

LCQ7: Combating Mainland fishermen's illegal fishing activities in Hong Kong

Following is a question by the Hon Chan Chi-chuen and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (December 5):

Question:

It has been reported that a large number of Mainland fishermen entering Hong Kong waters for illegal fishing has often been seen in recent months. By using serpentine traps for fishing, they have not only contravened the law but also caused serious damage to the ecology of Hong Kong waters. Despite repeated complaints lodged by some villagers to the Police and the Agriculture, Fisheries and Conservation Department, the situation has shown no improvement. In this connection, will the Government inform this Council:

(1) of the manning scale of Marine Police officers responsible for patrolling the boundary of Hong Kong waters in the past three years;

(2) of (i) the number of cases of Mainland fishing vessels suspected of illegal fishing in Hong Kong which were dealt with by the various law enforcement departments, and (ii) the respective numbers of cases in which Mainland fishermen were prosecuted and convicted for illegal fishing, in each of the past seven years;

(3) whether the authorities have, since 2016, allocated additional resources for combating illegal fishing activities; if so, of the details; if not, the reasons for that; and

(4) whether it will (i) allocate additional resources for law enforcement, (ii) improve the prosecution mechanism, (iii) raise the penalty, and (iv) take other measures, to curb Mainland fishermen's illegal fishing activities in Hong Kong, so as to safeguard the rights and interests of local fishermen and conserving the ecology of Hong Kong waters; if so, of the details of the measures to be taken; if not, the reasons for that?

Reply:

President,

Having consulted the Security Bureau, we provide a consolidated reply to the various parts of the question raised by the Hon Chan Chi-chuen as follows:

(1) The divisions under the Police's Marine Region are responsible for the

daily patrol and enforcement actions within Hong Kong waters, providing round-the-clock service for the general public. The staff establishment of the Marine Region was 2 281 in the past three years. The Police does not maintain a separate breakdown of the number of officers responsible for patrolling the boundary of Hong Kong waters.

(2) In tackling the cross-boundary illegal fishing activities of Mainland fishing vessels, the Marine Region has drawn up a standing action plan and has been actively carrying out joint enforcement operations against illegal fishing with the Agriculture, Fisheries and Conservation Department (AFCD). 491 joint operations were carried out from 2012 to October 2018. The Marine Region has arrested 108 illegal immigrants and intercepted 188 fishing vessels suspected of illegal fishing, and referred the relevant cases to AFCD for follow-up having regard to the circumstances. Apart from the joint operations, AFCD also conducts daily patrols in Hong Kong waters. Together with the aforementioned cases as referred from the Marine Region, AFCD made prosecution in 35 cases involving 78 Mainland fishermen in total for illegal fishing activities under the Fisheries Protection Ordinance (Cap. 171) and the Marine Parks and Marine Reserves Regulation (Cap. 476A) in the same period.

(3) and (4) The Government considers that the existing statutory provisions are already effective in combating the illegal entry of Mainland fishing vessels into Hong Kong waters for fishing activities, and that the penalties imposed by the court, including fines and imprisonment, provide certain deterrent. Out of the 78 Mainland fishermen prosecuted as mentioned above, 24 were fined up to \$10,000, and the remaining 54 were sentenced for imprisonment up to two months.

The Government has been flexibly deploying resources to take enforcement actions against illegal fishing activities. As pointed out above, besides patrolling in Hong Kong waters, AFCD conducts joint operations with the Police's Marine Region to target blackspots for illegal fishing such as Soko Islands and the waters south of Cheung Chau, striving to curb illegal fishing activities of Mainland fishing vessels in Hong Kong. Since July 2016, AFCD has been seizing fishing gears deployed by Mainland fishermen in Hong Kong waters during regular patrols, so as to further safeguard the interests of local fishermen.

In addition, AFCD will exchange intelligence with Mainland law enforcement agencies. If Mainland fishing vessels are found illegally fishing in Hong Kong waters but they could not be successfully intercepted within Hong Kong waters, AFCD will, having regard to the circumstances, refer these cases to Mainland law enforcement agencies for follow-up.

Secondary School Profiles 2018/2019 to be released tomorrow

The following is issued on behalf of the Committee on Home-School Co-operation:

The Committee on Home-School Co-operation (CHSC) will release the e-version (in Chinese and English) of the Secondary School Profiles 2018/2019 tomorrow (December 6). The Chinese and English printed versions of the profiles will be delivered to primary schools for distribution to parents with children at the Primary Six level in the current school year.

The Secondary School Profiles 2018/2019 cover basic information on more than 400 secondary schools including teaching staff, class structure, school facilities, school characteristics, school life, extra-curricular activities, student support and the school curriculum, as well as the schools' teaching strategies, such as the whole-school language policy. To provide parents with more comprehensive information for making school choices, two columns on "Whole School Approach to Integrated Education" and "Education Support for Non-Chinese Speaking Students" are newly added. The profiles contain information provided and verified by individual schools, showing their situations as at September 2018.

The publication of the profiles aims to provide comprehensive secondary school information for parents' reference. The profiles also include the "Message from CHSC Chairman", which states key points for parents when choosing schools.

The e-version of the profiles enables schools to update their information on the web directly whenever necessary, so that parents can obtain the most up-to-date school information.

The profiles have been uploaded to the website of the CHSC at www.chsc.hk/secondary/en. Copies of the printed version will be available for public reference at District Offices, public libraries, Regional Education Offices and the Central Resources Centre of the Education Bureau (EDB).

For enquiries about the profiles, please call the EDB's Regional Education Offices (Hong Kong: 2863 4646; Kowloon: 3698 4108; New Territories East: 2639 4876; and New Territories West: 2437 7272), or the CHSC Secretariat at 3698 4376.

Forms for S1 discretionary places available for collection tomorrow

Parents of Primary Six (P6) students participating in the 2017/2019 Secondary School Places Allocation (SSPA) System will receive two application forms for Secondary One (S1) discretionary places (DPs) through their children's primary schools starting from tomorrow (December 6), a spokesman for the Education Bureau (EDB) said today (December 5).

Students not studying in primary schools participating in SSPA (including newly arrived children who are eligible for participating in DP) can obtain the application forms from the EDB's School Places Allocation Section.

"Parents wishing to apply for S1 DPs in government, aided, caput and Direct Subsidy Scheme schools participating in the SSPA System have to complete the application forms for their children and submit the forms with other necessary documents directly to the schools concerned during school office hours between January 3 and 17, 2019," the spokesman said.

"The schools to which parents apply are not restricted by districts. Parents are strongly advised to consider the schools in all respects, such as their educational philosophy, tradition, admission criteria, development and operation, as well as their children's abilities, inclinations and interests, so as to make a suitable school choice."

One of the two application forms carries Order of School Preference 1 and the other carries Order of School Preference 2. Order of School Preference 1 stands for the student's first choice and Order of School Preference 2 stands for the student's second choice.

Primary and secondary schools should not ask the students or parents to disclose their order of preference. Applicants and their parents should not indicate their order of preference to the secondary schools.

In addition, parents should not submit applications to more than two schools participating in SSPA. Otherwise, the DP applications of their children will be rendered void.

The spokesman reminded parents that the secondary schools concerned are required to make public their admission criteria and weightings, their number of S1 DPs for application as well as any documents required by them. Schools may arrange interviews, and would notify applicants of the interview arrangements.

"Students who are successful in the DP application will not be allocated a school place in central allocation (CA). Parents should, therefore, apply to the school(s) of their preference. The EDB will match students'

preferences against schools' Successful and Reserve Lists. If a student is successful in both schools to which he or she has applied, allocation will be based on the student's order of preference," he said.

Parents may refer to the Handbook for Application for Secondary 1 Discretionary Places for the list of government, aided and caput as well as Direct Subsidy Scheme schools accepting DP applications and the number of DPs for application. The Handbook will be distributed to primary schools and available through the bureau's homepage (www.edb.gov.hk) and 24-hour Automatic Telephone Enquiry System on 2891 0088 tomorrow.

If parents have enquiries about the DP application, they are advised to consult their children's primary schools or approach the secondary schools direct.

General enquiries may be directed to the EDB's School Places Allocation Section (Tel: 2832 7740 and 2832 7700; address: Office 2, 2/F, Manulife Financial Centre, 223 Wai Yip Street, Kwun Tong, Kowloon).

LCQ12: Enhancing regulation of person-to-person telemarketing calls

Following is a question by the Hon Shiu Ka-fai and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (December 5):

Question:

The Government proposes to establish a statutory Do-not-call Register to enhance the regulation of person-to-person telemarketing calls, and plans to introduce the relevant bill into this Council within the current Legislative Council term. In this connection, will the Government inform this Council:

(1) whether it has examined if the enactment of the proposed legislation can eradicate (i) telemarketing calls pretended to have come from legitimate financial institutions, and (ii) overseas telemarketing calls; if it has examined and the outcome is in the negative, whether it will review if it is still necessary to enact the legislation;

(2) whether the proposed legislation will require any person or company to obtain the prior consent of each of the persons with whom that person/company has business connections before calling such persons to carry out marketing activities; if so, whether it has assessed if this requirement is practicable;

(3) whether it will stipulate in the proposed legislation that the prior

consent of the targets of marketing activities may be obtained through instant messaging applications;

(4) regarding the practice that a person makes calls to new acquaintances, using the contact information on the business cards obtained on social occasions, to introduce products or services to them, whether the Government has plans to bring this practice within the ambit of the proposed legislation;

(5) given that some trades and industries need to contact their clients from time to time (e.g. reminding their clients to renew their service contracts which will expire soon), whether it has assessed if this kind of normal business activities will be impeded after the enactment of the proposed legislation; and

(6) whether it has assessed the changes in Hong Kong's business environment and the daily operation of small and medium enterprises upon the enactment of the proposed legislation; if so, of the outcome; if not, the reasons for that?

Reply:

President,

In recent years, person-to-person telemarketing calls (P2P calls) have caused nuisance to many members of the public. There are growing demands on strengthening the regulation of such calls. Based on the views collected in a public consultation conducted by the Government in mid-2017 and further to the discussion at the meeting of the Legislative Council (LegCo) Panel on Information Technology and Broadcasting (ITB) on April 9, 2018, we propose to set up a statutory Do-not-call Register to allow phone users who do not wish to receive P2P calls to indicate so by including their phone numbers in the Register. We are working on the content of the framework of the legislative amendments and will consult the relevant LegCo Panel on the legislative proposals.

Our reply to the various parts of the question is as follows:

(1) The aim of the proposed statutory Do-not-call Register is to allow phone users who do not wish to receive P2P calls to indicate so by including their phone numbers in the Register.

Telemarketing calls involving unfair trade practices are regulated by the Trade Descriptions Ordinance (Cap. 362) whereas those involving fraud may violate offences under the Theft Ordinance (Cap. 210). The Unsolicited Electronic Messages Ordinance (Cap. 593) also contains provisions dealing with fraud and other illicit activities related to the transmission of commercial electronic messages. We will make reference to the relevant legislation when drawing up the framework of legislative amendments to ensure that the future regulatory mechanism will be compatible with other legislation.

Regarding P2P calls from places outside Hong Kong, as we indicated at the meeting of the Panel on ITB in April this year, there may be more difficulties in investigation, evidence gathering and prosecution for cases involving places outside Hong Kong. We will further examine the enforcement details during the stage of formulating the framework of legislative amendments.

(2) to (4) We are mapping out the details of the framework of legislative amendments, including operational details of the proposed Do-not-call Register. Take the existing Unsolicited Electronic Messages Ordinance as an example, regarding the regulation of unsolicited electronic messages, "consent" can be express consent or consent that can reasonably be inferred from the conduct concerned. Reference will be made to the practice of regulating commercial electronic messages under the Unsolicited Electronic Messages Ordinance on, for instance, what constitutes consent, how to withdraw consent, etc., so as to ensure that the proposed legislative provisions can strike a balance between public expectations and the practical operational needs of the trades and industries.

(5) Taking the regulation of commercial electronic messages under the existing Unsolicited Electronic Messages Ordinance as a reference, if the concerned person-to-person telemarketing communications do not involve "commercial" marketing purposes (i.e. carrying out matters specified in the Ordinance in the course of or in the furtherance of any business, including offer to supply, advertise or promote goods, services, facilities, land or business opportunity, etc.; and to advertise or promote a supplier of goods, services, facilities, land or a provider of a business opportunity, etc.), or when the persons or organisations making the concerned P2P calls have obtained prior consent of the clients, there should not be violation of the proposed regulatory framework of P2P calls. We therefore consider that our proposal will not affect non-marketing business activities.

Upon passage of the bill, we will formulate appropriate guidelines and conduct publicity and education activities to ensure that the trades and industries as well as the public understand the legal requirements and could avoid violating the law.

(6) We understand that setting up a Do-not-call Register may increase the operation cost of the trades and industries. However, the call from the public for early introduction of the legislation has been clear, and they consider that the self-regulatory mechanism of P2P is not effective. As such, we will be, as mentioned above, cautious in handling the various definitions and details when we draft the bill and will introduce the bill into LegCo for scrutiny and discussion. We will endeavour to ensure that a balance can be struck between satisfying public expectations and reducing the compliance cost of the trades and industries.

LCQ21: US export control policy for dual-use technology

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (December 5):

Question:

The United States-China Economic and Security Review Commission, created by the United States (US) Congress, has alleged in a report published last month that the Central Authorities' encroachment on Hong Kong's autonomy has brought an ongoing decline of the rule of law and freedom of speech. The Commission has also recommended that the Congress direct the Department of Commerce and other relevant government agencies to prepare a report to examine and assess the adequacy of US export control policy for dual-use technology as it relates to the treatment of Hong Kong and China as two customs areas. In this connection, will the Government inform this Council:

(1) whether it will review if the Government made mistakes in its decisions and in the decision making process regarding the incidents in Hong Kong referred to in the aforesaid report, with a view to providing reference for implementing policies in future, thereby demonstrating to the international community the Government's determination to uphold the core values such as the rule of law and freedom of speech; if so, of the details; if not, the reasons for that;

(2) whether it knows the specific contents of the dual-use technology mentioned in the report and whether it can provide a relevant list; and

(3) whether it has plans to commence lobbying efforts targeting the US authorities and representatives of the various sectors to persuade the US authorities not to tighten the control policy for exporting dual-use technology to Hong Kong; if so, of the details; if not, the reasons for that?

Reply:

President,

Since the return to the Motherland, the Hong Kong Special Administrative Region (HKSAR) has been exercising "Hong Kong people administering Hong Kong" and a high degree of autonomy in strict accordance with the Basic Law. The "one country, two systems" principle has been fully and successfully implemented. Through actively making good use of the opportunities in the international arena conferred to the HKSAR by Articles 116 and 151 of the Basic Law, adherence to the relevant laws and systems and international co-operation, we consolidate our status in international trade and economic arena. Hong Kong's unique status and advantages under the Basic Law and "one country, two systems" allow Hong Kong to establish mutually beneficial

collaboration relationship with economies around the world at bilateral and multilateral international trade and economic levels, demonstrating the successful implementation of "one country, two systems".

Through officials' overseas visits and participation in international conferences, the HKSAR Government has been explaining to countries around the world the successful implementation of "one country, two systems" since our return to the Motherland, and promoting Hong Kong's unique status under the Basic Law and "one country, two systems" as well as our own various advantages, and exploring room for mutually beneficial collaboration. For example, I led a delegation to visit Washington DC, the United States (US) this September, during which I met with the US government officials, members of the Congress, think tanks as well as the business community, and explained clearly Hong Kong's unique status under the Basic Law, as well as Hong Kong's important role in helping our global trading partners in developing markets.

In addition, the three Economic and Trade Offices (ETOs) in the US, together with the other nine overseas ETOs, have been maintaining close liaison with relevant government officials, the political and business community, in order to reflect the actual situation of Hong Kong and to promote the unique status of Hong Kong under "one country, two systems" and our own various advantages.

The United States-China Economic and Security Review Commission (USCC) mentioned in the question is appointed by the bipartisan leaders of the US Congress and currently does not comprise members of the US Congress. The USCC report published last month is not a report by the Congress or the US Administration. Its contents do not reflect the position of the US Congress or the US Administration but the views of the USCC members who are not members of the Congress.

In addition to comments on US-China relations, the USCC report published last month also mentions the situation in Hong Kong. In respect of the paragraph on trade control, the Commission points out that Hong Kong is an important partner of the US in ensuring robust protection against unauthorised shipments of controlled US items to the Mainland. Indeed, Hong Kong has always been enforcing import and export trade controls according to the laws of Hong Kong, and such efforts have been recognised and respected by our trading partners. Hong Kong will continue to maintain our robust trade control system in accordance with the law and continue to work closely with the US and other trading partners.

Hong Kong's trade and economic relationship with the US is mutually beneficial. Since Hong Kong's return to the Motherland, the US has continued to maintain and expand economic and trade ties with Hong Kong based on our unique status. It is in the US and Hong Kong's mutual interest to maintain and promote our bilateral relations. The HKSAR Government will continue to enhance Hong Kong's economic and trade ties with the US.