

## LCQ7: Administrative detention of Hong Kong residents on Mainland

Following is a question by the Dr Hon Kwok Ka-ki and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 18):

Question:

It has been reported that on August 8 this year, a Hong Kong resident then employed by the British Consulate-General in Hong Kong took a business trip to the Mainland, and was detained by Mainland law enforcement authorities on the same day. He alleged that during his detention, he was subjected to inhuman treatment. He was released after 15 days of administrative detention, and he is now seeking asylum in a third place. In this connection, will the Government inform this Council:

- (1) as the aforesaid person has said that Mainland law enforcement officers had claimed that they would report his case to his family members by sending a letter to the Interpol for onward transmission to the Hong Kong Police Force (HKPF) and then to his family members, whether HKPF have received such a letter; if so, of the reasons why HKPF have not passed on the letter to that person's family members; if not, whether HKPF will gain an understanding from the Mainland law enforcement authorities if the letter had been sent;
- (2) since the aforesaid person claimed that he was told that he would be taken back to the Mainland if he received media interviews and spoke publicly about anything other than the alleged offence that he had committed, of the measures in place to protect the personal liberty of that person upon his return to Hong Kong, and whether, after he was released by the Mainland law enforcement authorities, the Government has contacted him to offer any assistance that he may need;
- (3) whether the Government will gain an understanding from the Mainland law enforcement authorities in respect of the allegations made by the aforesaid person, and express unequivocal condemnations to the relevant authorities if the allegations were found to be substantiated;
- (4) whether it knows the number of Hong Kong residents who were subject to administrative detention on the Mainland in each of the past three years;
- (5) whether it knows the procedure to be followed by the Mainland law enforcement authorities for notifying the family members of a Hong Kong resident who is subject to administrative detention, as well as the number of times for which such procedure was followed by the relevant authorities in taking law enforcement actions, in each of the past three years;
- (6) of the reasons why administrative detention is not covered by the scope

of the current notification mechanism set up between HKPF and the Mainland law enforcement authorities; whether both parties will discuss the expansion of the scope of the notification mechanism to cover administrative detention; and

(7) whether it knows the number of Hong Kong residents currently employed by the various consulates-general in Hong Kong; of the measures to ensure that such persons have access to the assistance they need when they are subject to administrative detention on the Mainland?

Reply:

President,

The Hong Kong Special Administrative Region (HKSAR) Government always attaches importance to cases in which Hong Kong residents are detained or imprisoned outside the territory. It also takes heed of their legal rights and strives to provide them with assistance. At the same time, any person must abide by local laws when they are outside Hong Kong. The HKSAR Government will not and also considers it inappropriate to interfere in the enforcement actions under the jurisdiction of any authorities outside Hong Kong.

When Hong Kong residents are detained or involved in criminal litigations or proceedings in the Mainland, the Immigration Department (ImmD) and/or Offices of the HKSAR Government in the Mainland will, depending on the circumstances of individual cases and the wishes of the assistance seekers (usually the family members of the Hong Kong residents concerned), inquire of the assistance seekers about details of the cases and explain to them the relevant legislation, regulations and criminal procedures in the Mainland; remind the assistance seekers to consider engaging lawyers in the Mainland to act as their legal representatives and give legal advice on their cases; and if necessary, provide information on the lawyers' associations in the Mainland. At the request of the assistance seekers, Offices of the HKSAR Government in the Mainland will also assist them in conveying their requests to the relevant Mainland authorities through the established mechanism as appropriate.

In respect of the alleged case cited in the question which was also reported by the media, the Mainland authorities have stated that the subject was in administrative detention for 15 days for soliciting prostitution in breach of the Law on Penalties for Administration of Public Security, and that during the period the Mainland authorities had in accordance with the law protected the various legal rights of the subject. Therefore, our reply to Dr Hon Kwok does not imply our acknowledgement of the allegations and details mentioned in the question.

Regarding the question raised by the Member, my reply after consultation with relevant departments is as follows:

(1) to (3) In respect of the case mentioned in the question, upon receipt of

request for assistance from the subject's family on August 9 this year, ImmD immediately inquired about and followed up the matter via the HKSAR Government's Economic and Trade Office in Guangdong, and provided appropriate assistance and advice according to his family's wishes. Meanwhile, the Police also received report from the subject's family and classified the case as missing person. In late August, the subject returned to Hong Kong upon release, and he has not raised further requests to the HKSAR Government for assistance. Other issues mentioned in the question are details of the case and we will not comment on them.

Law enforcement agencies outside Hong Kong, including those of the Mainland and overseas, do not have the authority to enforce laws in Hong Kong. If law enforcement officers of non-Hong Kong jurisdictions take law enforcement actions in Hong Kong, this will contravene Hong Kong laws. If there is any illegal act, the Police will handle in accordance with the law. Any person who is worried about his or her personal safety may contact the Police direct.

(4) to (7) Under the current reciprocal notification mechanism, the Mainland and the HKSAR should notify each other of the following two kinds of cases regarding residents of the other side: i) the imposition of criminal compulsory measures or institution of criminal prosecutions; and ii) unnatural deaths.

The Mainland authorities notify the HKSAR Government of criminal compulsory measures imposed on Hong Kong residents suspected of having committed crimes, including detention, arrest, putting on bail and residence under surveillance. From January to November this year, the Mainland authorities made 855 notifications concerning the imposition of compulsory measures on Hong Kong residents, involving 659 Hong Kong residents who were suspected of having committed crimes such as drug abuse, fraud and smuggling. After receiving notification from the Mainland, the HKSAR Government will inform the family members of the Hong Kong resident concerned as early as possible of the imposition of criminal compulsory measures on him or her in the Mainland, so that the person's family members may consider and decide whether to engage a local lawyer or to render other assistance to the person. They may also seek assistance from the HKSAR Government where necessary.

Cases of administrative detention commonly involve unlawful acts committed by the subjects concerned in the Mainland in breach of the Law on Penalties for Administration of Public Security. Such cases do not fall within the reciprocal notification mechanism. Despite this, the Mainland law enforcement agencies will notify the family members of the subject in accordance with the laws and regulations of the Mainland, although the subject may not want the case to be disclosed to his or her family members. In any event, upon receipt of requests for assistance from Hong Kong residents, ImmD and/or Offices of the HKSAR Government in the Mainland will provide appropriate assistance having regard to the circumstances of the cases and the wishes of the assistance seekers.

The Administration does not maintain the figures requested in the question.

## LCQ10: First aid trainings for police officers

Following is a question by the Dr Hon Pierre Chan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 18):

Question:

The Secretary for Security has indicated recently that most police officers have received first aid and basic healthcare training. In this connection, will the Government inform this Council:

(1) among the serving police officers belonging to the ranks listed in the table below, of the respective numbers and percentages of those who have completed first aid certificate courses recognised by the Government, and set out in the table below a breakdown of the number of persons by training organisation (i.e. (i) Hong Kong St. John Ambulance, (ii) Hong Kong Red Cross, (iii) Occupational Safety & Health Council, (iv) The Auxiliary Medical Service and (v) other organisations (please specify));

Rank	Officers completing course		A breakdown of the number of persons by training organisation				
	Number	Percentage	(i)	(ii)	(iii)	(iv)	(v)
Probationary Inspector of Police/Inspector of Police or above							
Sergeant/Station Sergeant							
Senior Police Constable							
Police Constable							
Total							

(2) of the number of police officers who completed, in each of the past five years, the first aid certificate courses provided respectively by the aforesaid organisations, and the total number of hours of the relevant training received by them; and

(3) whether the Police will, when some persons at the scene of confrontations between the Police and members of the public have been injured and need treatment, administer first aid treatment for the injured persons on their own, or refer them to the healthcare professionals (including ambulance personnel, nurses and doctors) at the scene for treatment in the first instance; of the criteria adopted by the Police for making such a decision?

Reply:

President,

The Police always attach importance to the professional training and development of police officers, including the provision of appropriate first aid and basic medical training so that police officers may, under different operational circumstances, administer preliminary treatment for injured persons in need. At present, all newly recruited regular police officers have to undergo 40 hours of basic first aid training when they are trained at the Hong Kong Police College. Upon completing such first aid training and passing relevant assessments, they will be awarded first aid certificates. In addition, the Police also arrange the basic first aid training mentioned above or 16 hours of refresher first aid training for serving regular police officers who need to extend the validity period of their first aid certificates. The relevant training programmes are provided by the Auxiliary Medical Service and Hong Kong St. John Ambulance. Police officers may also enrol in other first aid certificate courses on their own initiative.

My reply to Hon Chan's question is as follows:

(1) and (2) As at November 30 this year, about 25 000 serving regular police officers had completed the aforementioned basic or refresher first aid training, or other first aid certificate courses. The details are set out below:

Rank	Number of officers having completed training/course	Percentage
Inspector of Police/ Senior Inspector of Police or above	About 2 000	About 75
Sergeant/Station Sergeant	About 6 000	About 96
Police Constable/ Senior Police Constable	About 17 000	About 96
Total	About 25 000	About 96

The Police do not maintain the breakdown of the number of officers by training organisation.

From 2014/15 to 2018/19, the average numbers of regular police officers who received basic and refresher first aid training arranged by the Police per year are as follows:

First aid training	Average number of officers who received training per year from 2014/15 to 2018/19
Basic first aid training	About 1 100
Refresher first aid training	About 2 800

(3) There are safety risks in large-scale public order events. The Police always uphold the principle that injured persons should be sent to hospitals for treatment as soon as possible. Depending on the actual circumstances, police officers will administer preliminary treatment for injured persons before ambulance personnel arrive and, where necessary, will not rule out arranging other healthcare professionals at the scene to help the injured persons. If an injured person is an arrestee, the Police will, while administering treatment for the person, take into account his or her safety as well as security considerations. In any event, the Police will facilitate ambulance service in their best endeavours and assist in relief efforts as far as practicable, so that injured persons can receive the needed medical services.

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## **LCQ3: Interdiction of civil servants**

Following is a question by the Hon Cheng Chung-tai and a reply by the Secretary for the Civil Service, Mr Joshua Law, in the Legislative Council today (December 18):

Question:

It has been reported that since June this year, a certain number of civil servants have been arrested in public events. In an open letter issued to all civil servants on the 15th of last month, the Secretary for the Civil Service stated that civil servants arrested for suspected involvement in unlawful public events would all be interdicted from duty. However, the Government said in the past that it would not resort to interdiction lightly;

before making a decision in respect of interdiction, it would take into account certain factors, including the nature and gravity of the alleged offence or misconduct, and the possibility of the offence or misconduct being committed again. In this connection, will the Government inform this Council:

(1) of the number of civil servants arrested in public events since June this year; among them, the respective numbers of those who have been interdicted from duty and/or are currently under internal investigation; and

(2) whether there is any difference between the current interdiction arrangement and that in the past; if so, whether, before the arrangement was amended, civil servants' associations had been consulted and amendment of the relevant regulations was required, and whether it has assessed if such an arrangement will give rise to the effect of "punishment before conviction", which violates the common law principle of presumption of innocence?

Reply:

President,

The civil service has always been committed to serve the community and strive to maintain stability and prosperity of Hong Kong. Hong Kong has undergone unprecedented impact over the past few months. At this difficult time, civil servants should stand in solidarity and their priority task is to work together to end violence and chaos. To this end, I issued a letter to all civil servants in August this year, encouraging them to cherish the core values of the civil service and discharge their duties wholeheartedly. The Chief Executive also issued a letter to all civil servants in September, expressing her appreciation to colleagues for steadfastly attending to their duties and contributing their best to maintain social order. She encouraged the civil service to stand united to uphold those core values, remain calm in responding to the crisis and continue their efforts to serve the public with integrity and impartiality so as to help Hong Kong overcome the difficult situation. In another letter issued in November, I reminded civil servants to work in concert to support the Government's efforts to end violence and chaos. I also conveyed my sincere gratitude to civil servant colleagues who have been steadfastly discharging their duties and working hard to maintain public order during the difficult times over the past few months. At the same time, I reminded civil servants to continue to do their part and strive to help Hong Kong restore order as soon as possible, and that they must not support or participate in any activity that will disrupt peace in society and the normal operation of public services.

The Government adopts a zero-tolerance attitude towards civil servants who violate the law. We are extremely concerned about the arrest of individual civil servants for their suspected involvement in unlawful public activities. It would be difficult for the community to accept if a civil servant arrested for his suspected participation in illegal activities could still return to work as normal and continue to exercise the powers and functions of his office. In this regard, we would interdict the civil servant concerned in the public interest when he is under inquiry or investigation after arrest.

My consolidated reply to the Hon Cheng Chung-tai's question is as follows:

The Government has always attached great importance to the conduct of civil servants. Civil servants must be law-abiding, dedicated, impartial and politically neutral. These values are also what the general public expects of the civil service. The Government also has an established mechanism for handling interdiction and disciplinary matters of the civil service. We have all along been handling civil service disciplinary matters in accordance with rules and regulations of the civil service under the established mechanism, with due regard to the principle of fairness and impartiality. Generally speaking, in accordance with the relevant established mechanism, the Government will, having regard to public interest, interdict a civil servant who is under inquiry or investigation for serious misconduct or criminal offence or that judicial or disciplinary proceedings have been or are to be taken against him. In considering whether the civil servant concerned should be interdicted, the relevant authority will consider various factors, including the nature and gravity of the alleged misconduct or criminal offence, possible conflict between the civil servant's misconduct and his official duties, likely harm or risk posed to the general public, public reaction and perception to the officer remaining in office to continue to exercise the powers and functions of his office, etc.

Interdiction is not a disciplinary punishment and there is no presumption of guilt in interdiction. An officer may be interdicted when the relevant authority, having regard to public interest, considers it inappropriate for him to continue to exercise the powers and functions of his public office temporarily. The existing interdiction arrangement for civil servants does not violate the principle of presumption of innocence. A decision to interdict an officer does not imply that there is any prejudgment of his guilt or any prejudice to his fair trial based on the principle of presumption of innocence. Whether an interdicted officer is guilty of an alleged criminal offence or misconduct, it is a matter to be determined by the court or disciplinary authority respectively. Whether an individual officer should be interdicted, the relevant authority will consider the specific circumstances of each individual case. My letter issued to all civil servants in November 2019 aims at reminding civil servant colleagues that under the existing established mechanism, in considering whether a civil servant who has been arrested for his suspected involvement in unlawful activities and under inquiry should be interdicted, the relevant authority will take into account the public reaction and perception to the officer remaining in office to continue to exercise the powers and functions of his office as a consideration factor. Out of the 180 000-strong civil service, there are currently only an extremely small number of civil servants being arrested for their suspected involvement in unlawful activities in the past few months of social events. Overall, the civil service remains to be committed to the rule of law and dedicated. I hope the community would not focus on an extremely small number of civil servants being arrested and a few negative incidents and ignore the longstanding hard work and effort of the 180 000-strong civil service.



Civil servants convicted of criminal offence would not only be penalised under the law, the Government would also take disciplinary action against them in accordance with the established mechanism without toleration. For civil servants convicted of criminal offence, disciplinary action will be taken against the civil servants concerned upon conclusion of the relevant criminal proceedings. The disciplinary punishment to be imposed could include verbal warning, written warning, reprimand, severe reprimand, reduction in rank, compulsory retirement or dismissal, etc. In determining the level of punishment, the relevant authority will examine the judgement and sentence of the criminal offence and take into account factors including the nature and gravity of the misconduct or criminal offence, the level of punishment for similar misconduct or criminal offence, any mitigating factors, and the rank, service and disciplinary records of the civil servant concerned, etc.

Thank you, President.

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## [Excessive cadmium found in celery sample](#)

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (December 18) announced that a celery sample was detected with cadmium, a metallic contaminant, exceeding the legal limit. The CFS is following up on the incident.

"The CFS collected the celery sample from a stall at the Cheung Sha Wan Wholesale Food Market for testing under its routine Food Surveillance Programme. The test result showed that the sample contained cadmium at a level of 0.17 parts per million (ppm), exceeding the legal limit of 0.1ppm," a CFS spokesman said.

"The CFS has informed the vendor concerned of the irregularity and is tracing the source of the affected product," the spokesman added.

According to the Food Adulteration (Metallic Contamination) Regulations (Cap 132V), any person who sells food with metallic contamination above the legal limits is liable upon conviction to a fine of \$50,000 and imprisonment for six months.

"Based on the level of cadmium detected in the sample, adverse health effects will not be caused under usual consumption," the spokesman said.

The CFS will continue to follow up on the incident and take appropriate action. Investigation is ongoing.

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## LCQ13: Redevelopment of factory estates under the Hong Kong Housing Authority

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 18):

Question:

The Chief Executive indicated in this year's Policy Address that she would invite the Hong Kong Housing Authority to explore the redevelopment of its six factory estates for public housing use. Such factory estates are located in Kwai Chung/Tsing Yi, Tuen Mun, Sha Tin, Kwun Tong and Sham Shui Po respectively, providing a total of over 8 200 factory units. In this connection, will the Government inform this Council:

(1) of the expected completion dates for collecting research data, setting out the initial thinking and formulating the implementation timetables for the redevelopment projects; whether it has studied how a conversion option compares with a demolition and redevelopment option in the following two aspects: (i) the various items of expenditure required (e.g. expenditure on enhancing fire service facilities), and (ii) the number of public housing units that may be provided (and the ratio of units, among such units, available for rent to those for sale);

(2) whether it will, in formulating the estimated expenditures and relocation arrangements for tenants for the redevelopment projects, draw reference from the experience in earlier years of converting factory estates into Un Chau Estate Phase 5 in Cheung Sha Wan or Wah Ha Estate in Chai Wan; if so, of the details; if not, the reasons for that;

(3) whether it will consider, on the premise of fully utilizing the plot ratios of the sites on which such factory estates are located, demolishing such factory estates and redeveloping them into public rental housing (PRH) estates, so as to shorten the waiting time for PRH as far as possible; if so, of the details; if not, the reasons for that; and

(4) as it has been reported that the current occupancy rates of such factory estates are 99 per cent, how the Government will, in tandem with increasing public housing supply, properly address the demand of existing factory estate tenants for such kind of units; whether it will consider retaining one factory estate for lease applications by existing tenants who wish to continue their operation; if so, of the details; if not, the reasons for that, as well as the details of the compensation package for the tenants

(including the amounts of relocation allowance and compensation) and the estimated expenditures involved?

Reply:

President,

Our consolidated reply to Hon Jimmy Ng's question is as follows:

In response to the Chief Executive's initiative in the 2019 Policy Address, the Hong Kong Housing Authority (HA) is exploring the feasibility of redeveloping individual factory estates for public housing use, particularly to increase the supply of public rental housing (PRH) units, taking into account individual site conditions and arrangements, as appropriate.

As all six factory estates are situated in industrial or industrial-office areas, technical assessments are required to ascertain the feasibility of residential use, including public housing development, at these sites. Rezoning will also be required to change the use of the sites for residential purpose in accordance with the Town Planning Ordinance. The HA has already commenced relevant assessments. Since the assessments are still at preliminary stage, we are unable to provide details on expenses, flat production, etc. Upon completion of the study, the HA will release the findings and recommendations at appropriate time. The HA will take account of the findings and recommendations of the study and views of other stakeholders before deciding whether individual factory estates would be demolished for public housing use. For the individual factory estates that will not be redeveloped, we will study the improvement works required to fulfil the statutory requirements and the related estimated costs after the enactment of the Fire Safety (Industrial Buildings) Ordinance.

In view of the tight supply in housing land, the Government has been actively identifying suitable sites for public housing development in different parts of the territory. We will consider all suitable sites, regardless of their size, for public housing development so as to make the best use of the scarce land resource and optimise the site potential. In the process, the principles of cost-effectiveness and sustainability will be adopted. Based on the above consideration of efficient and optimal use of land, HA's study will focus on the feasibility of the redevelopment option.

Regarding the ratio between PRH and subsidised sale flats (SSFs) upon redevelopment, in accordance with the prevailing practice, the HA will maintain the flexibility among different types of public housing to cater for the demands of PRH, Green Form Subsidised Home Ownership Scheme and other SSFs, and adjust their supply in a timely manner to better respond to the market changes and the housing needs of the community at large. Based on the concept of "inter-changeability", in planning public housing projects, the HA will consider a number of factors including local housing needs and the community aspiration as a whole.

In HA's previous exercises for the clearance of factory estates, an

advance notice of 18 months would be given to affected tenants for vacating the premises. Rent increase would be frozen until clearance, and an ex-gratia allowance would be paid to affected tenants to assist them in relocating or terminating their business. If the HA decides to clear its existing factory estates, it will make reference to previous practices and make appropriate arrangements according to the circumstances.

The HA currently has six factory estates providing a total internal floor area of approximately 200 000 square meters. According to the information of the Rating and Valuation Department, the total stock of private factory premises in the territory was around 16.41 million square meters as at end-2018, including vacant units of around one million square meters.