

Auction of traditional vehicle registration marks to be held on November 17

The Transport Department today (October 31) announced that the auction of traditional vehicle registration marks will be held on November 17 (Saturday), in Meeting Room S421, L4, Hong Kong Convention and Exhibition Centre, Wan Chai.

"A total of 300 vehicle registration marks will be put up for public auction. The list of marks has been posted at the department's website, www.td.gov.hk," a department spokesman said.

Applicants who have paid a deposit of \$1,000 to reserve a mark for auction should also participate in the bidding (including the first bid at the reserve price of \$1,000). Otherwise, the mark may be sold to another bidder at the reserve price.

People who wish to participate in the bidding at the auction should take note of the following important points:

- (a) Successful bidders are required to produce the following documents for completion of registration and payment procedures immediately after the successful bidding:
- (1) the identity document of the successful bidder;
 - (2) the identity document of the purchaser if it is different from the successful bidder;
 - (3) a copy of the Certificate of Incorporation if the purchaser is a body corporate; and
 - (4) a crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR". (For an auctioned mark paid for by cheque, the first three working days after the date of auction will be required for cheque clearance confirmation before processing of the application for mark assignment can be completed.) Successful bidders can also pay through the Easy Pay System (EPS). Payment by post-dated cheques, cash or other methods will not be accepted.
- (b) Purchasers must make payment of the purchase price through EPS or by crossed cheque and complete the Memorandum of Sale of Registration Mark immediately after the bidding. Subsequent alteration of the particulars in the memorandum will not be permitted.
- (c) A vehicle registration mark can only be assigned to a motor vehicle which is registered in the name of the purchaser. The Certificate of Incorporation must be produced immediately by the purchaser if a vehicle registration mark purchased is to be registered under the name of a body corporate.

(d) Special registration marks are non-transferable. Where the ownership of a motor vehicle with a special registration mark is transferred, the allocation of the special registration mark shall be cancelled.

(e) The purchaser shall, within 12 months after the date of auction, apply to the Commissioner for Transport for the registration mark to be assigned to a motor vehicle registered in the name of the purchaser. If the purchaser fails to assign the registration mark within 12 months, allocation of the mark will be cancelled and arranged for re-allocation in accordance with the statutory provision without prior notice to the purchaser.

For other auction details, please refer to the Guidance Notes – Auction of Vehicle Registration Marks, which can be downloaded from the department's website, www.td.gov.hk.

LCQ8: Sexual harassment in employment field

Following is a question by the Dr Hon Elizabeth Quat and a written reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (October 31):

Question:

It has been reported that the Equal Opportunities Commission (EOC) received a total of 233 complaints about sexual harassment in the past three years and, among them, over 190 were in the employment field. Under the Sex Discrimination Ordinance (Cap 480), acts of sexual harassment in the employment field is unlawful. Not only is the harasser required to bear legal liability, his employer may also be held vicariously liable. In this connection, will the Government inform this Council:

(1) of the names of the policy bureaux, government departments and subvented organisations which have at present formulated (i) policies on eliminating sexual harassment and (ii) mechanisms for handling sexual harassment complaints, as well as the details of the policies and mechanisms concerned;

(2) whether it has assessed if the various policy bureaux, government departments and subvented organisations have formulated appropriate measures to eliminate sexual harassment in the employment field; if it has, of the outcome; if not, the reasons for that;

(3) whether it knows if EOC will step up publicity and educational efforts targeting at employers so as to eliminate acts of sexual harassment in the employment field; if EOC will, of the details; if not, the reasons for that;

and

(4) whether it will expeditiously present to this Council the Discrimination Legislation (Miscellaneous Amendments) Bill which seeks to outlaw sexual harassment between participants in the workplace who have no working relationship with each other; of the effectiveness the authorities expected of the legislative amendments concerned in curbing acts of sexual harassment in the employment field?

Reply:

President,

In consultation with the Civil Service Bureau (CSB) and the Equal Opportunities Commission (EOC), the consolidated reply to the question raised by Dr Hon Elizabeth Quat is as follows:

Under the Sex Discrimination Ordinance (SDO) (Cap 480), employers are responsible for preventing sexual harassment in the workplace. The CSB has drawn up a set of general guidelines to assist bureaux/departments (B/Ds) in handling sexual harassment complaints in the civil service. According to the guidelines, staff of B/Ds must ensure that the workplace is free from sexual harassment, and all officers should treat each other with respect. The guidelines stipulate that in dealing with sexual harassment complaints, B/Ds should appoint officers at appropriate levels to handle the complaints, uphold the principle of confidentiality and ensure that the complainants and the witnesses are duly protected. B/Ds should ensure that such complaints are handled seriously, objectively and expeditiously, and that the parties involved are treated fairly. The guidelines also require B/Ds to hold briefing sessions or seminars as and when required so as to raise staff awareness of the proper procedures for handling cases of sexual harassment. In addition to making reference to the relevant guidelines issued by the CSB, B/Ds may also draw up their own procedures that suit their needs for dealing with sexual harassment complaints, taking into account their individual circumstances and operational requirements.

All new recruits are required to read the guidelines on handling sexual harassment complaints, which are also circulated by B/Ds to their staff on a regular basis. The CSB and departments organise thematic seminars and provide relevant training to enhance staff's knowledge and skills in handling sexual harassment complaints.

For Government-subvented bodies, the EOC currently does not keep records of the mechanism of those bodies on prevention and handling sexual harassment complaints related to employees. The EOC has all along adopted a sectoral approach in promoting the importance of developing anti-sexual harassment policies and measures. In this regard, the EOC has collaborated with the education sector, the business sector (in particular the service industry), the social service sector, and the sports sector to promote anti-sexual harassment. In view of the special circumstances of these sectors, the EOC has formulated a series of "Framework for Sexual Harassment Policy" and organised a number of seminars, talks and workshops to enable stakeholders to

better understand what sexual harassment is and the preventive measures they should take.

With regard to stepping up publicity and educational efforts targeting at employers, the EOC will continue to provide training and hold seminars for employers in various sectors. For example, the EOC has provided 200 training sessions on anti-discrimination ordinances and sexual harassment for over 8 000 participants from private and public organisations from January to June 2018. Among the participating organisations were Government departments, public organisations, non-governmental organisations, airlines, banks, hotels, retailers, property management companies, insurance companies and manufacturing companies.

On public education and publicity programmes, the EOC will continue to promote the messages of protection of citizens against sexual harassment under the SDO, the elimination of sexual harassment in the workplace and employers' responsibilities of preventing sexual harassment in the workplace through a series of activities. The series of public education and publicity programmes include a weekly radio programme partnership with RTHK Radio 2, Community Participation Funding Programme on Equal Opportunities, drama performances for schools, op-ed articles on equal opportunities issues in various newspapers, exhibitions, Generation i Youth Project, comics and video production competition, and multi-media promotional campaign, to promote a friendly working environment that is free from discrimination and sexual harassment.

On legislation, the Government plans to introduce the Discrimination Legislation (Miscellaneous Amendments) Bill 2018 (the Bill) by the end of this year to implement the eight prioritised recommendations in the Submissions on Discrimination Law Review submitted by the EOC to the Government in 2016, which include thereat the expansion of legislative protection from sexual harassment under the SDO to persons working in a common workplace. Upon the passage and commencement of the Bill, an employee, an employer, a contract worker, a principal, a commission agent and a partner in a firm will be protected from sexual harassment of the aforementioned parties at a workplace of them both, with a view to ameliorating the situation of sexual harassment in the workplace.

[Special traffic and transport arrangements in So Kon Po and Causeway Bay this Sunday](#)

The Transport Department (TD) today (October 31) reminded the public that special traffic and transport arrangements will be implemented in So Kon

Po and Causeway Bay this Sunday (November 4) to facilitate the holding of the Hong Kong Scout Rally at Hong Kong Stadium.

The special traffic and transport arrangements mainly include:

- * From about 6.30am the section of Caroline Hill Road between Leighton Road and Cotton Path, and the section of Hysan Avenue westbound between Sunning Road and Hoi Ping Road, will be closed subject to the actual situation;
- * From about 11am, Caroline Hill Road, Cotton Path and Eastern Hospital Road will be closed to facilitate the dispersal of participants, until the crowd disperses and road closures are lifted subject to the actual situation;
- * During the road closure period, Citybus route 5B, New World First Bus route 8H, cross harbour route 936 and green minibus routes 14M, 26 and 30 will be temporarily diverted; and
- * On-street car parking spaces and car parks within the affected areas will be suspended.

The TD anticipates that the traffic in the vicinity of So Kon Po and Causeway Bay will be significantly 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 planning to go to the affected area are advised to use public transport as far as possible.

The TD and the Police will closely monitor the traffic situation and implement appropriate measures whenever necessary. Members of the public are advised to stay alert to the latest traffic news on radio and television.

Details of the special traffic and transport arrangements are now available on the TD's website (www.td.gov.hk).

LCQ12: Feeding of birds by members of the public

Following is a question by the Hon Holden Chow and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (October 31):

Question:

Under section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK) (the Regulation), no person shall deposit any litter in any public place, in the common parts of any building, on any land (except

with the consent of the owner of the land), etc. Law enforcement officers of the Food and Environmental Hygiene Department (FEHD) may take law enforcement actions under that provision against persons dirtying the aforesaid places by feeding birds (e.g. leaving behind residual feed on the ground). Nevertheless, there are from time to time persons who persistently feed birds in the common parts of private land, which causes hygiene problems. In this connection, will the Government inform this Council:

(1) of the number of persons to whom fixed penalty notices for feeding birds were issued, by invoking section 4(1) of the Regulation, by FEHD in each of the past three years (set out by District Council district); and

(2) of the respective numbers of cases among those in (1) in which bird feeding took place (i) in the common parts of public rental housing estates and private housing estates and (ii) on private lands; if there was no such case, of the reasons for that, and whether the Government will assist the administrators of private lands in stopping bird feeding in the common parts of private lands and imposing punishment for such acts; if so, how it will provide assistance?

Reply:

President,

At present, there is no legislation which regulates bird feeding. However, people who are dirtying public places by feeding birds, e.g. leaving residual feed on the ground, will contravene section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK). The Food and Environmental Hygiene Department (FEHD) may take enforcement actions against the offenders under the Fixed Penalty (Public Cleanliness and Obstruction) Ordinance (Cap 570).

To address the environmental hygiene problems caused by the congregation of wild birds, FEHD has been making appeals through various channels, including erecting warning signs and distributing pamphlets to the public to advise them to refrain from feeding and thus gathering wild birds in order to maintain environmental hygiene. Also, to tackle the problem of feeding activities, the Agriculture, Fisheries and Conservation Department (AFCD) has produced new television and radio APIs and microfilms which have been broadcasted on various media platforms since February 2018. Meanwhile, a new website (nofeeding.afcd.gov.hk/english/index.html) was launched in May 2018 to enhance publicity. My reply to the Member's questions is as follows:

(1) FEHD has set up 19 dedicated enforcement teams, primarily responsible for stepping up enforcement actions against various public cleanliness offences. FEHD issued 90, 109 and 174 fixed penalty notices in 2015, 2016 and 2017 respectively against people who dirtied public places while feeding wild birds. The breakdown by District Council districts is as follows:

District	2015	2016	2017
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Central and Western	11	19	28
Wan Chai	10	10	15
Eastern	12	6	27
Southern	4	6	7
Islands	15	7	9
Yau Tsim Mong	9	14	7
Sham Shui Po	10	25	38
Kowloon City	2	4	5
Wong Tai Sin	4	0	1
Kwun Tong	0	1	0
Kwai Tsing	1	1	0
Tsuen Wan	1	0	0
Tuen Mun	4	0	8
Yuen Long	4	5	4
North	0	0	3
Tai Po	0	1	0
Sha Tin	2	4	18
Sai Kung	1	6	4
Total	90	109	174

Note: Figures of prosecution by way of summons are not included above.

(2) FEHD does not maintain the required breakdown. Due to resources and priority considerations, FEHD mainly focus its enforcement actions in public places.

The Housing Department (HD) is responsible for the management within public rental housing estates. If any person is found to be feeding wild birds in the common areas of the public housing estates and dirtying the place, for example, leaving residual feed, authorised HD staff may take enforcement actions for contravention of section 4(1) of the Public Cleansing and Prevention of Nuisances Regulation (Cap 132BK) against the feeder. If the feeder is a tenant or authorised resident of the estate, HD staff will also allot points to the household under the Marking Scheme for Estate Management Enforcement.

As regards private areas, their management responsibility rests with owners (such as incorporated owners) and property management agencies which may remind people to keep such areas clean and not to feed wild birds. Owners or incorporated owners can also perform their obligations and exercise their rights under the Deed of Mutual Covenant (DMC). If necessary, they may seek legal advice and take actions against relevant persons according to applicable provisions under the respective DMC.

Moreover, AFCD has published new banners, posters and pamphlets for displaying at places where feral pigeons gather as well as posting and distribution by various departments and private housing estates, and will

continue to conduct roving exhibitions at different venues to remind the public not to feed feral pigeons.

LCQ4: Impacts on Hong Kong people by an amendment to the tax law on the Mainland

Following is a question by the Hon Starry Lee Wai-king and a reply by the Secretary for Financial Services and the Treasury, Mr James Lau, in the Legislative Council today (October 31):

Question:

The Standing Committee of the National People's Congress passed in August this year the Draft Amendment to the Individual Income Tax Law (the new tax law), which will take effect on January 1 next year. Under the new tax law, the length of residency for which an individual must pay individual income tax on his or her income obtained inside and outside China is shortened from the current one year to 183 days. Those Hong Kong people who will be affected include the following three categories: persons who reside and work on the Mainland, persons who reside on the Mainland but return to Hong Kong every day for work, and retirees who have settled on the Mainland. In this connection, will the Government inform this Council whether:

- (1) it has assessed the respective numbers of the aforesaid three categories of Hong Kong people who will be affected by the new tax law;
- (2) it had, before the passage of the new tax law, relayed to the Central Authorities the impact of the new tax law on Hong Kong people; if so, of the details; if not, the reasons for that; and
- (3) it has measures put in place to mitigate the impacts of the new tax law on Hong Kong people; if so, of the details; if not, the reasons for that?

Reply:

President,

Many Hong Kong residents reside and work in the Mainland with the ever-closer ties between Hong Kong and the Mainland. Recognising their concerns about their tax obligations in the Mainland, the Special Administrative Region (SAR) Government has been communicating with the relevant Mainland authorities on tax matters concerning Hong Kong residents in the Mainland.

My reply to the Hon Lee's question is as follows:

(1) Currently, the Government does not have comprehensive statistical information on Hong Kong people residing or working in the Mainland. Notwithstanding, the Census and Statistics Department (C&SD) has been making use of the movement records of Hong Kong permanent residents to compile and release the estimation of "Hong Kong residents usually staying in the Guangdong Province" since 2016. These residents refer to Hong Kong permanent residents who have stayed in the Guangdong Province for six months and above cumulatively during the six months before and after the reference time-point. As at end-2017, the estimated number of such persons was around 530 000, among which about 40% were aged between 25 and 64. Since C&SD assumes that Hong Kong permanent residents departing Hong Kong via land control points and the China Ferry Terminal are travelling to the Guangdong Province, the estimation concerned cannot differentiate those who then travel to other areas in the Mainland or outside the Mainland. Besides, their purposes of stay (e.g. for work, study or settlement) in the Guangdong Province could not be ascertained in the estimation.

(2) and (3) The SAR Government understands and fully respects our country's legislative amendment exercise to enhance the tax regime. At the same time, we know that the business sector and some groups are very concerned whether the amended Individual Income Tax Law of the People's Republic of China will increase the tax burden on Hong Kong people who work or live in the Mainland, and affect Hong Kong people's desire to develop in the Guangdong-Hong Kong-Macao Greater Bay Area. Therefore, we have been communicating with the relevant Mainland authorities on this matter over the past few months to relay the concerns of Hong Kong people.

We are pleased to note that the Ministry of Finance and the State Administration of Taxation have taken into consideration the views expressed by the SAR Government and Hong Kong people, and recently commenced a public consultation on the Regulations for the Implementation of the Individual Income Tax Law of the People's Republic of China (Amendment Draft for Consultation) on October 20, 2018. It is proposed that, a resident individual who has no domicile and has resided in the Mainland for an annual aggregate of 183 days or more for less than five consecutive years, or has resided in the Mainland for an annual aggregate of 183 days or more for five consecutive years but during which there is a single absence from the Mainland of more than 30 days, may, upon filing records with the relevant tax authorities, pay individual income tax with respect to his/her income derived from sources outside the Mainland only on the part paid by enterprises, institutions and other economic organisations or resident individuals in the Mainland. This arrangement has largely retained the tax concession for individuals who have no domicile and have resided in the Mainland for less than five years under the existing Regulations for the Implementation of the Individual Income Tax Law of the People's Republic of China. We believe that the proposal has addressed the concerns of the majority of Hong Kong people working in the Mainland. The public consultation will close on November 4, 2018.

As regards the concern of Hong Kong retirees residing in the Mainland

and the detailed interpretation of the Regulations for the Implementation of the Individual Income Tax Law, the SAR Government will continue to follow up with the relevant Mainland authorities. We hope measures to be implemented will be more beneficial to Hong Kong people after clarification is made.

Thank you, President.