

Government finishes exercise on “restriction-testing declaration” in respect of specified “restricted area” in Lung Lok House, Lower Wong Tai Sin (II) Estate

The Government yesterday (May 5) exercised the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to make a "restriction-testing declaration" effective from 4pm yesterday, under which people (hereafter referred to as "persons subject to compulsory testing") within the specified "restricted area" in Wong Tai Sin (i.e. Lung Lok House, Lower Wong Tai Sin (II) Estate, excluding post office and non-domestic units on G/F) were required to stay in their premises and undergo compulsory testing. Persons subject to compulsory testing are required to stay in their premises until all such persons identified in the "restricted area" have undergone testing and the test results are mostly ascertained. All persons in the "restricted area" who had tested positive in the past three months, including positive cases identified either by nucleic acid tests that have been recorded by the Department of Health (DH) or by rapid antigen tests (RAT) that had been self-declared to the DH, were not required to undergo testing in this compulsory testing exercise.

Moreover, the Government issued a compulsory testing notice yesterday, requiring persons other than those specified above who had been present at the above building for more than two hours from April 29 to May 5, 2022, to undergo compulsory testing on or before May 7, 2022, even if they were not present in the "restricted area" at the time when the declaration took effect.

The Government announced the completion of the compulsory testing exercise at around 9am today (May 6) and carried out enforcement action in the "restricted area" afterwards to verify that all people in the "restricted area" had undergone compulsory testing in accordance with the requirements of the relevant declaration and compulsory testing notice. The Government announced that the enforcement operation ended at around 11.30am today.

The Government delivered food packs to persons subject to compulsory testing to facilitate their meal arrangements. Anti-epidemic proprietary Chinese medicines supplied by the Central People's Government and rapid test kits were also provided to persons subject to compulsory testing to help them fight against the virus.

The Labour and Welfare Bureau has also set up hotlines for residents restricted by the declaration to make enquiries and seek assistance.

The Government thanks persons subject to compulsory testing for their support and understanding. With everyone's co-operation and efforts, coupled with the tireless efforts of the testing contractors, residents have been informed about their testing results by SMS notification. After finishing the compulsory testing exercise at around 9am today, the Government took enforcement action in the "restricted area" immediately to verify that all people in the "restricted area" had undergone testing according to the requirements of the declaration and the compulsory testing notice. Persons who could present an SMS notification containing a negative testing result as proof of having undergone the compulsory testing could leave the "restricted area" through the designated exit after providing personal information to a prescribed officer. The enforcement operation was completed at around 11.30am. Test records of 310 persons subject to compulsory testing were checked. Six persons were found not having undergone compulsory testing and compulsory testing orders were issued to them. Taking into account the above situation, the Secretary for Food and Health revoked the "restriction-testing declaration" in accordance with Cap. 599J (see attachment).

The Government reminds the 33 households who have not answered the door to contact the Government for arrangement of testing as soon as possible after reading the notices put up by the Government, in the hope of eliminating the possible risk of further spread of the virus in the community.

The Government thanks all participating government staff and the testing agencies for their hard work. The Government is also grateful to those subject to compulsory testing for their support and understanding, and their full co-operation during this period in undergoing testing and waiting for the results at home.

The Government will seriously follow up on the compliance situation of the compulsory testing notices and the "restriction-testing declaration" by persons subject to compulsory testing. Any person who fails to comply with the compulsory testing notices commits an offence and may be liable to a fixed penalty of \$10,000. The person will also be issued with a compulsory testing order, requiring him or her to undergo testing within a specified time frame. Failure to comply with the order or the "restriction-testing declaration" is an offence and the offender may be liable to a fine of level 5 (\$50,000) and imprisonment for six months.

Court to resume normal operations and require rapid antigen tests for jury

proceedings

The following is issued on behalf of the Judiciary:

The Judiciary announced today (May 6) that in light of the latest public health situation, all court business will return to normal from May 2022, with progressive resumption of all court hearings and jury proceedings as well as slightly reduced capacity in courtrooms and common areas. To enhance public health protection, essential court users (including legal representatives and prosecuting authorities) for jury proceedings will be required to carry out a rapid antigen test (RAT) from May 10, 2022.

Court to return to normal operations under slightly reduced capacity

With progressive resumption of jury proceedings (both at High Court and Coroner's Court) and court hearings (both civil and criminal), all court business will resume as normal under slightly reduced capacity in courtrooms and common areas from May 2022, having regard to the need to ensure the court can continue to carry out business as safely as circumstances allow under the prevailing public health situation.

The court will continue to make greater use of remote hearings and/or paper disposals for civil proceedings and other suitable cases where appropriate. The court will give directions for individual cases in this regard.

All registries, account offices and supporting offices at various levels of court have returned to normal operation. The operating hours have resumed as normal from April 20 (or from the date upon their reopening). The special ticketing and drop-box arrangements at some registries have ceased, as the surge in submissions of court documents immediately following the cessation of the General Adjournment of Proceedings from March 7 to April 11 has subsided.

The Judiciary will continue to put in place appropriate preventive and crowd management measures to maintain social distancing and limit people flow in light of the prevailing public health situation.

RAT requirement for essential court users attending jury proceedings

Upon the resumption of jury proceedings from May 10, 2022, all essential court users attending jury proceedings, i.e. legal representatives and prosecuting authorities, will be required to conduct an RAT before coming to the hearing on a daily basis. Taking into account the frequent and extensive interactions amongst these essential court users and jurors during jury proceedings, this seeks to provide court users with additional health protection by adopting the existing requirement imposed on jurors, Judges and Judicial Officers as well as support staff of the Judiciary from February

2022. Detailed arrangements are at the Annex.

Implementation of stage three Vaccine Pass

The Judiciary has been implementing the Vaccine Pass for entry into the Judiciary premises since March 2, 2022. Starting from May 31, 2022, the Judiciary will be implementing the stage three Vaccine Pass in accordance with the Government's dosage schedule (www.coronavirus.gov.hk/pdf/vp_t1_ENG.pdf). Exemptions will continue to be granted to the following persons:

- (a) children aged under 12;
- (b) holders of the COVID-19 Vaccination Medical Exemption Certificate; or
- (c) persons who must enter the relevant Judiciary premises to attend to court business on the day as parties to or witnesses in a legal proceeding, legal representatives with prior permission by the presiding Judge or Judicial Officer concerned to attend a hearing on behalf of their clients, or jurors in a proceeding which has commenced before March 2, 2022.

The Judiciary will continue to conduct active checking at the points of entry by using the QR Code Verification Scanner mobile application developed by the Government for scanning the relevant QR code and keeping the record for 31 days. Court users are advised to allow additional time for checking when they come to the Judiciary premises for court business.

Remuneration package for Politically Appointed Officials serving in sixth-term HKSAR Government

The Chief Executive in Council accepted on May 3 the recommendations of the Independent Commission on Remuneration for Members of the Executive Council and the Legislature, and Officials under the Political Appointment System of the Hong Kong Special Administrative Region (the Independent Commission) regarding the remuneration package for Politically Appointed Officials (PAOs) serving in the sixth-term Hong Kong Special Administrative Region Government (HKSARG).

Cash remuneration for PAOs

"Under the annual adjustment mechanism approved by the Finance Committee (FC) of the Legislative Council in 2017, with effect from July 1, 2018, the cash remuneration of PAOs has been adjusted on an annual basis in accordance with the change in the average annual Consumer Price Index (C) (CPI(C)). There have since been two adjustments to the PAOs' cash remuneration, one

each in 2018 and 2019," a Government spokesman said.

The Independent Commission notes that the Chief Executive (CE) decided not to make an upward adjustment to the salary for PAOs in 2020 and 2021 notwithstanding the positive change in CPI(C) as part of the concerted efforts to tide over the challenging times of the COVID-19 epidemic with the community. The current cash remuneration for PAOs has thus been frozen at the July 2019 level till June 30, 2022.

"We note the Independent Commission considers that the pay freeze for serving PAOs is a decision made by the fifth-term Government under the prevailing social, economic and political environment. It is voluntary in nature and should only be applicable to PAOs serving in the fifth-term Government."

Taking all factors into consideration, the Independent Commission recommends that the cash remuneration for PAOs should be adjusted in accordance with the change in average annual CPI(C) since July 1, 2019, following the mechanism as agreed. This only serves to restore the original levels of the cash remuneration package as approved by the FC in 2017 and should not be construed as a pay rise.

Differential in remuneration among Secretaries of Departments (SoDs), Directors of Bureau (DoBs) and Deputy Directors of Bureau (DDoBs)

On the basis that there is no substantial change in the roles and responsibilities of SoDs, DoBs and DDoBs, the Independent Commission recommends to maintain the current 3.5 per cent pay differential for different layers of SoDs and with DoBs, and the cash remuneration for DDoBs continues to be set at 65 per cent, 70 per cent or 75 per cent of that for a DoB for the sixth-term HKSARG.

Cash Remuneration for Political Assistants (PAs)

The Independent Commission recommends that the cash remuneration for each PA engaged by a SoD or DoB should continue to be capped at 35 per cent of that for a DoB. The SoD or the DoB may continue to decide on the exact level that his or her PA should be paid within the 35 per cent ceiling based on the functional requirement of the job, and to redeploy any unspent savings to engage other support in order to achieve the objectives of the respective department or bureau in the most cost effective manner.

Other remuneration components

The spokesman said, "The Independent Commission notes that currently, subject to a maximum accumulation limit of 22 working days, any accumulated leave will be forfeited upon the PAOs leaving office. This is different from the arrangements for employees in statutory bodies, as well as civil servants on new agreement terms.

"The Independent Commission recognises that having regard to the roles

and responsibilities of PAOs, it is difficult for PAOs to take leave during their term of office due to work requirements and it is impracticable for PAOs to take all their accumulated leave in one block as in the case of retiring civil servants before their term of appointment ends. The Independent Commission considers that, within the parameters of the stipulated annual leave entitlement of 22 working days, there should be a suitable degree of flexibility to allow PAOs to carry forward part of their untaken annual leave to the following year, and that part of their untaken leave can be encashed upon leaving office."

The Government accepts the recommendation of the Independent Commission that, with effect from the sixth-term HKSARG, the maximum accumulation limit of annual leave for PAOs be increased from 22 to 33 working days, and the encashment of untaken annual leave be capped at half of the annual leave entitlement (i.e. 11 working days) upon the PAOs' resignation, termination of contract or at the end of term of the contract.

The other components of PAOs' remuneration should remain unchanged at this stage.

The recommendations of the Independent Commission will be passed to the Office of the Chief Executive-elect for consideration. The Government also aims to brief the LegCo Panel on Constitutional Affairs at its meeting.

The Independent Commission is chaired by Mr Carlson Tong, with Mr Kevin Lam, Ms Winnie Tam, Mr Philip Tsai, Professor Alexander Wai and Ms Winnie Wong as other members. One of its duties is to provide advice to the Chief Executive on the remuneration package for PAOs. The Independent Commission has completed the review.

A copy of the Independent Commission's report is in the Annex for reference.

Land resumption for urban renewal project in Kowloon City gazetted

The Lands Department today (May 6) announced the resumption of land at Kai Tak Road/Sa Po Road in Kowloon City for the implementation of an urban renewal project.

The project was included in the Urban Renewal Authority's Business Plan for 2018-19. The project site, with an area of about 6 106 square metres, will be redeveloped for residential use with retail/commercial facilities, as well as underground ancillary parking and loading/unloading facilities. A split-level sunken plaza, an underground public vehicle park, and Government,

Institution or Community facilities will also be provided within the site, together with road improvement works. Its implementation will help improve the overall living environment of the area.

A total of 459 private property interests at the project site will be resumed under the Lands Resumption Ordinance. The affected interests will revert to the Government on the expiration of three months from the date on which the resumption notices are affixed on-site. Details of the private land affected were published by [notice](#) in the Gazette today.

Apart from statutory compensation, eligible owners of domestic properties will also be offered an ex-gratia home purchase allowance or a supplementary allowance as appropriate. Eligible domestic tenants will be offered rehousing to public rental housing units provided by the Hong Kong Housing Authority or the Hong Kong Housing Society, or an ex-gratia allowance.

Eligible commercial property occupiers, including owners and tenants, may opt for an ex-gratia allowance in lieu of the right to claim statutory compensation for business and related losses.

If statutory claims made by the affected owners and tenants of both domestic and commercial properties under the Lands Resumption Ordinance cannot be settled by agreement, the owners and tenants may apply to the Lands Tribunal for adjudication. Professional fees reasonably incurred by the claimants in making such claims may be reimbursed by the Government.

Tenders invited for Infrastructure Works for Developments at Kwun Tong Action Area

The Civil Engineering and Development Department (CEDD) today (May 6) gazetted a notice to invite tenders for the contract for Infrastructure Works for Developments at Kwun Tong Action Area (Contract No. ED/2022/01). The closing time for the tender is noon on June 24.

The works mainly include:

- construction of new access roads L1 of about 120 metres long and L2 of about 70m long, and associated road modification and junction improvement works;
- construction of an about 50m-long covered footbridge with associated lifts and staircases across Wai Yip Street to connect Hoi Yuen Road and the Kwun Tong Action Area;

- reconfiguration of the existing Kwun Tong Ferry Pier Public Transport Interchange;
- reconfiguration of the existing Kwun Tong Vehicular Ferry Pier and dangerous goods vehicle queuing area;
- provision of the adjoining waterfront promenade and open space;
- carrying out associated demolition and site formation, drainage, sewerage, waterworks, landscaping, street lighting works, utilities and other ancillary works; and
- implementation of environmental mitigation measures for the proposed works.

The works are scheduled to commence in the third quarter of this year and will take about 44 months to complete.

The CEDD has commissioned Atkins China Limited to design and supervise the works. Interested contractors may obtain the forms of tender and further information from the company at 13/F, Wharf T&T Centre, Harbour City, Tsim Sha Tsui, Kowloon.

Details of the tender notice are available at the CEDD's website (www.cedd.gov.hk/eng/tender-notices/contracts/tender-notices/index.html). For enquiries, please call Atkins China Limited at 2972 1923 during office hours.