQ15: Unnatural death and dead body found cases

Following is a question by the Hon Jeremy Tam and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 20):

Question:

It has been reported that a number of suspected suicide cases and dead body found cases may be associated with the disturbances arising from opposition to the proposed legislative amendments. Regarding the unnatural death cases (including suicide and murder cases) and dead body found cases handled by the Police since June this year, will the Government inform this Council:

(1) of the numbers of such cases, and how they compare with those of the same period last year;

(2) of the following details of each case (set out in a table):

- (i) the date and time when the case was reported,
- (ii) the age and gender of the deceased,
- (iii) the place where the incident happened/the dead body/bodies was/were found,
- (iv) the date and time when the police officers first arrived at the scene, and the date and time when they left the scene,
- (v) the number of police officers who were first to arrive at the scene, and the department/police district to which they belong,
- (vi) whether the deceased was/were certified dead at the scene or upon arrival at the hospital,
- (vii) whether the case was classified as suicide (if so, the means by which the suicide was committed and reasons for the act, as well as whether any

suicide notes were found),

(viii) whether there were superficial injuries on the dead body/bodies of the deceased (if so, of the details),

(ix) whether the clothes on the dead body/bodies of the deceased were untempered,

(x) whether the Police have gained contact with the family members of the deceased,

(xi) whether any inquest into the case has been/will be held by a Coroner's Court (if an inquest has already been held, of the finding), and

(xii) whether the dead body/bodies of the deceased has/have been buried or cremated (if so, of the date);

(3) of the respective numbers of cases in which the Police have been unable to (i) ascertain the identity of the deceased and (ii) gain contact with the family members of the deceased;

(4) of the respective numbers of cases in which:

(a) the deceased was/were suspected of falling from height;

(b) the body/bodies of the deceased was/were found in the sea; and

(c) the body/bodies of the deceased was/were found at other places,

together with a breakdown by whether or not the Police (i) concluded the case to be suspicious, (ii) carried out any investigation, and (iii) found any suicide notes;

(5) of the number of suspicious death cases investigation into which by the Police has been completed; among such cases, the number of those in which the causes of death of the deceased were suspected to be associated with the movement of opposition to the proposed legislative amendments;

(6) of the number of cases into which inquests have been held by a Coroner's Court; among such cases, the respective numbers of those into which inquests were held (a) pursuant to the decision of the Coroner, (b) upon the application made by family members of the deceased to the Court of First Instance and (c) upon the application made by the Secretary for Justice to the Court of First Instance; the respective numbers of cases into which the inquest found that the death being (i) a suicide, (ii) an accidental death, (iii) death by misadventure, (iv) a lawful killing, (v) an unlawfully killing, and (v) an open verdict;

(7) of the criteria adopted by the Police for determining whether the causes of death of the deceased were suspicious, and the respective procedure adopted for handling the bodies of the deceased in the suspicious cases and the non-suspicious cases; and

(8) whether any common attributes were found among such cases (e.g. the scene and the date and time of the incident)?

Reply:

President,

Upon receipt of any death report, the Police will investigate the case

from different aspects and will not rule out any possible causes of death including suicide and murder. The Police will work on various fronts to collect evidence, including death notes found at scene, the deceased's conditions before death as learnt from his/her family and friends, medical records, call records, closed-circuit television footage, etc.

Regarding unnatural death cases, identifiable dead bodies will be conveyed to public mortuaries. The Police will arrange with the deceased's families to attend the public mortuary for corpse identification. In general, a Forensic Pathologist will perform an autopsy, including a toxicological examination and sampling, on a body in respect of unnatural death where appropriate. Having completed the autopsy and recorded the information required, the deceased's family will collect the body and decide the burial means.

In case of discovery of an unidentifiable dead body, the Police will conduct a detailed search at the scene where the dead body is found to seek information which may be related to the death. The Police will also take fingerprints, palm prints and DNA samples from the dead body, and make a record of information on the clothing worn on the dead body in an effort to confirm the identity of the deceased. Besides, the Police will try to contact the next of kin of the deceased by every feasible means.

Meanwhile, a Government Forensic Pathologist will perform an autopsy to ascertain the cause of death. Generally, the dead body will be kept in the public mortuary for one month after the autopsy. If the Police are able to contact the deceased's family before the expiry of the one-month retention period or any such period extended for the investigation into the death, and the dead body is no longer required for the purpose of any investigation, the mortuary will arrange for the family to claim the dead body. If the dead body remains unclaimed after the expiry of the retention period, the mortuary will inform the Food and Environmental Hygiene Department (FEHD), which will then arrange for the burial or cremation of the dead body in accordance with established procedures.

In accordance with section 14(1) of the Coroners Ordinance (Cap 504), where a person dies suddenly, by accident or violence or under suspicious circumstances, a coroner shall hold an inquest into the death. According to section 27 of the Ordinance, the purpose of the inquest shall be to inquire into the cause of and the circumstances connected with the death. For that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained, which include the identity of the dead person; how, when and where the person came by his death; and the conclusion of the coroner/jury concerned as to the death.

Where the coroners consider that further investigation of the death is required, the Police will investigate further and submit a more detailed death investigation report. Upon perusal of the relevant report, and upon considering all the circumstances of the case, the coroner will consider whether to hold an inquest into the death.

The Police maintain their professionalism in investigating each of the death cases and follow it up in a meticulous manner. In fact, as indicated in the Coroners' Report 2018, the coroners recognised the performance of the police investigators and that their standard of conducting investigation into every incident of death was very high, as was their reports.

Our consolidated reply to Hon Jeremy Tam's question is as follows:

(1) to (8) In handling every death case, the Police report to the coroner's court in strict compliance with the law and guidelines. Based on the Police's initial case classification at scene, the number of suicide reports (including person found hanging or felt from height), and dead body found and death before or on arrival to hospitals reports (including cases of uncertain cause of death at scene) received by the Police between June and September 2019, as compared with the same period in the past four years, are listed below:

Between June to September	Suicide (including cases of person found hanging or felt from height) (Note 1)	Dead body found, death before or on arrival to hospitals (including cases of uncertain cause of death at scene) (Note 2)
2019	256	2 537
2018	222	2 226
2017	250	2 407
2016	235	2 161
2015	216	2 159

Note 1: Based on Police's initial classification.

Note 2: Cases may be reclassified upon conclusion of the investigation, including reclassifying them as suicide reports.

As at September 30, 2019, there were 1 162 cases under further investigation and pending submission of more detailed death reports by the Police according to the coroners' instructions.

From June to September 2019, the public mortuaries conveyed 42 unclaimed dead bodies to FEHD for handling, and four of which were subsequently claimed by the deceased's families.

The coroner's court held inquests into 161 cases in 2018 and passed verdicts of death by natural causes in 138 of them. Please refer to Annex for other relevant statistics published in the Coroners' Report. The coroner's court is still collecting relevant statistics for 2019 and will publish them in the first half of 2020.

The Police do not have the other breakdown statistics required in the question.

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## Special transport arrangements in Happy Valley today

The Transport Department (TD) today (November 20) reminded members of the public that special traffic and transport arrangements will be implemented in Happy Valley tonight to facilitate the holding of a race meeting at Happy Valley.

The special transport arrangements mainly include:

Special transport arrangements after the race meeting

\* The following franchised bus services will operate from Morrison Hill Road outside Happy Valley Racecourse after the race meeting:

- Citybus route 8S (to Siu Sai Wan (Island Resort)); and
- Cross-harbour route 914R (to Jordan Road).

\* In addition, the TD has co-ordinated with franchised bus operators to strengthen the frequency of bus routes operating via the Eastern Harbour Crossing (EHC) and the Western Harbour Tunnel (WHT) as appropriate to meet the demand. The following five routes operating via the Cross-Harbour Tunnel (CHT) will be rerouted to the EHC.

Routes via the EHC

- 1) Route 111: Ping Shek (Kwun Tong) to Central
- 2) Route 115: Kowloon City Ferry Pier (Kowloon City) to Central
- 3) Route 116: Tsz Wan Shan (Wong Tai Sin) to Quarry Bay (Eastern District)
- 4) Route 118: Cheung Sha Wan (Sham Shui Po) to Siu Sai Wan (Eastern District)
- 5) Route 182: Yu Chui Court (Sha Tin) to Central

\* Tram service in the vicinity of Happy Valley will be enhanced.

The TD anticipates that the traffic in the vicinity of Happy Valley will be congested. Motorists are advised to avoid driving to the affected areas. In case of traffic congestion, motorists should exercise tolerance and patience, and follow the instructions of the Police. Members of the public who plan to go to the affected areas are advised to plan their routes in advance, allow more travelling time to cater for unexpected delay, and use public transport services as far as possible.

Depending on the actual traffic conditions in the areas, other ad-hoc traffic and transport measures, including road closures and traffic diversion as well as alteration and suspension of public transport services, may be implemented.

Details of the special traffic and transport arrangements have been uploaded to the TD's website ([www.td.gov.hk](http://www.td.gov.hk)). For enquiries, please call 1823. Details of the latest traffic and transport news are also available at the TD's website, the TD's mobile application "HKeMobility" and bus companies' websites and apps, as well as on radio and television.

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## LCQ5: Transitional housing projects

Following is a question by the Hon Tony Tse and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 20):

Question:

In this year's Policy Address, the Government put forward a plan to increase the number of transitional housing projects substantially to provide a total of 10 000 transitional housing units within the coming three years, and indicated that it had earmarked \$5 billion for meeting the costs. In this connection, will the Government inform this Council:

(1) of the following details of each project (set out in a table): the location, the floor or site area, the parties owning the titles to the premises or site, the number of housing units that can be provided, the name of the operator, as well as the anticipated dates for completion and intake of residents;

(2) as some members of the construction sector have relayed that the construction standards to be met by transitional housing projects are quite high, resulting in high construction costs and long construction time, whether the Government has assessed if the earmarked provision of \$5 billion will be sufficient for meeting the expenditure, and whether it will relax the relevant construction standards; and

(3) given that community groups have been/will be responsible for all the tasks, from the construction or conversion works to the management and operation of the various transitional housing projects, how the Government ensures that all such projects will be completed on schedule, so as to achieve the target of providing 10 000 housing units within three years; of the reasons why the Government does not directly undertake such tasks?

Reply:

President,

Having consolidated the information provided by the Development Bureau and relevant departments, set out below is my consolidated reply of the question raised by the Hon Tony Tse:

The continued increase in land and housing supply remains the fundamental solution to resolve insufficient housing supply. Quality living is the cornerstone for ensuring social stability and the Government will continue to identify land for housing construction to rectify the housing problem with the greatest effort.

On transitional housing, we have earlier announced the provision of a total of over 6 000 units in three phases. The first phase, which includes the Community Housing Movement, commenced in 2017. Up to now, about 620 units have been provided in existing residential buildings, benefiting about 1 000 families. In the second phase, provision of about 960 units was announced, with intake of residents yet to commence. For details of these projects, please refer to Annex 1.

Projects which provide approximately 4 500 units in the third phase were also announced at the "Symposium on Connecting and Co-creating of Transitional Housing" early this month. These projects include those to be participated by the private developers, the Hong Kong Construction Association etc.. Together with those 1 580 units with resident intake completed or projects announced in the first and second phases, the three phases will provide over 6 000 units in total.

The task force under the Transport and Housing Bureau (THB) is now examining the feasibility of building large-scale transitional housing estates on a number of short term idle government and private sites with different community groups, private developers and professional/technical organisations. Details, when available, will be announced by the relevant organisations in due course. Subject to the progress with relevant procedures and local view, and taking into account the 6 000-odd units being occupied or having been announced, it is estimated that about 10 000 transitional housing units can be provided in three years.

On construction costs, the total financial subsidy for each transitional housing unit shall not exceed: (a) \$200 000 for each unit in vacant residential buildings; and (b) \$550 000 for each unit to be provided through erection of temporary structure on vacant lands or in non-residential buildings. This capital amount is estimated with reference to all the projects underway and is believed to suffice in meeting the construction costs. More importantly, the construction of modular housing can be reused, they can be relocated to other developments upon disassembly. In fact, modular housing can have a decades-long lifespan. It is an efficient, economic and environmentally friendly construction method for increasing the supply of transitional housing.

As regards construction standards, the construction of transitional housing must comply with the structural safety, fire and the associated building regulations. The safety and hygiene standards of transitional housing will not be inferior to the current standards applicable to other permanent residential buildings with the same design. Nevertheless, with the concerted efforts of the task force and the earnest collaboration among

relevant departments, application procedures are simplified as far as practicable, thus facilitating and expediting approval and implementation for various projects.

A cross-sector collaboration is one of the features of transitional housing. The initiative is rolled out under the active facilitation by the Government and close collaboration between the community and the Government throughout the process from policy inception to project implementation. Apart from exercising flexibility in utilising social resources for the provision of various types of transitional housing for the community, participating organisations can provide appropriate support for residents according to their needs. We will continue with our communication with the community and make use of the potential and resources in the community outside the Government, to offer flexible and multiple social services.

On monitoring and implementation of the funding scheme, we will vet applications and oversee the progress of projects to ensure that the projects are carried out in line with the principles of economy, efficiency and effectiveness in the use of resources thereby achieving good value for money. To ensure transparency and accountability on the use of the grants under the funding scheme, the Government will submit an annual report on the approved applications and implementation progress of projects to the Panel on Housing.

While it is a challenge to provide 10 000 transitional housing units within three years, as long as we work together with concerted efforts, we have confidence to overcome the difficulties and accomplish the mission.

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## **LCQ16: Food Truck Pilot Scheme**

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (November 20):

Question:

The Government has extended the Food Truck Pilot Scheme, which was launched in February 2017, by two years to February 2, 2021. Under the licensing conditions, the 15 food trucks may operate only at (i) designated operating locations on a rotation basis or (ii) venues of self-identified events that meet specific conditions (i.e. being open to the public, having publicity plans and appropriate licences for which having been obtained). It has been reported that the number of tourists and local residents visiting various operating locations has been dropping continuously since the eruption of the disturbances arising from the opposition to the proposed legislative amendments. To reduce their losses, operators of food trucks designated to

operate at locations with low people flow have opted not to do business instead. In the past few weeks, among the 11 operating locations, there were only four locations, at the most, in a week the food trucks at which were open for business, and some of the food trucks were open for business from Friday to Sunday only. Some food truck operators have criticised that as the authorities do not understand the operating difficulties of food trucks and ignore the aspirations of the operators, it is difficult for their food truck business to sustain. In this connection, will the Government inform this Council:

(1) whether it has conducted studies to look into the causes for the great variances in (i) the business performance of the food trucks and (ii) their business performance at different operating locations; if so, set out the relevant information in a table; if not, whether it will conduct such studies;

(2) whether it has compiled statistics on (i) the volume of people flow at the various designated operating locations and (ii) the turnover of the food trucks, at different hours and during various events; if so, set out the relevant information in a table; if not, whether it will compile such statistics;

(3) whether it will relax the relevant licensing conditions so as to give the food trucks greater room for survival, e.g. allowing, on the premise of not affecting the traffic and the business situation of eateries in the vicinity, the food trucks to participate in private parties which are not open to the public, so as to offset the losses incurred by their operation at the designated operating locations; if so, of the details; if not, the reasons for that;

(4) given that the Government announced in October this year the reduction by half in the rentals payable by the food trucks for operating at Government venues, whether it will consider negotiating with the management of the designated operating locations which are not Government venues (including the Hong Kong Disneyland, Ocean Park, Golden Bauhinia Square, and Central Harbourfront Event Space) to offer rental reduction of the same rate to food trucks operating at such venues; if so, of the details; if not, the reasons for that; and

(5) whether it will remove those operating locations with lower people flow and poorer business performance for food trucks, and introduce new operating locations; if so, of the details; if not, the reasons for that?

Reply:

President,

The two-year Food Truck Pilot Scheme (the Scheme), launched on February 3, 2017, aims to enhance the fun and vibrancy of tourist attractions in Hong Kong by providing diverse, creative and high quality gourmet food to tourists and the locals. After evaluating the operation of the Scheme, the Tourism

Commission (TC) decided to extend the Scheme for two more years up to February 2, 2021 with a view to allowing sufficient time for the Scheme to be tested out in the market.

In view of the business performance of the food trucks and in response to the views on the Scheme, TC has rolled out a number of refinement measures since end May 2017 to enhance the operation flexibility of the Scheme as far as possible in order to help improve the business environment. The measures include:

(1) introducing new operating venues, namely the Science Park, the AsiaWorld-Expo, the Hong Kong University of Science and Technology, the Hong Kong Science Museum, the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port and the Tai Po Waterfront Park in addition to the eight original operating venues;

(2) providing a more flexible shift arrangement for food trucks to operate in Energizing Kowloon East Venue 1 in the daytime and shift to Tsim Sha Tsui Art Square in the evening, and allowing operators to bid for vacant pitches by drawing lots or on a first-come-first-served basis;

(3) allowing food trucks to participate in self-identified events. TC will consider these events positively as long as they are open to the public with publicity plans available and obtained appropriate licences (e.g. temporary places of public entertainment licence). TC also encourages relevant Government departments to consider engaging food trucks in events organised or sponsored by them;

(4) allowing the operators to opt whether to operate at the designated venues under the rotation schedule and pay service fees for the operation days only; and

(5) allowing operators to identify new operating venues for TC's consideration and follow up if the venue management allows the food trucks to operate and provides appropriate supporting facilities and the pitch location will not cause obstruction to people and vehicle traffic.

My reply to the question raised by the Hon Jimmy Ng is as follows:

(1) According to the financial statements submitted by the operators, the total gross revenue of 15 food trucks up to mid-October 2019 was \$48.87 million with details tabulated below:

<b>Gross revenue of food trucks (up to mid-October 2019)</b>	<b>Number of food trucks</b>
More than \$4.5 million to \$5 million	Three
More than \$4 million to \$4.5 million	One
More than \$3.5 million to \$4 million	Two

More than \$3 million to \$3.5 million	Two
More than \$2.5 million to \$3 million	Four
More than \$2 million to \$2.5 million	One
More than \$1.5 million to \$2 million	One
\$1.5 million or below	One

(2) TC assesses the business performance of the food trucks through the statements of accounts submitted by the operators rather than the people traffic at respective operating venues. The total gross revenue of 15 food trucks in operating venues up to mid-October 2019 was about \$43.46 million with details tabulated below:

<b>Operating venues</b>	<b>Gross revenue of food trucks (\$) (up to mid-October 2019)</b>
Hong Kong Disneyland	Around 27.09 million
Tsim Sha Tsui Art Square	Around 4.45 million
Salisbury Garden	Around 4.06 million
Ocean Park	Around 2.49 million
Golden Bauhinia Square	Around 1.73 million
Wong Tai Sin Square	Around 0.98 million
Central Harbourfront Event Space	Around 0.86 million
Hong Kong University of Science and Technology	Around 0.77 million
Energizing Kowloon East Venue 1	Around 0.47 million
Hong Kong Science Museum	Around 0.26 million
Science Park	Around 0.22 million
AsiaWorld-Expo (Note 1)	Around 0.06 million
Hong Kong-Zhuhai-Macao Bridge Hong Kong Port	Around 0.01 million
Tai Po Waterfront Park (Note 2)	Around 0.01 million
<b>Total</b>	<b>Around 43.46 million</b>

As for events, the total gross revenue of 15 food trucks up to mid-October 2019 was about \$5.41 million, in which \$1.08 million came from food truck operation at tourism mega events organised by the Hong Kong Tourism

Board (HKTb) and arranged by TC and \$4.33 million from self-identified events.

In conclusion, the business performance of food trucks at individual venues and events varied greatly and was attributable to a number of factors including whether the pitch location in the operating venue is prominent, whether there are sufficient number of visitors at that venue and event, the business strategy of food truck operators, including number of operation day and whether operators have offered different types of food to match with the preference and consumption power of customers, etc.

(3) Apart from arranging food trucks to participate in the tourism mega events organised by HKTb as mentioned above, one of the refinement measures of the Scheme is to allow food trucks to participate in self-identified events as long as the events are open to the public and obtained appropriate licences. Having regard to the fact that food trucks can cook at the spot and their huge size, it is crucial to ensure food safety and hygiene as well as not to cause obstruction to pedestrians or other vehicles when parked. In accordance with the licensing condition of Food Factory Licence (FFL) issued to food trucks, they can only operate at designated venues and events approved by the Government. The designated venues and events are assessed by relevant departments and considered suitable for food truck operation. If food trucks operate at private events (not open to the public) without licences, relevant departments cannot assess whether the premises and the events are suitable for food truck operation. However, if the events held in private premises are open to public and have obtained licences, food trucks are allowed to apply and participate through the existing application mechanism for self-identified events.

Up to mid-October 2019, operators applied for operating in 90 self-identified events and approval had been granted to all applications. The nature of these events varies, including mega music concerts, carnivals, food festivals, mega contests such as tennis tournaments, car racing, yacht racing, running competition and charity walk, etc. Amongst all events, some were held at private premises/lots such as events held at the golf club, country club and outdoor area of shopping centre which were public events with licences. The mode of co-operation between operators and event organisers also varies. Some organisations would make bulk purchase of food from food trucks for their event participants while others would not collect service fee from the operators but just require them to arrange their own electricity for operation. Operators can decide whether to operate at these events having regard to their own business consideration.

(4) In view of the severe negative pressure faced by the Hong Kong economy, the Financial Secretary announced in August 2019 a package of measures to support enterprises (especially small and medium enterprises), to safeguard jobs and relieve people's burden. Amongst which, food trucks will benefit from the waiver of the renewal fees for FFL and registered commercial vehicle licence and the vehicle examination fees (Note 3).

Regarding the rental fee payable to the operating venues, further to the

50 per cent rental concession offered by government venues to operating food trucks from October 2019 onwards for a period of six months, Ocean Park will also reduce the daily rental by nearly 30 per cent for the period from mid-November 2019 to end-March 2020. TC will continue to discuss with venue management to come up with other measures to help relieve the operating pressure of food trucks.

(5) Another refinement measure of the Scheme is to allow operators to opt whether to operate at the operating venues under the rotation schedule and pay service fees only for the operation days, which has already provided them greater room and flexibility in operation. At the same time, TC has explored with relevant organisations and departments over thirty new locations with tourism elements for food truck operation. Yet most of them, for example, pedestrian areas, beaches or piers fell through for various reasons such as the accommodation of food trucks will cause obstruction to people and vehicle traffic, there are too many restaurants in the proximity or there is no venue management to provide electricity and other supporting services, etc. TC will continue to look for new operating venues where practicable with a view to exploring more business for food trucks.

Note 1: The AsiaWorld-Expo provided two pitches for food truck operation at suitable events held in the venue since May 20, 2017. There were eight days of food truck operation for four events in this venue. The AsiaWorld-Expo does not participate in the Scheme during the extension period in light of its development plan.

Note 2: Tai Po Waterfront Park provided one pitch for food truck operation from July 22 to September 30, 2019 during the closure of its restaurant and kiosk.

Note 3: Waiver for renewal fees for FFL has taken effect from October 1, 2019, whereas waiver for registered commercial vehicles licences fees and vehicle examination fee will be effective from December 30, 2019 after the completion of vetting procedures at the Legislative Council.