

Hong Kong Deposit Protection Board Annual Report 2017-2018

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Deposit Protection Board (the Board) today (July 11) published its Annual Report for 2017-2018. The Report reviews the operations of the Deposit Protection Scheme (the Scheme) in 2017-2018 and highlights the Board's plans for 2018-2019. During the year, the Board focused on further advancing payout readiness and deepening public understanding of the Scheme, with a view to enhancing public confidence in the Scheme.

The Hong Kong Deposit Protection Board's Annual Report 2017-2018 is available on the Board's website (www.dps.org.hk).

Special traffic arrangements for race meeting in Happy Valley

Special traffic arrangements will be implemented in Happy Valley today (July 11). The arrangements will come into effect one and a half hours before the start of the first race and will last until the crowds have dispersed after the race meeting.

A. Traffic arrangements before the commencement of the first race

1. Road closure

Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp outside Hong Kong Jockey Club (HKJC) will be closed except for vehicles heading for Aberdeen Tunnel.

2. Traffic diversions

- Southbound Wong Nai Chung Road between Village Road and the up-ramp outside HKJC will be re-routed one way northbound;
- Vehicles from eastbound Queen's Road East heading for Wan Chai and Happy Valley will be diverted to turn left to Morrison Hill Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via Sports Road and Wong Nai Chung Road;
- Traffic along Queen's Road East cannot turn right to Wong Nai Chung Road except for vehicles heading to Aberdeen Tunnel;
- Traffic from Cross Harbour Tunnel heading for Queen's Road East will be diverted via the down-ramp leading from southbound Canal Road flyover to

Morrison Hill Road to turn right at the junction of Wong Nai Chung Road and Queen's Road East; and

– Traffic from Cross Harbour Tunnel heading for Happy Valley or Racecourse will be diverted via the down-ramp leading from southbound Canal Road flyover to Canal Road East, southbound Morrison Hill Road, Sports Road and Wong Nai Chung Road.

B. Traffic arrangements during the race meeting

1. Road closure

The following roads will be closed from 35 minutes before the start of the last race:

- The up-ramp on Wong Nai Chung Road outside HKJC leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Queen's Road East and the up-ramp leading to Aberdeen Tunnel;
- Southbound Wong Nai Chung Road between Village Road and the Public Stands of HKJC;
- Westbound Leighton Road between Wong Nai Chung Road and Canal Road East; and
- Southbound Morrison Hill Road between Leighton Road and Queen's Road East.

In addition, southbound Wong Nai Chung Road between the up-ramp leading to Aberdeen Tunnel and the Public Stands of HKJC will be closed from about 10 minutes before the start of the last race.

2. Traffic diversions

The following traffic arrangements will be implemented from 35 minutes before the start of the last race:

- Eastbound Queen's Road East at its junction with Morrison Hill Road will be reduced to one-lane traffic heading for northbound Canal Road flyover;
- Vehicles from Cross Harbour Tunnel heading for Wan Chai will be diverted via the down-ramp leading from Canal Road East, U-turn slip road beneath Canal Road flyover, Canal Road West and Hennessy Road;
- Vehicles from Cross Harbour Tunnel heading for Happy Valley will be diverted via the down-ramp leading from Canal Road East, eastbound Leighton Road and Wong Nai Chung Road;
- Traffic on southbound Morrison Hill Road will be diverted to turn left to eastbound Leighton Road;
- Traffic along southbound Morrison Hill Road heading for Happy Valley will be diverted via eastbound Leighton Road and Wong Nai Chung Road; and
- Traffic along westbound Leighton Road will be diverted to Wong Nai Chung Road.

C. Learner drivers prohibition

Learner drivers will be prohibited to turn left from Caroline Hill Road to Leighton Road between one and a half hours before the start of the first race and one hour after the last race. In addition, learner drivers will be

prohibited from accessing the following roads within the above period of time:

- Shan Kwong Road between Yik Yam Street and Wong Nai Chung Road;
- Village Road between its upper and lower junctions with Shan Kwong Road;
- Percival Street between Hennessy Road and Leighton Road;
- Canal Road East; and
- The service road leading from Gloucester Road to Canal Road flyover.

D. Suspension of parking spaces

Parking spaces on southbound Wong Nai Chung Road between Sports Road and Blue Pool Road will be suspended from 11am to 7pm during day racing, from 4.30pm to 11.59pm during evening racing, and from 5pm to 11.59pm during night racing.

Any vehicles found illegally parked within the precincts of the above affected areas will be towed away without prior notice.

Actual implementation of road closure and traffic diversion will be made by the Police at the time depending on traffic conditions in the areas. Motorists should exercise tolerance and patience, and follow the instructions of Police on site.

[LCQ22: Prosecution decisions](#)

Following is a question by the Hon Ho Kai-ming and a written reply by the Solicitor General, Mr Wesley Wong, SC (in the absence of the Secretary for Justice), in the Legislative Council today (July 11):

Question:

In June last year, a well-known person was suspected of having intimidated a reporter while the latter was reporting news. The Department of Justice (DoJ) has so far not decided whether or not to institute prosecution against that person. In this connection, will the Government inform this Council:

(1) whether, in handling criminal cases that involve well-known persons, the DoJ needs longer time to examine the particulars of the cases in order to make prosecution decisions; if so, of the reasons for that; if not, why the DoJ has so far not yet made any prosecution decision in respect of the aforesaid case;

(2) of the DoJ's considerations in making a prosecution decision in respect of the case, and whether such considerations include the possible impacts of instituting prosecution on the community and public interests;

(3) whether the DoJ has assessed if the fact that it has so far not made any prosecution decision in respect of the case has any social repercussion, such as undermining the morale of the journalists; if it has assessed and the outcome is in the affirmative, whether the DoJ will expedite its handling of the case;

(4) as the Victims of Crime Charter stipulates that "[s]o far as can be done without prejudicing the progress or outcome, victims of crime shall be kept fully informed of the progress of the case", of the number of enquiries received by the DoJ in each of the past two years from reporters as victims about the progress of the cases concerned, the number of occasions on which the DoJ failed to make a reply within the pledged time (i.e. 14 working days) and the reasons for that, as well as the improvement measures to be put in place; and

(5) whether the DoJ will compile statistics on a regular basis in respect of cases involving the threatening of freedom of news coverage, and make prosecution decisions expeditiously so as to demonstrate its determination to safeguard freedom of news coverage?

Reply:

President,

Prosecutors within the Department of Justice (DoJ) always uphold the constitutional duty under Article 63 of the Basic Law in handling all prosecution work in a fair, impartial and open manner. Article 63 of the Basic Law provides that "the DoJ of the Hong Kong Special Administrative Region shall control criminal prosecutions, free from any interference".

The independence of the prosecutor is elaborated in the Prosecution Code of the DoJ. According to paragraphs 1.1 and 1.2 of the Code, in making decisions and exercising discretion, a prosecutor must act fairly and dispassionately on the basis of the law, the facts provable by the admissible evidence, other relevant information known to the prosecution and any applicable policy or guidelines. Specifically, a prosecutor must not be influenced by:

(a) any investigatory, political, media, community or individual interest or representation;

(b) the personal feelings or beliefs of the prosecutor concerning the offence, the suspect, the accused or a victim of crime;

(c) the possible effect of the decision on the personal or professional circumstances of those who have the conduct of the case;

(d) the possible political effect on the government, any political party, any group or individual;

(e) possible media or public reaction to the decision;

(f) the race, religion, sex, ethnic or national origin, colour, language,

political or other opinion, social origin, social or political affiliation, official or other position in the community, lawful activities, beliefs, property, health, disability or any other personal characteristics of the suspect or accused or any other person involved or concerned (although such considerations may need to be addressed for other reasons).

A prosecutor must act in accordance with the guidelines set out in the Prosecution Code in making a decision to prosecute or not to prosecute. The fundamental principle is that unless there is sufficient admissible evidence so that the case has a reasonable prospect of conviction, and that it is in the public interest to prosecute, no prosecution should be commenced.

The said principles relating to prosecutorial independence and prosecutorial decisions apply to each and every case. The DoJ handles all cases in the same way regardless of whether public figures or the media are involved.

In respect of parts (1) to (5) of the Hon Ho Kai-ming's question, the DoJ's response is as follows:

(1) and (3) The time required to process a case from commencement of investigation to institution of prosecution depends on a number of factors, including the nature and complexity of the case, the quantity of evidence to be handled, duration for seeking legal advice and whether further follow-up is necessary pursuant to the legal advice, etc. Since the evidence and the law involved in and the level of complexity of each case differ, the processing time each requires may also vary.

Take the prosecution work relating to the "Occupy Movement" as an example. Since the number of arrested persons is large and the volume of evidence involved is substantial, colleagues of the Prosecutions Division have to spend substantial time to study and examine the relevant materials and possible legal or technical issues. For instance, colleagues concerned have to take a long time to go through the video evidence, consider admissibility and other questions relevant under the law of evidence, analyse the specific circumstances of each and every incident, and provide legal advice on the appropriate manner to handle each relevant person. Moreover, unless the relevant incidents could be handled on their own, the numerous incidents involved in the "Occupy Movement" are often inter-connected, rendering it impossible to handle individual arrestees separately. Quite the contrary, it is necessary for the DoJ to consider the cases of numerous arrestees in a comprehensive and holistic manner. In respect of the 48 persons who were arrested after the "Occupy Movement" (including some of those suspected to have performed a leading role), after seeking the advice of the DoJ, the Police on March 27, 2017 charged nine of them with the offences of conspiracy to commit public nuisance, incitement to commit public nuisance, and incitement to incite public nuisance. The pre-trial review of the case has been fixed for September 17, 2018 and the trial for November 19, 2018. Therefore, contrary to what was suggested in the question, the prosecution work is not such that no prosecutorial decision had been made in respect of any of the organisers concerned.

I wish to reiterate that the DoJ will strive to ensure that all prosecutorial decisions are made in a timely manner, but the progress of individual cases (including those involving celebrities and/or with journalists being the targets of alleged offences) may be affected by the factors mentioned above. Hence, save for cases involving vulnerable witnesses, we are in general unable (nor is it desirable for us) to expedite the handling of cases on account of the identity of the persons involved.

(2) As stated above, a prosecutor will consider only the applicable law, the relevant evidence, the Prosecution Code and any applicable policy or guidelines in deciding whether or not to prosecute a case. According to the Code, prosecution should be instituted only if there is sufficient admissible evidence and where it is in the public interest to do so. Any political or media interest or representation, the possible political effect of the decision to prosecute or otherwise on any group or individual, and the position of the person involved in the community are by no means relevant considerations.

(4) It is the performance pledge of the DoJ's Prosecutions Division to reply to enquiries on matters related to prosecution policy or decision within 14 working days of receipt of such enquiries, and to issue an interim reply if a substantive reply is not available within this period. On the other hand, in order not to prejudice the criminal proceedings that may arise, it is not appropriate for the DoJ to comment on the specific progress and handling approach of a case when law enforcement agencies are seeking legal advice from the DoJ on the same.

The DoJ does not maintain information on the number of enquiries about the progress of cases involving journalists as victims or the number of delayed replies to such enquiries. Nevertheless, the DoJ will continue its endeavour to handle enquiries on matters related to prosecution policy or decision in compliance with the abovementioned performance pledge and in accordance with the principle not to prejudice criminal proceedings.

(5) Freedom of the press is protected under Article 27 of the Basic Law and other Hong Kong laws. The Special Administrative Region Government, including law enforcement agencies and the DoJ, respects and strives to safeguard freedom of the press. The DoJ takes a serious view of alleged illegal acts targeting at journalists, and will ensure that prosecutorial decisions are made timely.

LCQ5: Handling an incident of suspected drug contamination by

Department of Health

Following is a question by the Dr Hon Helena Wong and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (July 11):

Question:

On the 21st of last month, the Department of Health (DH) received a report from the Queen Mary Hospital that Enzyplex, a commonly used drug for treatment of digestive disorders, was suspected of having been contaminated by mould. On the following day, the supplier of that drug requested all its clients to suspend the supply and sale of the drug to patients or customers, and the Hospital Authority also immediately ceased dispensing the drug in public hospitals. On the 26th of last month, DH endorsed the supplier's recall of all batches of the drug from the market due to a quality issue, and called on members of the public to stop taking the drug. In this connection, will the Government inform this Council:

- (1) since when the clinics under DH have ceased dispensing the drug concerned;
- (2) of the reasons why not until five days after the receipt of the report did DH call on members of the public to stop taking the drug; whether DH has reviewed if such a response was too slow; if DH has reviewed and the outcome is in the affirmative, of the improvement measures to be put in place; and
- (3) whether it will establish a system under which sampling checks will be conducted on imported pharmaceutical products at import, wholesale and retail levels, in order to better protect public health; if so, of the details; if not, the reasons for that?

Reply:

President,

In consultation with the Department of Health (DH), my reply to the three parts of the question is as follows:

(1) and (2) In accordance with the Pharmacy and Poisons Regulations (Cap. 138A) and the Code of Practice for Holder of Wholesale Dealer Licence, the DH has to take into account various factors in exercise of the powers (including the order to recall products) vested in the department by the legislation and licensing conditions, or before calling on the public to stop taking a registered pharmaceutical product. In general, the DH is required to make a preliminary assessment as to whether the incident poses a significant public health risk, and may order suppliers to recall the product or call on the public to stop taking the product after obtaining the analysis results.

As regards the subject incident, the DH received a report from the Queen Mary Hospital (QMH) on June 21, 2018 that a pharmaceutical product named

Enzyplex was suspected of having been contaminated by Monascus. The DH's Drug Office immediately started an investigation and collected a total of 13 samples from the local suppliers, the QMH and the dispensaries of DH clinics for analysis. These samples were taken from ten different batches of Enzyplex, including two batches involved in the report made by the QMH.

In the afternoon on the same day, the Drug Office delivered all the samples to the laboratory of the Centre for Health Protection for analysis. An analysis was conducted in accordance with the requirements specified by pharmacopoeias (Note) to ascertain whether the product had exceeded the pharmacopoeial standards for the total mould and yeast count and the total bacterial count of non-sterile oral products. According to the pharmacopoeial methods and requirements, an analysis of the total bacterial count takes five full days while that of the total mould and yeast count needs seven full days.

On the same day (i.e. June 21), the DH made the incident public and instructed the local supplier to ask the Indonesian manufacturer of the product to conduct an investigation.

On June 22, the supplier submitted to the DH the results of a preliminary assessment of the drug conducted by the Indonesian manufacturer, which stated that the raw materials and the production environment met the pharmacopoeial standards or its in-house specifications. However, as a precaution, the supplier asked its clients on the same day to stop supplying the drug to the public pending the completion of the DH's investigation. DH clinics and the Hospital Authority also stopped dispensing the drug with immediate effect.

The analysis of the bacterial content was completed on the afternoon of June 26 as scheduled. The analysis results showed that all the samples complied with the pharmacopoeial standards. However, as the bacterial content was found to have exceeded the in-house specifications set by the manufacturer, the supplier recalled the relevant batches of the drug on their own initiative. The DH announced the update on the same day and asked the public to stop taking the drug. DH clinics proactively contacted the patients concerned and called on them to stop taking the drug. The DH also asked the manufacturer to conduct a further investigation based on the latest analysis results.

The analysis of the total mould and yeast content was completed on the afternoon of June 28 as scheduled. The analysis results showed that all the samples complied with both the pharmacopoeial requirements and the in-house specifications set by the manufacturer. The DH also announced the analysis results on the same day.

In sum, the DH conducted an investigation of the product in accordance with the legal requirements and made public the results timely. The 13 samples collected for the investigation complied with the pharmacopoeial requirements on the total mould and yeast count and the total bacterial count of non-sterile oral products.

Note: In respect of the microbiological standards for non-sterile pharmaceutical products, the mainstream pharmacopoeias worldwide (e.g. European Pharmacopoeia, US Pharmacopoeia and Chinese Pharmacopoeia) have established the same standards, i.e. the total mould and yeast count and the total bacterial count of non-sterile oral solid pharmaceutical products should not exceed 200 cfu/g and 2 000 cfu/g respectively.

(3) Under the Pharmacy and Poisons Ordinance (Cap. 138), pharmaceutical products must satisfy the criteria of safety, efficacy and quality, and must be registered with the Pharmacy and Poisons Board before they can be supplied in Hong Kong. For manufacturers, the most important and effective way to ensure the quality and safety of their products is to strictly comply with the Good Manufacturing Practices (GMP) for medicines. As regards the pharmaceutical products registered in Hong Kong, be they locally produced or imported, their manufacturers must meet the GMP requirements of the Pharmaceutical Inspection Co-operation Scheme (PIC/S).

In addition, the DH has an established mechanism where samples of pharmaceutical products (including locally produced and imported products) are collected from suppliers and the market for regular analysis according to risk assessment. Items for analysis include the content of the active ingredients of a product and other requirements of the pharmacopoeia (e.g. testing for microbiological quality and dissolution test for tablets, and sterility test for sterile preparations) on different dose forms. When a product is found to be incompliant with the relevant specifications or requirements, the DH will conduct an investigation immediately and, where necessary, require the supplier to recall the products and make a public announcement. The above sampling mechanism and the regulatory measures for pharmaceutical products have been working effectively over the years.

Tender results of the re-opening of 10-year Government Bonds under the Institutional Bond Issuance Programme

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA), as representative of the Hong Kong Special Administrative Region Government (HKSAR Government), announces that a tender of 10-year Government Bonds through the re-opening of existing 10-year Government Bond issue 10GB2706 under the Institutional Bond Issuance Programme was held today (July 11).

A total of HK\$1.2 billion 10-year Government Bonds were offered today. A total of HK\$4.952 billion tender applications were received. The bid-to-

cover ratio, i.e. the ratio of bonds applied for to bonds issued, is 4.13. The average price accepted is 90.95, implying an annualised yield of 2.391%.

HKSAR Government Institutional Bond Issuance Programme Government Bond Tender Results

Tender results of the re-opening of 10-year Government Bonds under the Institutional Bond Issuance Programme:

Tender Date	: July 11, 2018
Issue Number	: 10GB2706 (Re-open)
Stock Code	: 4235 (HKGB 1.25 2706)
Issue and Settlement Date	: July 12, 2018
Tenor	: 10-year
Maturity Date	: June 29, 2027
Coupon Rate	: 1.25%
Amount Applied	: HK\$4.952 billion
Amount Allotted	: HK\$1.2 billion
Bid-to-Cover Ratio*	: 4.13
Average Price Accepted (Yield)	: 90.95 (2.391%)
Lowest Price Accepted (Yield)	: 90.40 (2.464%)
Pro-rata Ratio	: About 4%
Average Tender Price (Yield)	: 89.82 (2.542%)

*Calculated as the amount of bonds applied for over the amount of bonds issued.