

# LC: Opening remarks by CS for proposed resolution under District Court Ordinance and Small Claims Tribunal Ordinance

Following is the opening remarks (translated from Chinese) made by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, for the proposed resolution under the District Court Ordinance (Cap. 336) and the Small Claims Tribunal Ordinance (Cap. 338) in the Legislative Council today (June 27):

President,

I move that the first motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limits of the District Court (DC). I will also shortly be moving the second motion under my name as printed on the Agenda be passed to increase the civil jurisdictional limit of the Small Claims Tribunal (SCT).

In 2015-16, the Judiciary conducted a review of the civil jurisdictional limits of DC and SCT. Having analysed the impact of increasing the limits on the workload of the court and the tribunal concerned, changes in economic indicators and views of the stakeholders, the Judiciary proposed increasing the general financial limit of the civil jurisdiction of DC from \$1 million to \$3 million. As regards the limit for proceedings involving recovery of land or relating to the title to an interest in land, the Judiciary proposed increasing it from \$240,000 to \$320,000 in terms of the annual rent, rateable value or annual value of the land.

For the equity jurisdiction of DC, the Judiciary proposed increasing the limit from \$1 million to \$3 million where the proceedings do not involve land, and from \$3 million to \$7 million where the proceedings involve land. Besides, the Judiciary proposed increasing the civil jurisdictional limit of SCT from \$50,000 to \$75,000.

The Judiciary considered that the proposals above would allow better distribution of cases among the Court of First Instance (CFI), DC and SCT. They would help ease the pressure of the increasing caseload of civil cases on CFI, and enable it to concentrate on handling cases of higher claim amounts and greater complexity in nature. In addition, the proposals would also help lower legal costs, thereby enhancing access to justice for the public. The Judiciary has consulted the Hong Kong Bar Association, the Law Society of Hong Kong and the Panel on Administration of Justice and Legal Services of the Legislative Council (LegCo) on the above proposals, and obtained their general support.

To cope with the increase in caseload at DC and SCT after the adjustments of the civil jurisdictional limits, the Judiciary, having carefully assessed the resource requirements, has made available additional court facilities at the court and the tribunal. The Government has also provided the Judiciary with the financial resources for meeting in full the manpower needs. In particular, the Judiciary's proposal for the creation of new Judge and Judicial Officer posts was approved by the LegCo Finance Committee in December last year. The Judiciary will endeavour to ensure smooth operation of DC and SCT, and continue to provide reliable services to court users after the adjustments of the jurisdictional limits.

This proposed resolution, together with another resolution concerning the increase of the jurisdictional limit of SCT, have been scrutinised by the Subcommittee on Proposed Resolutions under the District Court Ordinance and the Small Claims Tribunal Ordinance (Subcommittee). The Subcommittee held two meetings and supported the Government for moving motions to seek LegCo's endorsement of the two resolutions.

President, during the Subcommittee's scrutiny of the proposed resolutions, LegCo passed the Statute Law (Miscellaneous Provision) Bill 2017, thereby enabling the civil jurisdictional limit of DC for costs-only proceedings to be amended by way of resolution of LegCo as well. We therefore proposed and obtained the Subcommittee's support to include the amendment to the jurisdictional limit of DC for costs-only proceedings in the proposed resolution now placed before Members for approval. I would like to take this opportunity to thank Hon Holden Chow, Chairman of the Subcommittee, and other Members of the Subcommittee for their views and support of the proposed increase of the jurisdictional limits of DC and SCT.

Regarding Hon James To's motion to revise the jurisdictional limit of SCT to \$100,000, as we and the Judiciary explained to the Subcommittee during the scrutiny of the resolution, the current proposal of increasing the jurisdictional limit of SCT to \$75,000 was made after conducting a comprehensive and objective analysis taking into account a host of factors, including the need to enhance access to justice, effect on demand for and operation of SCT's services, changes in economic indicators, etc., as well as the views received during consultation. The proposal had also received general support from stakeholders, including the Hong Kong Bar Association, the Law Society of Hong Kong, as well as the LegCo Panel on Administration of Justice and Legal Services.

I wish to point out in particular that on the basis of the current proposal, the Judiciary had secured additional financial and manpower resources and accommodation, and arranged training for additional staff with a view to enabling SCT to handle the impact arising from the jurisdictional rise. In particular, the proposal of creating additional judicial posts which was approved by the LegCo Finance Committee in December last year was also based on the revised jurisdictional limit of SCT of \$75,000.

Upon careful consideration, the Judiciary considered it inappropriate to adjust the jurisdictional limit of SCT without going through detailed

analysis and comprehensive consultation. Any changes would have an impact on the operation of SCT, and therefore should only be implemented after going through a fresh round of detailed and objective analysis and comprehensive consultation. However, this would take time, and would inevitably delay the implementation of the jurisdictional rise of SCT, and would not be conducive to the public in terms of enhancing access to justice through SCT, nor in the interest of the community as a whole.

After considering the explanation of the Government and the Judiciary, the Subcommittee supported the proposal of raising the jurisdictional limit of SCT to \$75,000.

I invite Members to support this motion to increase the civil jurisdictional limits of DC. Later on, I will move another motion to increase the civil jurisdictional limit of SCT. I invite Members to support the motion proposed by the Government and vote down the amending motion proposed by Hon James To, with a view to implementing the increase of the jurisdictional limit of SCT from \$50,000 to \$75,000 as soon as possible. The Judiciary has pledged to closely monitor the statistics on the caseload of SCT and the actual operational impact for two years upon the implementation of the new jurisdictional limit of SCT of \$75,000, and conduct a review to see if there is a case for further raising the jurisdictional limit of SCT.

Upon the passage of the motions, the Judiciary will make consequential amendments to the Small Claims Tribunal (Fees) Rules (Cap. 338B) and table them at LegCo for scrutiny separately. Subject to the completion of the legislative process, the revised civil jurisdictional limits of DC and SCT, together with the consequential amendments, are expected to come into effect in the second half of 2018 on a date to be appointed by the Chief Justice.

Thank you, President.

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## [LCQ7: Reproduction of Hong Kong currency notes for filming](#)

Following is a question by the Hon Au Nok-hin and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (June 27):

Question:

The owner of a film props production company and a staff member of a logistics company were earlier convicted of possessing counterfeits of currency notes and sentenced to four months' imprisonment, suspended for two

years, because they had in their possession 220 000 replica banknotes with the words "PROPS" printed on them. Such case has aroused grave concerns among practitioners in the film industry and members of the public that the relevant legislation have failed to keep up with the times, caused confusion among practitioners in the film industry, and neglected the need of the film industry for using realistic props. In this connection, will the Government inform this Council:

(1) of the number of applications for reproducing Hong Kong currency notes to which the Monetary Authority (MA) gave consent in writing in the past five years and last year, and set out a breakdown by use of the replicas in the table below;

Use	Past five years	Last year
Production of textbooks		
Production of advertisements		
Production of television programmes		
Production of films		
Others		
Total	250	

(2) of the respective numbers of persons (i) prosecuted and (ii) convicted, in the past five years for possessing counterfeits of currency notes;

(3) as one of the functions of the Film Services Office is the provision of one-stop services in the application for various permits required for film production, whether the Office assisted the film industry in applying for the reproduction of banknotes in the past five years; if not, whether it will provide such service immediately;

(4) given that the current procedure for applying for the reproduction of Hong Kong currency notes involves a number of organisations (including MA, note-issuing banks and the Hong Kong Government, which own the copyrights of their respective currency notes, and the Police, which regulate the reproduction process as well as issues relating to the custody and destruction of replicas), whether the authorities will set up a central platform to process such kind of applications, streamline the application procedure and shorten the time needed for processing applications; and

(5) as some practitioners in the film industry have pointed out that certain conditions imposed by the authorities for granting permission for the reproduction of banknotes are stringent (e.g. the replicas shall be at least 20% smaller or larger than the actual size of the genuine notes), resulting in a deterioration of the quality of the films concerned due to the use of unrealistic props, whether the authorities will review and relax the relevant conditions, so that filmmakers may use more realistic prop banknotes?

Reply:

President,

In consultation with the Hong Kong Monetary Authority (HKMA) and the Security Bureau, my reply is as follows:

(1) The cases approved by the HKMA for reproducing Hong Kong currency notes in the past five years, last year (full year) and this year (up to June 15) are tabulated below by the uses of the reproduced materials:

Use	Past five years (2013–2017)	2017 Full year	2018 (Up to June 15)
Textbook	94	16	7
Advertisement	42	7	3
Shooting of television/ film with genuine notes	71	28	23
Shooting of television/ film with prop notes	1	0	3
Others	42	7	5
Total	250	58	41

From January 2013 to June 15 this year, the HKMA has received a total of nine applications for producing prop notes. Four cases were approved, one was rejected, two were withdrawn by the applicants for different reasons (such as change of shooting plan), while the remaining two are under processing. For the rejected case, the reason for rejection was because the applicant was unable to provide a sample prop note that fulfilled the size requirement.

(2) The number of persons prosecuted and convicted for "offences involving the custody or control of counterfeit notes and coins" under section 100 of the Crimes Ordinance (Cap. 200) in the past five years are tabulated below:

	2013	2014	2015	2016	2017
Number of persons prosecuted	13	7	2	5	6
Number of persons convicted	12	6	2	2	6

(3) The Film Services Office (FSO) of Create Hong Kong has been acting as a facilitator to liaise for the film industry with relevant departments and organisations to help handle filming issues. The FSO received enquiries from the industry in the past about use of prop money for filming purposes. From 2013 to April 2018, the FSO received a total of 13 such enquiries, of which eight were about film production. The FSO then suggested the production crew to lodge application with the HKMA pursuant to the relevant laws.

In view of the recent concerns raised by the film and television sectors over application for reproducing Hong Kong currency notes for filming purposes, the FSO has been following up proactively and liaising with

different industry organisations and listening to their views. On June 19, the FSO has lined up a meeting for the industry to meet with the HKMA and the Police direct, to enable the industry to have a better and more comprehensive understanding of the relevant application guidelines, so as to strike a suitable balance between meeting the industry's expectations and effective crime prevention. At the meeting, in response to the concerns raised by the industry, the HKMA agreed to simplify the application procedures and set out facilitating measures, details of which are at (4) below.

(4) Under section 103 of the Crimes Ordinance (Cap. 200 of the Laws of Hong Kong), a person who, without the consent in writing of the Monetary Authority, reproduces on any substance whatsoever, and whether or not to the correct scale, any Hong Kong currency note or any part of a Hong Kong currency note, commits an offence. Applicants who wish to reproduce Hong Kong currency notes should apply to the HKMA. After obtaining the HKMA's written approval, the applicant should seek the consent of the copyright owner of the banknote image for use of the design.

The HKMA, upon confirmation that the sample(s) and details submitted are in compliance with the requirements, would issue a written approval. Generally speaking, the processing time would take around two weeks. The HKMA would, to facilitate follow-up work, provide contact details of the copyright owner(s) and the Police to the applicants, and copy the approval to the copyright owner(s) and the Police. The HKMA has all along been providing relevant written guidelines and conditions upon receipt of applications and enquiries from the public.

To address the concerns of the industry, the HKMA has met with the industry at the aforementioned meeting arranged by the FSO on June 19 to discuss possible measures to simplify the application procedures, including uploading the general guidelines and general conditions on production of prop money onto the front page of the HKMA's website, so that applicants could easily obtain the relevant information. The HKMA would next attach to the guidelines a template on the size of prop notes, and set out the design and wording of prop notes so that the public could differentiate prop notes from genuine notes. An application form would also be included in the guidelines.

The HKMA can only handle applications under section 103 of the Crimes Ordinance. The Crimes Ordinance is targeted at, inter alia, counterfeits and related offences (including that relating to reproduction of currency notes) to protect the public. The copyrights of the banknote images belong to the note-issuing banks or the HKSAR Government. An applicant needs to liaise with the copyright owners and obtain their consent for use of the designs. To ensure that the prop money would not be in circulation, causing loss to the public, the HKMA and the Police request that the film industry exercise due diligence and keep the prop money in safe custody. Meanwhile, the Police takes actions for monitoring, documentation and destruction of the prop money. The HKMA will keep in view the effectiveness of the aforementioned facilitative measures and will continue to consult the industry to assess and study the feasibility and effectiveness of a centralised platform to handle such applications.

(5) The aforementioned section 103 of the Crimes Ordinance (Cap. 200) is targeted at counterfeit notes and reproduced notes with a view to safeguarding the general public. The current size requirement for reproducing Hong Kong currency notes serves to facilitate differentiation by the public between reproduced notes and genuine notes, so that the public would not be deceived to believe or mistake a reproduced note for a genuine note, resulting in pecuniary loss. Hence, there is practical necessity to establish the approval conditions for reproduction of notes.

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## Transcript of remarks by STH

Following is the transcript of remarks by the Secretary for Transport and Housing, Mr Frank Chan Fan, at a media session after attending the Legislative Council meeting today (June 27):

Reporter: Mr Chan, would the Government consider, much like Michael Tien suggested, breaking up the walls and inspecting to see if there are actually so many problems at the Hung Hom Station?

Secretary for Transport and Housing: The suggestion to demolish the concrete for the sake of examining whether or not there are substandard works is a way that is without any scientific justification, I would say. If there are further evidences pointing to the likelihood of such substandard works, then it might warrant another thought.

(Please also refer to the Chinese portion of the transcript.)

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## Jockey Club Yan Oi Tong Swimming Pool temporarily closed

Attention TV/radio announcers:

Please broadcast the following as soon as possible and repeat it at regular intervals:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 27) that the Jockey Club Yan Oi Tong Swimming Pool in Tuen Mun District has been temporarily closed for cleaning and superchlorination following the discovery of a small amount of vomit in the pool.

It will be reopened at 7.30pm today.

The department appeals to swimmers to be considerate and to keep the swimming pools clean. They are advised not to swim after a full meal and should use the toilet facilities if necessary before swimming.

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## LCQ1: Handling of public meetings and processions by Police

Following is a question by the Hon Shiu Ka-chun and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 27):

Question:

It has been reported that some secondary school students arrived at the Victoria Park in the afternoon of the 4th of this month to get themselves ready for attending the June 4th candlelight vigil to be held there that night. During that time, a woman, for the reason of compiling statistics on the number of participating students, enquired with those students and jotted down the names of the schools they were attending, and she refused to disclose her identity to the reporters. Albeit not wearing a police warrant card, the woman was not stopped when she entered the Police Command Post on the spot. In this connection, will the Government inform this Council:

(1) whether the aforesaid woman is a police officer; if so, of the duties she was discharging at that time and why she was not wearing her police warrant card; if not, the reasons why she was not stopped when she entered the Police Command Post;

(2) whether the Police will deploy plainclothes police officers to compile statistics on the number of students participating in public assemblies; if so, of the number of participating students in the past five years; if not, how it prevents lawbreakers from collecting the personal data from students under the guise of compiling statistics; and

(3) of the ranks of police officers who are generally deployed by the Police to assess the number of participants of public assemblies, and whether they will also collect the personal data of the participants; if so, of the items, uses and retention periods of the data collected, and the measures to prevent such data from being misused?

Reply:

President,

Hong Kong residents enjoy freedom of peaceful assembly, of procession and of demonstration. Over the past five years, a total of about 38 000 public meetings and about 6 000 public processions were held in Hong Kong, i.e. a daily average of 24 public events of different scales. The Police have always handled public meetings and processions in a fair, just and impartial manner in accordance with the law. They also endeavour to preserve public order and public safety by striking a balance between ensuring the smooth progress of lawful and peaceful public events and minimising the inconvenience which they caused to other members of the public or road users.

To ensure that public events, particularly large scale assemblies and demonstrations, will not cause disorder, as well as to reduce public order and security risk, the Police have a duty to take lawful measures to manage such events as appropriate.

In handling each public event, the Police will first conduct a comprehensive risk assessment in order to formulate an overall strategy comprising staff and equipment deployments as well as contingency plans. The Police will take into account the number of participants and information provided by the organisers, past experience in handling events of similar nature or scale as well as other risk considerations in assessing necessary crowd management measures, road traffic arrangements and manpower deployment and division of work. To devise appropriate crowd management measures, the Police will implement special crowd control and arrange different routes for the participants' entry into the venue or access to the starting point of the procession, etc. They will also coordinate with the Transport Department and other relevant departments on traffic and public transport services, including diversions of and time restrictions on traffic.

The Police will communicate with the organisers on the detailed arrangements prior to the events. On the event day, the Police will maintain close liaison with the organisers and their marshals before, during and at the end of the event. The Police Field Commander and other personnel will keep observing and assessing the situation at scene, stay alert and adopt necessary response measures in light of the actual environment to ensure that the public event concerned can be conducted in a safe and orderly manner.

My consolidated reply to Hon Shiu Ka-chun's questions is as follows:

In the evening of June 4 this year, a large scale public assembly was held in Victoria Park. According to the Police's statistics, about 17 000 people attended the assembly that evening. To facilitate the holding of the assembly, crowd safety management measures and special traffic arrangements were implemented by the Police at the streets in the vicinity of Victoria Park (Gloucester Road, Sugar Street, Paterson Street, Kingston Street and Great George Street). The Police also designated the South Boulevard and Middle Boulevard of Victoria Park as the emergency vehicle access so that emergency vehicles might reach the park quickly and provide emergency services to people in need as and when necessary. On that day, the Police made use of an underground multi-functional room adjacent to the tennis

courts in Victoria Park, which belonged to the Leisure and Cultural Services Department, to set up a Provisional Police Command Post so as to facilitate the command of the front-line work and deployment of manpower. Beside police officers, representatives of other Government departments and authorised persons participating in the operation on that day might also gain access to that Command Post.

Similar to their handling of ordinary large scale public meetings and processions, on that evening the Police deployed police officers from various units to implement crowd control measures and traffic diversions, maintain public order at the venue and its environs, prevent crimes and safeguard public safety. On that day, the Police implemented special traffic arrangements and crowd management measures beginning from 4pm, the public entered the venue from 6pm onward, the assembly reached its peak at around 9pm and people began to leave when it came to an end at about 10pm. The entire operation lasted for more than six hours. At each stage the Police had to assess whether there would be problems of over-crowdedness, congestion or collision crowds of people, whether unlawful elements would take advantage of the crowdedness to commit crimes of theft or offences against the person, and whether there would be any confrontation or trouble-makers deliberately provoking others to charge and act violently. As there were many people at the venue, it would be easy to cause chaos instantly and thus endangering the people there. Therefore, it was necessary for the Police to deploy adequate manpower on that day to ensure the overall safety of the event and participants and to minimise the threats of crimes. While uniformed officers were responsible for crowd control, traffic control, etc., plainclothes officers were engaged in on-site observation and anti-crime duties, as well as the identification of suspected persons such as pickpockets, persons in possession of offensive weapons and persons who committed offences against the person.

The woman referred to in the media report mentioned in the question was one of the plainclothes police officers deployed to work on the spot. The Police's operational details on that day form part of the operational deployment and it is inappropriate for me to disclose.

As for the disclosure of a plainclothes officer's identity and production of his/her warrant card, a plainclothes officer shall identify himself/herself and produce his/her warrant card when exercising his/her police powers according to the prevailing requirement.

Regarding the Hon Shiu's question about the Police's compilation of statistics on the number of participants, since the number of participants in public events will have direct impact on public order, safety and related risks, the Police will compile relevant statistics to facilitate the effective management of public events. The ranks of police officers deployed to assess the number of participants depend on the scale of the event. During the public assembly on June 4, the Police deployed officers to assess the overall number of participants. However, they did not make separate assessments on the number of students or any specific groups, and therefore such breakdowns are unavailable. The Police assess the number of

participants for the purposes of taking effective crowd management measures, directing and diverting people flow and keeping the order at the scene. The officers on the spot have to report information like the number of participants, movement of people flow and crowd sentiment so as to gain a clear picture of the situations at the scene for the purposes of making suitable manpower deployment, taking corresponding crowd management measures and formulating contingency plans. Such information does not contain any personal particulars. If members of the public suspect that their personal particulars are collected illegally, they can complain to the Privacy Commissioner for Personal Data or seek assistance from the Police for follow up actions. If members of the public are dissatisfied with police officers' discharge of duty, they can complain under the existing complaint mechanism. The Complaints Against Police Office (CAPO) will process such complaints and then conduct independent investigations, while the Independent Police Complaints Council will examine the CAPO's investigation findings so as to ensure that the complaints are handled in a fair and just manner.

From the perspective of public order and safety, large scale public assemblies, processions and demonstrations usually involve risks. In case an incident occurs, the situations may change rapidly and threaten safety of the persons. The Police have the responsibility to deploy suitable and sufficient manpower, including officers of different ranks and units, for such activities, take all practical and legitimate measures to regulate the flow of people and traffic, maintain the order of the activities and safeguard the safety of participants.

Thank you, President.