

LCQ19: Unlicensed medical practice

Following is a question by the Hon Pau Tse and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 6):

Question:

It has been reported that in the year before last, four persons of South Korean nationality who claimed that they were medical staff and two Hong Kong women suspected of acting as intermediaries allegedly used a hotel in Hong Kong as a medical clinic, solicited patronage through online advertisements and conducted, for customers in the hotel, medical examinations prior to plastic surgery. Those four persons of South Korean nationality were subsequently prosecuted for, among other offences, practising without registration as medical practitioners (commonly known as "unlicensed medical practice"). Regarding the issue of foreign nationals engaging in unlicensed medical practice in Hong Kong, will the Government inform this Council:

(1) of the number of cases involving foreign nationals engaging in unlicensed medical practice in Hong Kong received by the authorities in the past three years, together with a breakdown by nationality; among them, of the respective numbers of those who were prosecuted and convicted;

(2) whether intermediaries were involved in the cases mentioned in (1); if so, of the details;

(3) whether it received in the past three years reports of medical incidents involving foreign nationals engaging in unlicensed medical practice in Hong Kong; if so, of the details; of the channels through which members of the public may pursue so as to hold the other party responsible; which policy bureau or government department is dedicated to the handling of the relevant complaints lodged by members of the public;

(4) of the measures put in place to alert members of the public that they should, before receiving medical services relating to plastic surgery, verify whether the persons providing such services for them are medical practitioners registered under the Medical Registration Ordinance (Cap. 161);

(5) given that talks held by intermediaries are available in the market from time to time to induce members of the public in Hong Kong to join cross-boundary/cross-nation plastic surgery packages, whether the authorities have compiled statistics on the current number of intermediaries engaging in such business in Hong Kong; whether the authorities will study the enactment of legislation to regulate plastic surgery intermediaries with a view to enhancing the protection for members of the public; and

(6) as the Code of Professional Conduct for the Guidance of Registered Medical Practitioners stipulates that practice promotion by medical

practitioners is not permitted, whether overseas medical practitioners coming to Hong Kong to provide consultation service for patients is subject to similar restriction and regulation; if so, of the details; if not, whether the authorities have studied amending the legislation to plug the loopholes?

Reply:

President,

My reply to the questions raised by the Hon Paul Tse is as follows.

(1) to (3) The Department of Health (DH) refers complaints of suspected illegal practice of medicine to the Police and provides professional support if needed. In 2015-2017, DH referred 67 cases of suspected illegal practice of medicine to the Police.

As the progress of cases involved varies, the Government does not maintain statistics on number of cases of illegal practice of medicine involving foreign nationals, number prosecuted and convicted, and number involving intermediary agent.

Members of the public should report suspected illegal practice of medicine to the Police. The DH will provide professional support to the Police if needed.

(4) The DH has been providing information to the public on the possible risks and complications associated with certain cosmetic procedures through various media, including television, radio, newspapers and websites. Besides, the DH has produced pamphlets and booklets on common beauty procedures advising the public that certain beauty procedures should only be performed by locally registered medical practitioners (e.g. procedures related to injection). A list of registered medical practitioners can be found at the website of the Medical Council of Hong Kong (www.mchk.org.hk/english/list_register/doctor_list.php). Further information is available at the DH website (www.dh.gov.hk/english/useful/useful_medical_beauty/useful_medical_beauty.html).

(5) The Food and Health Bureau and DH do not have the statistics on number of intermediaries engaging in business involving cross-boundary/cross-nation plastic surgery packages. The reply to part 4 of the question above has set out the current measures of the Government on increasing public awareness on possible risks associated with cosmetic procedures.

(6) The Medical Council of Hong Kong issued the Code of Professional Conduct to provide guidance on professional conduct for registered doctors in Hong Kong. The Code is not applicable to any person not registered in Hong Kong.

Moreover, according to section 28 of the Medical Registration Ordinance (MRO), subject to the provision of section 28(3) of the MRO, if any person who is not being registered or provisionally registered or exempted from

registration practises medicine or surgery, or does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person, he commits an offence and is liable to fine and imprisonment. The maximum penalty is imprisonment for seven years.

Red flag hoisted at Upper Cheung Sha Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 6) that due to big waves, red flag has been hoisted at Upper Cheung Sha Beach in Islands District. Beach-goers are advised not to swim at the beach.

LCQ22: Cooperation between HKSAR Government and other jurisdictions on MLA and SFO

Following is a question by the Hon Starry Lee and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 6):

Question:

It has been reported that in March this year, the Taiwan Police found, after investigation, that a Hong Kong woman was killed in Taiwan and her corpse was dumped there. The Taiwan Police suspect that a Hong Kong man who went to Taiwan with the woman and subsequently returned to Hong Kong alone is the murderer. However, in the absence of an arrangement for mutual legal assistance in criminal matters or surrender of fugitive offenders (SFO) between Hong Kong and Taiwan, there is no formal channel for exchange of intelligence and documents and for SFO between the two places, which has made it difficult for the law enforcement agencies of the two places to track down

the suspect's criminal liability along the line of murder. To ensure that offenders cannot elude justice, and to demonstrate to the public the Government's determination and capability in upholding the rule of law, will the Government inform this Council:

(1) whether it will facilitate a prompt discussion between the law enforcement agencies of Hong Kong and Taiwan about the exchange of intelligence and documents relating to the aforesaid case;

(2) whether it has studied if special arrangements may be made to surrender the aforesaid suspect to the law enforcement agency of Taiwan, and assist it in gathering evidence for the case and instituting prosecution; and

(3) whether it will explore entering into a reciprocal judicial assistance agreement with the Taiwan authorities; if so, of the details; if not, the reasons for that?

Reply:

President,

A consolidated reply to the three parts of the question is as follows:

According to Article 95 of the Basic Law, "[t]he Hong Kong Special Administrative Region may, through consultations and in accordance with law, maintain juridical relations with the judicial organs of other parts of the country, and they may render assistance to each other". According to Article 96 of the Basic Law, "[w]ith the assistance or authorisation of the Central People's Government, the Government of the Hong Kong Special Administrative Region may make appropriate arrangements with foreign states for reciprocal juridical assistance". Since Hong Kong's return to the Motherland, the Hong Kong Special Administrative Region (HKSAR) Government has been actively taking forward cooperation with other jurisdictions on mutual legal assistance in criminal matters (MLA) and surrender of fugitive offenders (SFO) in accordance with the Basic Law, with a view to combating crimes and upholding justice. At present, Hong Kong has signed MLA agreements with 32 jurisdictions (Note 1) and SFO agreements with 20 jurisdictions (Note 2). The HKSAR Government will continue its proactive work on this front.

It is stipulated in section 2(1) of the Mutual Legal Assistance in Criminal Matters Ordinance (Chapter 525 of the Laws of Hong Kong) that MLA arrangements are applicable to "the Government and the government of a place outside Hong Kong" or "Hong Kong and a place outside Hong Kong" other than "the Central People's Government or the government of any other part of the People's Republic of China" or "any other part of the People's Republic of China". It is also stated in section 2(1) of the Fugitive Offenders Ordinance (Chapter 503 of the Laws of Hong Kong) that SFO arrangements are applicable to "the Government and the government of a place outside Hong Kong" or "Hong Kong and a place outside Hong Kong" other than "the Central People's Government or the government of any other part of the People's Republic of China" or "any other part of the People's Republic of China". At present,

Hong Kong does not have MLA or SFO arrangements with Taiwan. Prior to the implementation of a new MLA or SFO arrangement between Hong Kong and any jurisdiction (prescribed arrangement), both parties have to go through the processes of negotiation and signing of the relevant agreement or arrangement as well as completing the respective procedures required for entry into force of the relevant agreement or arrangement before the prescribed arrangement can take legal effect.

Apart from MLA and SFO arrangements, the Hong Kong Police and other law enforcement agencies liaise and cooperate with their counterparts of other places from time to time to exchange intelligence for combating crimes. Besides, under Part VIII of the Evidence Ordinance (Chapter 8 of the Laws of Hong Kong), Hong Kong may, via letters of request issued by the court, seek assistance on criminal matters from courts of other places; similarly, if other places need assistance on criminal matters from Hong Kong, they may make relevant applications to the Hong Kong court. Parties concerned are required to strictly comply with their respective laws and requirements in the liaison and cooperation.

The HKSAR Government is very concerned about and attaches great importance to the case of the victim Poon Hiu-wing. The Hong Kong Police arrested the suspect on March 13, 2018. The case was brought before the Kwun Tong Magistrates' Courts on March 15, and the suspect was detained under the court order on the same day. Hearings were held on April 12 and May 10. At the hearing in May, the prosecution indicated that the investigation would continue for potential new charges and advice from the Department of Justice (DoJ) would be sought. The case has been adjourned to July 5 for further hearing, and the suspect is remanded in the custody of the Correctional Services Department during the period.

The HKSAR Government is now continuing to handle the case proactively. Police investigation is in full swing under their purview according to laws of Hong Kong and in light of the actual circumstances of evidence collection. Three police officers were sent to Taiwan on March 21, 2018 to follow up the case. The body of the deceased, after returning to Hong Kong, was examined by a forensic pathologist on April 4. The Police are now striving to collect all evidence that may be useful and will not skip any small clue. Also, as the case involves two jurisdictions, DoJ is contemplating how the case should be handled and followed up under the existing legal framework. As legal proceedings of the case are underway, relevant investigation details and evidence cannot be disclosed in order not to affect the conduct of such proceedings. Meanwhile, the Police have been providing assistance and support to the family members of the victim Poon Hiu-wing.

The HKSAR Government fully understands the community's concern about the case. The Police and DoJ will definitely spare no effort to obtain a thorough and clear understanding of the incidents happened, crimes involved and evidence collected in the two jurisdictions, with a view to handling the case in the most appropriate manner.

Note 1: Argentina, Australia, Belgium, Canada, Czech Republic, Denmark,

France, Finland, Germany, India, Indonesia, Ireland, Israel, Italy, Japan, Malaysia, Mongolia, the Netherlands, New Zealand, the Philippines, Poland, Portugal, Republic of Korea, Singapore, Sri Lanka, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States and Ukraine.

Note 2: Australia, Canada, Czech Republic, France, Finland, Germany, India, Indonesia, Ireland, Malaysia, the Netherlands, New Zealand, the Philippines, Portugal, Republic of Korea, Singapore, South Africa, Sri Lanka, the United Kingdom and the United States.

Special traffic arrangements for race meeting in Happy Valley

Special traffic arrangements will be implemented in Happy Valley today (June 6). 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.

LCQ2: Electoral arrangements

Following is a question by the Hon Starry Lee and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (June 6):

Question:

In November last year, the Government published a Consultation Paper on Review of Electoral Arrangements, launching a public consultation on three issues related to elections, including the polling hours. The consultation report was released last month. In this connection, will the Government inform this Council:

(1) as some members of the public are of the view that the existing polling hours and the time taken in counting votes are unduly long, causing impacts on society, the electors and the candidates, but the consultation report proposes that the polling hours of the Legislative Council (LegCo) and District Council (DC) elections be maintained, of the authorities' measures to alleviate the relevant impacts;

(2) as the Government has indicated in the consultation report that it will study the making of arrangements to enable those civil servants who serve as polling staff or are on shift on the polling day to cast their votes in advance, and to enable eligible electors who are Hong Kong permanent residents working or residing on the Mainland to cast their votes in advance at the offices of the SAR Government on the Mainland, whether such studies can be completed expeditiously so that the relevant arrangements can be implemented in the 2020 LegCo general election; and

(3) whether it will review the vote counting arrangement for the election of District Council (second) functional constituency seats in LegCo, such as by

drawing reference to the vote counting arrangement for geographical constituencies in which a polling station will be converted into a counting station immediately after the close of poll for counting votes on the spot; whether it will conduct a feasibility study on introducing electronic counting to LegCo and DC elections; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to Hon Starry Lee's question is as follows:

The Constitutional and Mainland Affairs Bureau published the Consultation Paper on Review of Electoral Arrangements in November last year and launched a public consultation that last for about seven weeks on three issues related to electoral arrangements. The public consultation period ended in late December last year. Having collated and analysed the views received, we have published the Consultation Report in mid May to set out the outcome of the consultation and our proposed way forward for the three issues.

In respect of the polling hours of Legislative Council (LegCo) and District Council (DC) elections, as mentioned in the Consultation Report, among the written submissions received during the public consultation period, the political parties which supported slightly shortening the polling hours pointed out that Hong Kong's polling hours were the longest as compared to other countries and regions. The advantages of shortening the polling hours are that the relevant counting work can commence earlier, thereby enabling the venues of the polling stations to be returned as early as possible on the day after the polling day, alleviating the fatigue suffered by the stakeholders concerned, as well as lessening the disturbance caused to the neighbourhood of the counting stations. On the other hand, some political parties and quite a few members of the public who opposed to shortening the polling hours pointed out that if the closing time of the poll was advanced, some electors may not be able to or find it inconvenient to vote because the revised polling hours may conflict with their working hours. After carefully considering all the views and recommendations received for the public consultation, we proposed that the present polling hours of LegCo and DC elections should be maintained for the time being before the Government completes a holistic review on other issues related to polling hours.

We will study a host of issues related to polling hours, including the feasibility of extending the time of procurement of venues for setting up as polling and counting stations, use of information technology in the counting process, and formulating alternative arrangements for electors who are unable to go to polling stations in person on the polling day to vote due to the shortening of polling hours, etc. We will critically examine the various operational details and legal issues involved, with an aim to ensuring that elections are conducted in a fair, open and honest manner.

During the public consultation period, we also received proposals from

political parties and LegCo Members on arranging advance polling for civil servants who serve as polling staff and who are on shift on the polling day, and allowing eligible electors who are Hong Kong permanent residents working/residing in the Mainland to cast their votes at the offices of the Government in the Mainland. While examining the proposal on formulating advance polling arrangements for civil servants who serve as polling staff and who are on shift, we must carefully consider the storage and safe-keeping of the marked copies of the final register, ballot papers and ballot boxes between the commencement of advance polling and the actual polling day, and how to regulate exit polls conducted on the advance polling day, so as to prevent electors' voting preference on the actual polling day from being influenced by the results of these exit polls. Besides, to ensure that elections are conducted in a fair, open and honest manner, any proposed arrangements for polling outside Hong Kong must be critically examined, such as how the polling and counting process could be effectively monitored by candidates and their agents, transportation of ballot papers and ballot boxes to and from polling stations outside Hong Kong, as well as the relevant arrangements during polling and counting and application of Hong Kong's relevant electoral legislation and regulation during the process, the risks involved in the process and ways of handling any emergency and unforeseen incidents occurred at polling stations outside Hong Kong, etc.

As regards expediting the counting procedure, the Registration and Electoral Office is proactively studying ways to introduce electronic counting of votes for the DC (second) Functional Constituency (DC (second) FC) in future LegCo elections, taking into account the technical aspects, work flow and cost-effectiveness, etc. We have examined the feasibility of counting the votes of DC (second) FC in polling stations. We consider that this option would involve much operational difficulty as polling staff are already responsible for the counting of votes of the geographical constituency, and most of the polling stations need to be returned to the venue management in the early morning on the day following the polling day. As for DC elections, since the number of ballot papers for respective constituencies is comparatively smaller, the implementation of electronic counting of votes may not significantly reduce the counting time and achieve cost-effectiveness. As such, we do not recommend the implementation of electronic counting of votes in DC elections for the time being. We will continue to review the relevant procedures and examine whether there is any room for streamlining the counting procedure.

The raft of measures mentioned above, if implemented, would help facilitate early announcement of election results and alleviate the fatigue suffered by relevant stakeholders. We will proactively study and follow up on these issues, with a view to realising some of the measures as early as in the 2020 LegCo election.

Thank you Mr President.