

# Amendments to Dangerous Drugs Ordinance to be gazetted on February 22

A spokesperson for the Security Bureau said today (February 20) that the Government will publish the Dangerous Drugs Ordinance (Amendment of First Schedule) Order 2019 in the Gazette this Friday (February 22).

The Order will add acryloylfentanyl, furanylfentanyl, 5F-MDMB-PINACA, ocfentanil and tetrahydrofuranylfentanyl (THF-F) to the First Schedule to the Dangerous Drugs Ordinance (Cap 134).

The spokesperson said, "The amendments aim to deter the trafficking and abuse of these dangerous drugs. This will help to fortify Hong Kong's defence in the fight against drugs.

"Acryloylfentanyl, furanylfentanyl, ocfentanil and THF-F are derivatives of fentanyl. Reported adverse effects of acryloylfentanyl include miosis, decreased consciousness and respiratory depression. Furanylfentanyl has analgesic effects and produces respiratory depression. Additional pharmacological effects are miosis, sedation, bradycardia, hypothermia, constipation, physical dependence and changes in mood such as euphoria. Ocfentanil has pharmacodynamic effects, including analgesia, sedation, respiratory depression, chest pain, psychosis and agitation. For THF-F, the most serious acute health risk of use is respiratory depression, which can lead to apnea, respiratory arrest and death. Meanwhile, 5F-MDMB-PINACA is a synthetic cannabinoid receptor agonist used as an active ingredient of products sold as cannabis substitutes. 5F-MDMB-PINACA produces cannabimimetic effects including relaxation, euphoria, lethargy, depersonalisation, distorted perception of time, impaired motor performance, hallucinations, paranoia, confusion, fear, anxiety, dry mouth, conjunctival injection (red eyes), tachycardia, nausea and vomiting. Poisoning by 5F-MDMB-PINACA may include rapid loss of consciousness/coma, cardiovascular effects, seizures and convulsions, vomiting/hyperemesis, delirium, agitation, psychosis, and aggressive and violent behaviour.

"The Order will bring the above five substances under the same strict control as other dangerous drugs under Cap 134. Those prosecuted of illicit trafficking and manufacture of these substances are liable to a maximum penalty of a fine of \$5 million and life imprisonment. Possession and consumption of the substances in contravention of Cap 134 also constitute criminal offences."

The spokesperson said that the Government had consulted the Action Committee Against Narcotics and the Panel on Security of the Legislative Council and they supported the proposed amendments. The Government had also sought the views of relevant trades and stakeholders.

The Order will be tabled at the Legislative Council on February 27, 2019 and is expected to become effective on April 26.

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## LCQ11: Serious drug offences

Following is a question by the Hon Lau Kwok-fan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (February 20):

Question:

Regarding serious drug offences (covering drug trafficking and manufacturing), will the Government inform this Council:

(1) of the number of persons arrested in each of the past 10 years for committing serious drug offences (set out by age group in a table);

(2) given that while the number of crimes concerning serious drug offences in 2018 has dropped as compared to that in the preceding year, the quantity of drugs seized over the same period has risen, whether the authorities have studied if there is a trend of serious drug offences being committed in a syndicated manner and on an expanded scale; and

(3) whether the Police have formulated targeted strategies with a focus on dealing a blow to the leaders and management of drug syndicates; if so, of the details and the effectiveness; if not, the reasons for that?

Reply:

President,

The reply to the question raised by the Hon Lau Kwok-fan is as follows:

(1) From 2009 to 2018, the number of persons arrested for committing serious drug offences (set out under the age groups of "aged under 21" and "aged 21 and over" respectively) is tabulated at Annex. The overall number (especially for the group "aged under 21") has shown a downward trend.

(2) In 2018, the Police and the Customs and Excise Department (C&ED) detected a total of 1 621 cases involving serious drug offences (a decrease of about 7.7 per cent when compared with 2017), and the provisional figure of seized drugs was 2 129 kilograms (a decrease of about 16 per cent when compared with 2017). Law enforcement figures and related intelligence have not indicated that syndicated drug trafficking or serious drug offences are on an expanded scale. The Police and C&ED are committed to combatting serious drug offences and will remain vigilant in closely monitoring the changes of related crime trends.

(3) The Police take intelligence-led law enforcement and work closely with local law enforcement agencies as well as those outside Hong Kong to combat drug trafficking syndicates. Depending on the circumstances of individual cases, the Police would prosecute the masterminds of syndicates for conspiracy to traffic in dangerous drugs. For drug traffickers who use minors in undertaking illegal drug activities, the Police would seek a more severe sentence from the court in accordance with the Dangerous Drugs Ordinance (Cap. 134). From 2012 to 2018, the sentences on the offenders were increased by 1.5 months to three years in a total of 16 cases.

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## LCQ8: Monitoring the water quality of fountains

Following is a question by Dr the Hon Pierre Chan and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (February 20):

Question:

Last year saw over 100 reported cases of Legionnaires' disease in Hong Kong, and that number was higher than the annual average of some 70 cases for the past five years. Legionella bacteria grow well in warm water between 20 and 45 degrees Celsius and may be found in water bodies in cooling towers, fountains, etc. It has been reported that in December last year, two residents of a private housing estate developed, after having been infected with Legionnaires' disease, the complications of pneumonia and were in a critical condition, and there is a fountain at the entrance of the housing estate. Regarding the monitoring of the water quality of fountains, will the Government inform this Council:

(1) given that there were 77 fountains managed by the Leisure and Cultural Services Department (LCSD) as at November last year, of the following details of each of the fountains: (i) address, (ii) year of completion, (iii) whether the construction contract provided that the contractor had to comply with the Code of Practice for Prevention of Legionnaires' Disease when designing and constructing the fountain, and (iv) the government department responsible for monitoring the design and construction of the fountain (set out one by one in the table below);

	(i)	(ii)	(iii)	(iv)
1.				
2.				
...				

77.				
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(2) of the following details of the repair, maintenance and cleaning work in respect of the fountains mentioned in (1): (i) the number of times for which the fountains were completely drained and cleaned in 2016-2017, (ii) the number of reports and follow-up requests concerning the problems found in the fountains made by the management departments to the works departments in 2016-2017, and (iii) whether the fountains are now in operation (set out one by one by address of the fountains in the table below);

	Address of fountain	(i)	(ii)	(iii)
1.				
2.				
...				
77.				

(3) given that upon completion of the construction works for the music fountains at Kwun Tong Promenade, the Architectural Services Department (ArchSD) will conduct water tests for the fountains in accordance with the standards stipulated in the Swimming Pools Regulation (Cap 132CA), whether such tests are one-off in nature, and whether ArchSD will conduct similar water tests for newly built fountains in future;

(4) given that LCSD regularly takes water samples at its public swimming pools for water quality examination, why LCSD does not do the same for the fountains under its management;

(5) given that the Food and Environmental Hygiene Department licenses and monitors private swimming pools in accordance with the Swimming Pools Regulation, whether the Government will establish a similar licensing and regulatory regime for private fountains; if not, of the reasons for that; and

(6) whether it knows the current number and addresses of the private fountains in Hong Kong, and of the government department responsible for monitoring the water quality of such fountains?

Reply:

President,

The Government is very concerned about the cases of community-acquired Legionnaires' disease (LD). Regarding a cluster of LD cases that involved three patients in December last year, the Centre for Health Protection of the Department of Health commenced epidemiological investigation and the laboratory testing results revealed that all water samples and environmental samples were tested negative for Legionella pneumophila serogroup one. As legionellae may be found in various environmental settings and aqueous environments, the sources of infection of the cases are yet to be

ascertained.

After consultation with relevant departments, my reply to Dr the Hon Pierre Chan's question is as follows:

There are 80 water fountains in the leisure and cultural venues of the Leisure and Cultural Services Department (LCSD). Water emitted from water fountains is normally reused after collection, filtration and disinfection. Works department is responsible for the design and construction of the fountains. The fountains are normally installed with recirculatory filtration and disinfection facilities to remove sediments, dirt and debris in water so as to control the microbial growth and to disinfect the fountain water. LCSD and the works departments will comply with the guidelines in the Code of Practice for Prevention of Legionnaires' Disease (the Code of Practice) compiled by the Prevention of Legionnaires' Disease Committee to properly design, operate, repair, maintain and manage the fountains so as to prevent the transmission of legionella. Upon completion of new projects, the contractors are required to conduct fountain water tests to ensure that the water quality meets the relevant standards and contractual requirements.

On day-to-day management, LCSD will make reference to the recommendations in the Code of Practice and carry out day-to-day cleansing and maintenance of water fountains taking into account the size of the water fountains, their designs, the manufacturers' guidelines, etc. The measures include draining fountain water for regular cleansing so as to effectively eliminate the risks of bacteria growth and transmission. Generally speaking, draining of water for cleansing is carried out at least once a month for about 80 per cent of LCSD's fountains. For the remaining water fountains, draining of water for cleansing is carried out at least once every six months taking into account the manufacturers' guidelines and operational needs. In case the venue management identifies any defects in the water fountains, they will report to the works departments responsible for maintenance (e.g. the Electrical and Mechanical Services Department (EMSD)) for follow-up. The relevant works departments will also conduct regular inspections of the facilities concerned to ensure that they function properly.

According to the Code of Practice, while the cooling tower management is required to arrange for regular collection of water samples from cooling towers for testing (including testing for legionella), regular collection of water samples from venue facilities (including fountains) in the community environment for testing is not required.

Information regarding the water fountains in LCSD's venues is set out at Annex.

The Music Fountains at Kwun Tong Promenade will be provided with recirculatory filtration and disinfection facilities. To prevent the transmission of LD through fountain water, the precautionary measures stipulated in the Code of Practice, including those on design, operation, repair and maintenance, will be adopted in the construction works. Upon completion of the construction works of the Music Fountains, the

Architectural Services Department (ArchSD) will conduct water tests by making reference to the hygiene standards for swimming pool water quality so as to ensure that the fountain water quality meets the hygiene requirements. As for other new water fountains works designed and constructed by ArchSD, the contractors are required to conduct fountain water tests upon completion of the construction works to ensure that the water quality meets the relevant standards and contractual requirements. Upon commissioning of the fountains, regular cleansing of fountain water will be carried out by LCSD and inspections of the facilities concerned by the maintenance department will be arranged as per current arrangement.

As LCSD is not responsible for licensing and regulation of private swimming pools and water fountains, no relevant information is available.

Proper design, operation and maintenance of water systems are important to prevent proliferation of legionella. The Code of Practice and associated pamphlets provide practical guidelines for the building owners and associated practitioners on the proper design, operation and maintenance of building facilities (including water fountains) for prevention of LD. Besides, EMSD often disseminates good practices to practitioners in the industry through briefings, seminars and correspondences for minimisation of the risk of LD.

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## **LCQ9: Legal basis for non-Hong Kong residents to reside or stay in Hong Kong**

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

Question:

Regarding the legal basis for non-Hong Kong residents to settle/stay in Hong Kong, will the Government inform this Council:

(1) of the provisions in the Basic Law and/or the laws of Hong Kong by virtue of which holders of Permits for Proceeding to Hong Kong and Macao may come to Hong Kong for settlement; and

(2) of the respective provisions in the Basic Law and/or the laws of Hong Kong under which the Director of Immigration gives permission for the following categories of non-Hong Kong residents to stay in Hong Kong:

- (i) dependants of Hong Kong permanent residents,
- (ii) dependants of persons other than Hong Kong permanent residents,

(iii) persons who are granted entry into Hong Kong under the Admission Scheme for Mainland Talents and Professionals,  
(iv) Mainland residents who are granted entry into Hong Kong under the Quality Migrant Admission Scheme,  
(v) non-Mainland residents who are granted entry into Hong Kong under the Quality Migrant Admission Scheme,  
(vi) persons of Chinese nationality who have obtained permanent resident status in a foreign country and are granted entry into Hong Kong under the Capital Investment Entrant Scheme,  
(vii) foreign nationals who are granted entry into Hong Kong under the Capital Investment Entrant Scheme, and  
(viii) persons who are granted entry into Hong Kong under the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents?

Reply:

President,

Pursuant to section 7(1) of the Immigration Ordinance (Cap 115), a person may not land in Hong Kong without the permission of an immigration officer or immigration assistant unless he enjoys the right of abode in Hong Kong, he has the right to land in Hong Kong, or he may land in Hong Kong without such permission by virtue of the Immigration Ordinance (such as members of crew of aircraft). Regarding the legal basis for non-Hong Kong residents to reside/stay in Hong Kong, my reply is as follows:

(1) It is stipulated in Article 22(4) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China that "[f]or entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval. Among them, the number of persons who enter the Region for the purpose of settlement shall be determined by the competent authorities of the Central People's Government after consulting the government of the Region." According to the Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China (Adopted at the 10th Meeting of the Standing Committee of the Ninth National People's Congress on June 26, 1999), "[t]he provisions of Paragraph 4 in Article 22 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China 'for entry into the Hong Kong Special Administrative Region, people from other parts of China must apply for approval', mean that persons from provinces, autonomous regions and municipalities directly under the Central Government, including the children of permanent residents of the Hong Kong Special Administrative Region born in the mainland with Chinese nationality, who request to enter the Hong Kong Special Administrative Region with whatever reason shall, in accordance with the provisions of relevant laws and administrative regulations of the State, apply for approval from the relevant government department in the place of their residence and may only enter the Hong Kong Special Administrative Region with valid certificates issued by relevant authorities. It is illegal for any persons or children mentioned above to enter the Hong Kong Special Administrative Region without

going through due approval procedures in accordance with the provisions of relevant laws and administrative regulations of the State."

It is also stipulated in Article 154(2) of the Basic Law that "[t]he Government of the Hong Kong Special Administrative Region may apply immigration controls on entry into, stay in and departure from the Region by persons from foreign states and regions."

Upon arrival in Hong Kong, Mainland residents who hold valid One-way Permits (i.e. Permits for Proceeding to Hong Kong and Macao) will be given permission to land in Hong Kong by an immigration officer or immigration assistant under section 11 of the Immigration Ordinance.

(2) Part (2) of the question mentions various immigration policies/schemes, including the immigration policy on entry of dependants, the Admission Scheme for Mainland Talents and Professionals (ASMP), the Quality Migrant Admission Scheme (QMAS), the Capital Investment Entrant Scheme (CIES) and the Admission Scheme for the Second Generation of Chinese Hong Kong Permanent Residents (ASSG).

The immigration policy on entry of dependants allows those who are able to provide care and financial support to their dependants to sponsor their non-local dependants to come to reside in Hong Kong. The immigration policy on entry of dependants also ensures that Hong Kong will continue to attract and retain people with the right talent and skills to come to and remain in Hong Kong by giving them the choice of bringing in their non-local dependants to live with them in Hong Kong.

The ASMP aims at attracting talents with special skills, knowledge or experience of value to and not readily available in Hong Kong to work here in meeting the needs of the Hong Kong economy.

The QMAS aims at attracting highly skilled or talented persons to settle in Hong Kong in order to enhance Hong Kong's human capital and maintain Hong Kong's competitiveness.

The objective of the CIES is to facilitate the entry for residence by capital investment entrants (the entrant), i.e. persons who make capital investment in Hong Kong but would not be engaged in the running of any business here. The entrant is allowed to make his choice of investments amongst permissible assets without the need to establish or join in a business.

The ASSG aims at attracting the second generation of Chinese Hong Kong permanent residents from overseas to return to Hong Kong for development.

Pursuant to the stipulations in Article 22(4) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Interpretation by the Standing Committee of the National People's Congress Regarding Paragraph 4 in Article 22 and Category (3) of Paragraph 2 in Article 24 of the Basic Law of the Hong Kong Special Administrative Region



of the People's Republic of China (Adopted at the 10th Meeting of the Standing Committee of the Ninth National People's Congress on June 26, 1999) and the stipulations in Article 154(2) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China mentioned above, for those who have been admitted for employment or residence under various immigration policies/schemes, including dependants of Hong Kong permanent residents, dependants of persons other than Hong Kong permanent residents, persons admitted under the ASMP, Mainland residents admitted under the QMAS, non-Mainland residents admitted under the QMAS, Chinese nationals who have obtained permanent resident status in a foreign country and are admitted under the CIES, foreign nationals admitted under the CIES and persons admitted under the ASSG mentioned in the question, they will be given permission to land in Hong Kong upon arrival by an immigration officer or immigration assistant under section 11 of the Immigration Ordinance.

Persons from foreign states and regions who enter and stay in Hong Kong under various immigration policies/schemes must meet normal immigration requirements as well as the relevant specific eligibility criteria set out by the Immigration Department in accordance with the laws of Hong Kong and immigration policies.

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## **LCQ1: Marine incident**

Following is a question by the Hon Steven Ho and a reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (February 20):

Question:

A few marine incidents have occurred in recent years, polluting the ecosystem of Hong Kong waters and causing far-reaching impacts on the fisheries resources. For instances, a large quantity of polypropylene plastic pellets were spilled into the sea from a container vessel during the onslaught of a typhoon in Hong Kong in 2012, 9 000-tonne palm oil was leaked following the collision of cargo vessels in 2017, and an explosion and a fire occurred in a cargo vessel in the waters off the Lamma Island in January this year. In this connection, will the Government inform this Council:

(1) given that subsequent to the aforesaid incident of plastic pellets spilling into the sea, the party concerned reached a settlement agreement with the Marine Department (MD) and agreed to pay a sum to the Government to compensate for the expenditure it incurred on the clean-up operations, how MD determined if the amount of compensation was reasonable; as public interest was involved in the incident, why MD agreed to keep the compensation amount confidential and did not pursue the responsibilities of the party concerned for polluting the marine ecosystem;

(2) whether it will set up an ad hoc committee in the wake of each marine incident to investigate the impact of the incident on the fisheries resources as well as the marine ecosystem and to prepare a report, which may form the basis for the affected persons to make compensation claims; and

(3) given that mariculturists affected by marine incidents often give up compensation claims as they cannot afford the high legal costs or are ineligible for legal aid, of the mechanism put in place by the Government to provide them assistance?

Reply in Chinese

President,

The Government is very concerned about the impact of marine incidents on the environment. Various Government departments will endeavor to take all necessary emergency response actions with a view to mitigating the impacts on the marine environment and ecosystem caused by the incidents.

In consultation with the relevant bureaux and departments, the consolidated reply to the question raised by the Hon Steven Ho is as follows:

(1) During the passage of typhoon Vicente in July 2012, seven containers fell off from a cargo vessel, leading to massive spillage of polypropylene plastic pellets into the sea. A number of government departments worked closely together to conduct clean-up operations at sea and along shorelines, monitor the effects on local marine environment and announce the monitoring results through press releases. After detailed negotiations, the party concerned agreed to pay a sum to the Government to compensate for the costs incurred by the Government in cleaning up the plastic pellets. In light of the complex legal issues involved, the Government, having taken full consideration of the evidence and sought independent legal advice, considered the compensation amount agreed to be paid by the party concerned reasonable, realistic and acceptable. Furthermore, reaching settlement on the issue through negotiation could avoid spending tremendous amount of public money on litigation action. A settlement agreement was eventually reached between the Government and the party concerned, with an announcement made to the public through press release on April 8, 2014. As the settlement agreement adopted a usual confidentiality clause, the Government could not further disclose the content of the agreement.

(2) & (3) To enable more effective marine environmental management, the Government revamped the Inter-departmental Working Group on Clean Shorelines that was only responsible for coordinating efforts on handling marine refuse in the past and renamed it as Inter-departmental Working Group on Marine Environmental Management (the Working Group) in January last year, with its terms of reference expanded to tackle all marine environmental incidents under the coordination of the Environment Bureau. The Task Force on Emergency Response to Marine Environmental Incidents (the Task Force) is set up under the Working Group, with members comprising various departments including the Agriculture, Fisheries and Conservation Department (AFCD), the Marine Department (MD), the Environmental Protection Department, the Department of

Health, the Fire Services Department, the Food and Environmental Hygiene Department, the Government Flying Service, the Government Laboratory, the Hong Kong Police Force and the Leisure and Cultural Services Department. The Task Force assumes a coordination role, and will conduct investigation and assess impact on the environment and ecosystem according to the nature of the incident and initiate appropriate mitigation and preventive measures.

As regards support to mariculturists, in normal circumstances, once the MD officers are aware of the occurrence of a marine environmental incident, they will immediately notify the concerned departments, implement contingency measures and monitor the situation of the waters nearby. The departments concerned will maintain close communication with the relevant stakeholders regarding the incident and provide support to them. For example, upon receiving reports of marine incidents, AFCD will take the initiative to alert mariculturists in the nearby fish culture zones (FCZs) that may be affected, and inspect the FCZs concerned to assess the potential impacts on the cultured fish. Having regard to the actual situation of an incident, AFCD will endeavour to provide assistance to affected mariculturists and closely monitor the water quality of the FCZs, with a view to minimising the impacts.

In the circumstance of a person claiming compensation in respect of a marine incident through civil litigation procedure, it is an individual decision and action. The Government is not a party in the litigation procedure. At present, Legal Aid Schemes are put in place by the Legal Aid Department to provide legal representation for the legal proceedings to eligible applicants with lack of means. Moreover, AFCD will provide affected mariculturists or other individuals with environmental monitoring data and/or fish test results as they may need. Similarly, depending on the situations, MD can furnish details such as the timing, location and vessels involved in marine incidents. Marine accident investigation reports of serious and very serious accidents together with lessons learnt are also made available on the website of MD for public viewing with the aim of avoiding or reducing similar accidents in future. Mariculturists or other individuals could make reference of the information from these sources.

In addition to the above measures, to keep the public abreast of the latest situation, we will provide the public with the updates of an incident through press releases and other channels in a timely manner. Such information includes the latest development of the incident, affected waters, monitoring results, whether the environment and ecosystem are affected and the follow-up actions taken by various departments.

Finally, I would like to clarify one point – the first paragraph of the question mentioned an oil tanker spilling 9 000 tonnes of palm stearin after a collision incident in August 2017. Based on investigation results, the amount of palm stearin spilled in the incident was about 1 000 tonnes.

Thank you, President.