

Salesperson of medicine shop imprisoned for engaging in commercial practice involving misleading omission in selling Chinese herbal medicine

A salesman of a medicine shop today (July 3) was convicted of engaging in a commercial practice involving a misleading omission in the sale of a Chinese herbal medicine, in contravention of the Trade Descriptions Ordinance (TDO), and was sentenced to immediate imprisonment for four weeks at the West Kowloon Magistrates' Courts.

Customs earlier received information from a Mainland visitor alleging that a staff member of a medicine shop in Mong Kok misled him in the course of selling cordyceps. After an investigation, it was revealed that the staff member had misled the visitor to believe that by purchasing one tael of cordyceps at the price of \$1,680, he would receive other goods worth about \$1,400 in total free of charge. After the cordyceps were ground into powder, the staff member revealed that the cordyceps were priced per mace, which was 10 times higher than what was expected. The visitor was forced to accept the transaction in the end.

Customs reminds traders to comply with the requirements of the TDO. Consumers should procure products from reputable traders. They are also reminded to check carefully the total price and unit price of the goods before making payment, and to retain the transaction receipts and related records, which can be used as the basis for follow-up action in case a complaint is lodged in the future.

Under the TDO, any trader who engages in a commercial practice that omits or hides material information or provides material information in a manner that is unclear, unintelligible, ambiguous or untimely, and as a result causes, or is likely to cause, an average consumer to make a transactional decision, commits an offence of misleading omissions. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Members of the public may report any suspected violation of the TDO to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).

Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Bill 2024 to be gazetted on Friday

The Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Bill 2024 will be published in the Gazette this Friday (July 5) to amend the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and four pieces of subsidiary legislation to facilitate the use of new fuels by vessels in Hong Kong.

As announced in the Action Plan on Maritime and Port Development Strategy promulgated in 2023, in order to consolidate and enhance Hong Kong's position as an international maritime centre, the Government is committed to developing the city into a green maritime fuel bunkering centre and promoting the use of more environmentally friendly new fuels with less or zero carbon emissions.

The Bill refines the existing legislation to cater for the safe use of new fuels such as liquefied natural gas and methanol by vessels, taking into account the nature and characteristics of new fuels which are different from traditional marine petroleum fuels.

A spokesperson for the Transport and Logistics Bureau said, "Further to the Green Incentive Scheme for eligible Hong Kong-registered ships introduced on June 28, the Bill is another demonstration of the Government's effort and resolution in developing Hong Kong into a green port. We look forward to continuing to work with the maritime industry to ride the tide of maritime decarbonisation and strive to meet the International Maritime Organization's target of net-zero greenhouse gas emissions from international shipping by or around 2050."

The Panel on Economic Development of the Legislative Council, as well as the Local Vessels Advisory Committee and the Port Operations Committee of the Marine Department, have been consulted. Members supported the proposal.

The Bill will be introduced into the Legislative Council on July 10.

Hong Kong Customs seizes suspected dangerous drugs worth about \$1.2

million (with photo)

Hong Kong Customs yesterday (July 2) seized about 5.5 kilograms of suspected cannabis oil, about 900 grams of suspected ketamine and about 600g of suspected methamphetamine, with a total estimated market value of about \$1.2 million, in Fo Tan. A man suspected to be connected with the case was arrested.

During an anti-narcotics operation conducted in the industrial area of Fo Tan yesterday evening, Customs officers intercepted a 31-year-old man and found about 10g of suspected ketamine on him. He was then arrested. Customs officers later escorted the man to his rented flat in an industrial building nearby for a search, and further seized about 5.5kg of suspected cannabis oil, about 860g of suspected ketamine, about 600g of suspected methamphetamine, and a batch of drug packaging paraphernalia therein.

The arrested man, who claimed to be unemployed, has been charged with two counts of trafficking in a dangerous drug. He will appear at the Shatin Magistrates' Courts tomorrow (July 4).

Under the Dangerous Drugs Ordinance, trafficking in a dangerous drug is a serious offence. The maximum penalty upon conviction is a fine of \$5 million and life imprisonment.

Members of the public may report any suspected drug trafficking activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).



DoJ and SPC hold first high-level

joint meeting to accelerate interface work in GBA (with photos)

The Department of Justice (DoJ) and the Supreme People's Court (SPC) held their first high-level joint meeting in Huizhou today (July 3) to accelerate the work on the interfaces of mechanisms, regulatory frameworks and talent training relating to the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), and to help different sectors seize the development opportunities in the GBA through the construction of the rule of law.

The meeting was co-chaired by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, and the Director General of the Research Office of the SPC, Mr Zhou Jiahai. The DoJ and the SPC signed a memorandum of understanding in Beijing in mid-June on establishing a standing interface platform on judicial and legal co-operation in the GBA. Today's meeting was the first high-level joint meeting under the framework of the platform.

Mr Cheung said that the establishment of the platform aims to deepen communication and collaboration between the two sides through practical interface work led by senior leaders, so as to more efficiently integrate resources and needs, as well as promote research, talent training and professional exchanges more systematically. The platform will also facilitate the implementation of more specific measures, benefitting exchanges and interactions between the people and businesses in the two places, so as to promote the high-quality development of the GBA.

He said, "It is especially meaningful to hold the meeting at the beginning of the third year of the current-term Government. Advancing from stability to prosperity, Hong Kong has ushered in the opportune time for development. The DoJ will continue to spare no effort in promoting the rule of law development, thereby helping different sectors to dovetail with national development strategies and in particular to seize the opportunities in the GBA development. The meeting was held just three weeks after the signing of the memorandum of understanding, demonstrating both sides' determination to deepen the interface work and to enhance speed and efficiency. I would like to thank the SPC for its arrangements."

He mentioned that the establishment of the platform is an important measure under the DoJ's Action Plan on the Construction of Rule of Law in the Guangdong-Hong Kong-Macao Greater Bay Area released in April 2024 for strengthening the interface of the communication mechanism with the Mainland, and also one of the policy initiatives in "The Chief Executive's 2023 Policy Address", as well as the first standing interface platform between the DoJ and a central state organ.

At the meeting, the two sides actively and pragmatically took forward the collaboration in three major areas comprising the interfaces of mechanisms, regulatory frameworks and talent training. The progress of the key measures and the directions set for future co-operation are outlined

below.

(1) On the mechanism of mutual legal assistance in civil and commercial matters, both sides will review and enhance the relevant mechanism on an on-going basis, and jointly release notable cases relating to mutual legal assistance.

(2) On the measure of "allowing Hong Kong-invested enterprises to adopt Hong Kong law", both sides will press ahead with the implementation of the pilot scheme as soon as possible, and take forward the implementation of the measure of "allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong" in the nine Mainland cities in the GBA.

(3) The first GBA lawyers' practical training will be conducted on July 19 and 20 at the Guangdong branch of the National Judges College.

(4) Taking forward a practical training course for Mainland civil and commercial judges on common law and foreign-related civil and commercial legal issues this year, utilising Hong Kong's role in establishing the Hong Kong International Legal Talents Training Academy.

Mr Cheung said he hopes that the relevant initiatives will help better bring into play the unique advantages of "one country, two systems and three jurisdictions" of the GBA, so as to contribute to the construction of the rule of law in the GBA.

LCQ14: Obscene and indecent videos published on the Internet

Following is a question by the Hon Holden Chow and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (July 3):

Question:

It has been reported that in March this year, a media organisation reported to the Office for Film, Newspaper and Article Administration a total of 10 videos involving pornography and indecency on YouTube, a video-sharing website. The Obscene Articles Tribunal (OAT) had subsequently made an interim classification that one of the music videos was a Class III (Obscene) article, i.e. the video should not be published to any person. However, the video had not been taken down when the relevant press report was made. In this connection, will the Government inform this Council:

(1) of the respective numbers of reports and complaints received by the authorities involving online videos classified as Class III (Obscene)

articles in each of the past five years;

(2) of the number of articles classified as Class III (Obscene) by OAT in the past five years, with a tabulated breakdown by class of articles; among such articles, the percentage of online videos;

(3) of the respective numbers of warnings issued, prosecutions instituted and other enforcement actions taken by government departments under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) in respect of articles classified as Class III (Obscene) and, among them, the number of those involving online videos in each of the past five years;

(4) of the respective numbers of cases in which locally-operated Internet platforms complied with the authorities' directions (including taking down the relevant videos) upon receipt of warnings issued by the authorities in respect of the videos classified as Class III (Obscene) articles on their platforms, or upon law enforcement by the relevant government departments, as well as the average time taken, in each of the past five years; and

(5) whether the authorities will review Cap. 390 or take further measures to prevent videos classified as Class III (Obscene) articles from being published on the Internet, so as to prevent children and young people from being corrupted; if so, of the details; if not, the reasons for that?

Reply:

President,

The Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO) aims to regulate publication and public display of articles with obscene or indecent content in Hong Kong, including articles published on the Internet. Under the COIAO, "obscenity" and "indecent" include violence, depravity and repulsiveness, and articles can be classified as:

(a) Class I (neither Obscene nor Indecent), which can be published to any person;

(b) Class II (Indecent), which cannot be published to a juvenile, and the publication to persons aged 18 or above are subject to compliance with statutory requirements; and

(c) Class III (Obscene), which are prohibited from being published.

The Office for Film, Newspaper and Article Administration (OFNAA), the Hong Kong Police Force (Police) and the Customs and Excise Department are responsible for the enforcement of the COIAO. Upon receiving any complaint related to obscene or indecent articles, OFNAA will conduct initial investigation based on the guidelines stipulated in section 10 of the COIAO, and categorise the articles with reference to the previous classifications made by the Obscene Articles Tribunal (OAT) of the Judiciary on similar articles. For cases that can be clearly categorised as Class III (Obscene)

articles, OFNAA will refer the case to the Police for follow-up directly. If the category of an article could not be determined or there are doubts about its categorisation, OFNAA will submit the article concerned to the OAT for classification. Therefore, the cases where the OAT has made classification are only a subset of the complaint cases received.

In relation to the regulation of obscene or indecent content on the Internet, in view of the vast volume of information on the Internet and the rapid updates, the Government has all along been adopting a complaint-driven and co-regulatory approach with the industry to handle complaints concerning the publication of obscene or indecent articles on the Internet. The Government works with the Hong Kong Internet Service Providers Association (HKISPA) to implement a self-regulatory Code of Practice – Practice Statement on Regulation of Obscene and Indecent Material (CoP), which stipulates that:

(a) if any person disseminating information on the Internet publishes any material with Class II (Indecent) content, he should display an on-screen prescribed warning notice on the webpage, before allowing the content to be viewed by Internet users; and

(b) if Internet users are found publishing Class III (Obscene) articles, internet service providers should have the relevant articles removed or blocked, such that the information concerned could not be viewed in Hong Kong.

For individual cases involving overseas webpages (e.g. some video-sharing platforms) which require follow-up actions from overseas organisations (e.g. adding warning notice or removing relevant content), the Police or OFNAA may refer the case to law enforcement agencies in other jurisdictions or overseas website operators for appropriate actions. OFNAA would conduct follow-up inspections on these webpages to monitor the follow-up actions taken by overseas organisations.

In fact, in relation to the situation mentioned in the preamble of this question, during the first half of 2024 (up to June 28), OFNAA has received a total of 20 complaints in batches about the relevant overseas video sharing website, involving 100 videos, among which 13 were classified by the OAT as Class III (Obscene) articles. After being informed of the OAT's interim classification, OFNAA had immediately referred the cases concerned to the Police for follow-up actions, and had also conducted multiple inspections on the webpages concerned to confirm that the platform concerned had taken action against all 13 videos classified as Class III (Obscene) articles, including removing or blocking the videos concerned, such that these videos could not be played in Hong Kong.

In consultation with the Security Bureau and the Judiciary, the reply to the questions raised is as follows:

(1) In the past five years, the Government has received a total of 14 complaints involving online videos that were suspected to be Class III (Obscene) articles. The breakdown by year is as follows:

Year	No. of complaints involving online videos that were initially categorised or classified as Class III (Obscene) articles
2019	1
2020	2
2021	3
2022	5
2023	3

After receiving the complaints, OFNAA had followed its established procedures and referred all articles initially categorised or classified as Class III (Obscene) to the Police for follow-up.

(2) In the past five years, the OAT classified around 50 articles each year on average. The number of articles that were classified as Class III (Obscene) by the OAT is as follows:

Year	Videos	Books/ magazines/ newspapers	Others (e.g. photos, packaging of articles)
2019	0	0	0
2020	2 (The two videos are not online videos)	5	3
2021	0	0	2
2022	0	0	0
2023	0	0	0

(3) In the past five years, the number of prosecutions and number of persons convicted for contravening the prohibition on publishing Class III (Obscene) articles under the COIAO each year are as follows:

Year (Note)	No. of prosecution cases	No. of persons prosecuted	No. of persons convicted
2019	55	60	59
2020	28	31	30
2021	58	66	65
2022	24	24	24

2023	18	18	18
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(4) Among the 14 cases involving online videos that were initially categorised or classified as Class III (Obscene) articles, one case involved a locally-operated Internet platform. Upon receiving referral from the Police, the platform concerned had blocked the video concerned, such that the video could not be played in Hong Kong. The Police does not maintain information related to the time taken to follow up on the above case.

(5) The Internet is not an unreal world that is beyond the law. Most of the crime-prevention laws in the real world are applicable to the Internet world. The COIAO aims to protect juveniles and children from the influence of harmful material, while maintaining the free flow of information and freedom of expression.

Other than actively following up on complaint cases, OFNAA has been organising publicity and public education activities in relation to the COIAO, such as organising territory-wide publicity campaigns, collaborating with schools on activities, and hosting seminars and workshops for parents to educate children and juveniles on the importance of healthy information and strengthen their ability to reject harmful information.

The Government appeals to the industry to join hands to safeguard the juveniles from being influenced by obscene and indecent content. In this regard, OFNAA has written to major media sharing platforms and members of the HKISPA earlier, requesting them to strictly observe relevant provisions of the COIAO and the CoP, as well as encouraging them to take more proactive measures to prevent young users from accessing obscene and indecent content, such as tightening up screening and removal of harmful content hosted on their platforms, setting up community rules to reduce the dissemination of harmful messages, and putting in place safeguard measures for young users.

On the other hand, OFNAA is making preparations for a new round of publicity and public education activities to remind juveniles to stay away from obscene and indecent information while using these online platforms. Apart from the seminars and workshops mentioned above, in order to specifically promote relevant messages to students, OFNAA will also organise the "Healthy Information Student Ambassadors Scheme", roving drama performances, competitions such as "Healthy Mobile App Sticker Design Competition", "Healthy Student Video Contest" and "Healthy Chinese Public Speaking Competition" etc, to raise awareness among students and juveniles on the safe use of the Internet.

Note: The year above represents the year in which the trial was concluded. The year in which a case was prosecuted may be different from the year in which the trial was concluded. The Police does not maintain breakdown figures involving online videos from the above cases.