

Special traffic and transport arrangements for Hong Kong Brands and Products Expo at Victoria Park

The Transport Department (TD) today (December 4) reminded the public that special traffic and transport arrangements will be implemented in the vicinity of Causeway Bay and Tin Hau to facilitate the holding of the 54th Hong Kong Brands and Products Expo at Victoria Park from next Tuesday (December 10) to December 31.

The special traffic and transport arrangements mainly include:

- * Pedestrianisation will be implemented at East Point Road, Lockhart Road east of Cannon Street, and Great George Street west of Paterson Street from 4pm to midnight on weekdays, and from noon to midnight on Saturdays, Sundays and public holidays;
- * Depending on the on-site crowd and traffic conditions, the section of Gloucester Road between Kingston Street and Causeway Road, Sugar Street, Great George Street, Paterson Street, Kingston Street, Cleveland Street, Hing Fat Street, Electric Road and Lau Li Street may be temporarily closed. In addition, the Tin Hau Station Public Transport Interchange, public light bus stands at Paterson Street and Sugar Street and taxi stands at Paterson Street and Lau Li Street may also be suspended;
- * Bus stops on Causeway Road outside Victoria Park will be suspended, relocated or temporarily provided; and
- * The Hing Fat Street Public Carpark (except disabled parking spaces) will be suspended from 9am to 8.59pm daily on December 7, 8 and between December 10 to 30; from 8am to 8.59pm on December 9; and from 9am on December 31 to 8.59am of the following day.

The TD anticipates that the traffic in the vicinity of Causeway Bay and Tin Hau will be busy during the holding of the above event. Members of the public are advised to use public transport services as far as possible and avoid driving to the affected areas. Early planning of journeys is also advised to cater for unexpected delays. Public transport passengers are advised to pay attention to the special public transport arrangements.

The actual implementation of road closures, traffic control and diversion measures will be exercised or altered by the Police depending on the prevailing crowd and traffic conditions. Motorists are advised to be patient when driving to the affected areas and follow police instructions.

The TD and the Police will closely monitor the traffic situation and implement appropriate measures whenever necessary. Members of the public are advised to stay alert to the latest traffic news on radio and television.

Details of the special traffic and transport arrangements are now available on the TD's website (www.td.gov.hk).

LC: Opening remarks by CS for proposed resolution under Basic Law and Court of Final Appeal 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 Article 73(7) of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and section 7A of the Hong Kong Court of Final Appeal Ordinance (Cap. 484) in the Legislative Council today (December 4):

Mr President,

I move that the first motion under my name, as printed in the Agenda, be passed, that this Council endorses the appointment of the Right Honourable Lord Jonathan Sumption (Lord Sumption) as a non-permanent judge from another common law jurisdiction (CLNPJ) of the Court of Final Appeal (CFA). I will subsequently move that the second motion under my name, as printed in the Agenda, be passed, that this Council endorses the appointment of the Honourable Mr Justice Jeremy Poon Shiu-chor (Mr Justice Poon) as the Chief Judge of the High Court (CJHC).

Constitutional and statutory framework

The CFA is the final appellate court in Hong Kong, hearing both civil and criminal appeals. It consists of the Chief Justice (CJ) and the permanent judges (PJs). Non-permanent judges may be invited to sit and they may come from Hong Kong or other common law jurisdictions. When hearing and determining appeals, the CFA is constituted by five judges, comprising the CJ, three PJs, and one non-permanent Hong Kong judge (HKNPJ) or one CLNPJ. Since July 1, 1997, apart from very few exceptions, one of the judges has invariably been drawn from the list of CLNPJs to hear a substantive appeal on the CFA.

CJHC is the President of the Court of Appeal and the Court Leader of the High Court. CJHC presides in the Court of Appeal in the most important appeals. As the Court Leader of the High Court, CJHC has to lead the High Court administratively and is accountable to the Chief Justice who is the Head of the Judiciary and is charged with the administration of the Judiciary.

Pursuant to Article 88 of the Basic Law and the Judicial Officers

Recommendation Commission Ordinance (Cap. 92), judges of the courts of the Hong Kong Special Administrative Region (HKSAR) shall be appointed by the Chief Executive on the recommendation of the Judicial Officers Recommendation Commission (JORC). Pursuant to Article 92 of the Basic Law, judges of the HKSAR shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions. In addition, Article 90 of the Basic Law provides that CJHC shall be a Chinese citizen who is a permanent resident of the HKSAR with no right of abode in any foreign country; and the Chief Executive shall obtain the endorsement of the Legislative Council (LegCo) in the case of the appointment of judges of the CFA and CJHC.

The current appointments

Non-permanent Judge of the Court of Final Appeal

At present, the CFA has 18 non-permanent judges, comprising four HKNPJs and 14 CLNPJs. A CLNPJ is normally required to come to Hong Kong for a period of four weeks each time. The JORC noted that the availability of the 14 CLNPJs to come to Hong Kong for four weeks to sit on the CFA is somewhat limited. All of them have extensive professional commitments, including judicial duties, arbitration, mediation and lecturing work, as well as personal and family commitments. In addition, most of the judges have particular expertise in certain areas. When a judge who has an expertise in a particular area of law is not available to sit on the CFA, the listing of the case may have to be delayed. In order to give greater flexibility for dealing with the heavy caseload of the CFA and to ensure its effective operation, there is a need to increase the number of CLNPJs.

The JORC has recommended the appointment of Lord Sumption as a CLNPJ for a term of three years. Lord Sumption had been a Justice of the Supreme Court of the United Kingdom since January 2012 until he retired from the office in December 2018. He is a judge of eminent standing and reputation and his appointment will be a great asset to the CFA. With the appointment of Lord Sumption, the panel of CLNPJs will consist of 15 eminent judges from the United Kingdom, Australia and Canada. The presence of these non-permanent judges manifests the judicial independence and international status of Hong Kong.

Chief Judge of the High Court

Mr President, The office of CJHC became vacant on October 25, 2018 when the Honourable Mr Justice Andrew Cheung Kui-nung, who was the CJHC immediately prior to that date, assumed office as PJ of the CFA and vacated the office of CJHC on the same date. To meet essential operational needs, the Honourable Mr Justice Wally Yeung Chun-kuen, Vice-President and Justice of Appeal of the Court of Appeal of the High Court, acted in the office of CJHC for the period from October 25, 2018 to July 31, 2019. With effect from August 1, 2019, Mr Justice Poon, Justice of Appeal of the Court of Appeal of the High Court, has been acting in the office of CJHC until the CJHC vacancy is substantively filled.

The JORC has recommended the appointment of Mr Justice Poon as CJHC. Mr Justice Poon joined the Judiciary as Magistrate in 1993. He was appointed as Deputy Registrar of the High Court in 1999, Judge of the Court of First Instance of the High Court in 2006, and Justice of Appeal of the Court of Appeal of the High Court in 2015.

Mr Justice Poon is a highly competent judge of high integrity who commands respect within the Judiciary and from the legal profession. He is experienced in both civil and criminal appeals and possesses rich administrative experience. We are confident that Mr Justice Poon, if appointed, will discharge his duties as the Court Leader of the High Court with distinction.

The Chief Executive has accepted the recommendations of the JORC on the appointment of Lord Sumption as a CLNPJ and the appointment of Mr Justice Poon as CJHC. Subject to the endorsement of this Council, the two appointments shall take effect in December 2019.

In accordance with the procedures previously endorsed by the House Committee of LegCo, the Government informed the House Committee on May 22, 2019 that the Chief Executive had accepted the recommendations of the JORC on the two appointments. Representatives from the Government and the Secretary to the JORC attended the meeting of the Subcommittee on Proposed Senior Judicial Appointments on June 11, 2019 and answered Members' questions. I would like to thank Dr Honourable Priscilla Leung Mei-fun, Chairman of the Subcommittee, and other Members of the Subcommittee for scrutinising and supporting the two appointments.

Mr President, I invite Members to endorse the two appointments. Thank you.

[Appointment of Hong Kong, China's representatives to ABAC](#)

The Government today (December 4) announced that the Chief Executive had re-appointed Ms Marjorie Yang as Hong Kong, China's representative, and Mr Nicholas Ho as alternate representative, to the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), until the end of 2021.

Ms Marjorie Yang is the Chairman of Esquel Group, while Mr Nicholas Ho is the Deputy Managing Director of hpa (Ho & Partners Architects Engineers & Development Consultants Limited).

"I am very grateful to Ms Yang and Mr Ho for continuing to serve on ABAC. I am sure that their wealth of business experience will inject further impetus into the work of ABAC," the Secretary for Commerce and Economic

Development, Mr Edward Yau, said.

ABAC was established in 1996 as a permanent business advisory body to provide advice to APEC on business sector priorities. Hong Kong, China has appointed three representatives and two alternate representatives to ABAC. Currently, the Chairman of Lan Kwai Fong Group, Dr Allan Zeman, and the Chairman of Sunwah Group, Dr Jonathan Choi, are the other two representatives. The Chairman and CEO of the Harilela Group, Dr Aron Hari Harilela, is the other alternate representative.

Operators and managers of unlicensed guesthouses fined

Two men and two women were charged with contravening the Hotel and Guesthouse Accommodation Ordinance at the Kowloon City Magistrates' Courts today (December 4). A man and a woman were fined \$2,000 and \$5,000 respectively, and the other man and woman were fined \$10,000 and \$4,000 respectively for two charges.

The courts heard that in May and August this year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected three suspected unlicensed guesthouses on Lai Chi Kok Road, Tong Mi Road and Pei Ho Street in Kowloon. During the inspections, the OLA officers posed as lodgers and successfully rented rooms in these guesthouses on a daily basis.

According to the OLA's records, these guesthouses did not possess licences under the Ordinance on the days of inspection. The men and women responsible for operating and managing the premises were charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and can lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaenq@had.gov.hk), by fax (2504 5805) using the report form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".

LCQ 7: Administrative detention of Hong Kong residents on mainland

Following is a question by the Hon Charles Mok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 4):

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. In the evening on that day, he boarded a Guangzhou-Shenzhen-Hong Kong Express Rail Link (XRL) train in Shenzhen to return to Hong Kong. However, upon arrival at the Mainland Port Area of the XRL West Kowloon Station, he was taken back to a police station in the Luohu District of Shenzhen on the Mainland by Mainland law enforcement officers. He alleged that during his detention, he was subjected to inhuman treatment (including coercive interrogation, sleep deprivation, blindfolding and hooding, hours of continuous torture and assault, as well as forced unlocking of his mobile phone and social media account), resulting in a violation of his basic human rights. He was released after 15 days of administrative detention. In this connection, will the Government inform this Council:

(1) as that person claimed that some Mainland law enforcement officers had revealed to him that some Hong Kong young people who had participated in the movement of opposition to the proposed legislative amendments (the opposition movement) in Hong Kong were being detained in Luohu police station on the Mainland, whether the Government is aware of such situation; if so, of the details;

(2) whether the Government received any complaint in the past three years about Hong Kong people being beaten or forced to confess by Mainland law enforcement officers during their detention on the Mainland; if so, whether it followed up such cases with the relevant Mainland departments for investigating if the complaints were substantiated and if any law enforcement officer had violated the laws;

(3) whether it knows the number of cases, since the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance (Cap 632) came into operation in September 2018, which involved Mainland law enforcement officers taking law enforcement actions against any person at the Mainland Port Area of the West Kowloon Station; whether the Government has been notified by the Mainland authorities of any case of criminal detention of Hong Kong residents in the Area; if so, of the details; and

(4) whether it knows the number of Hong Kong residents, since June this year, who were subjected to criminal compulsory measures (including summons for questioning, putting on bail, residential surveillance, detention and arrest)

by the Mainland authorities because they had participated in the opposition movement; of the details of such cases, as well as the follow-up actions taken by the Government to ensure that the fundamental rights of those residents are protected?

Reply:

President,

ã€ã€ã€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 the Hon Mok does not imply our acknowledgement of the allegations raised in the question.

ã€ã€ã€Regarding the question raised by the Hon Charles Mok, my reply after consultation with relevant bureaux and departments is as follows:

(1) and (2) Upon receipt of request for assistance from the subject's family on August 9, the Hong Kong Immigration Department (ImmD) immediately inquired about and followed up the matter via the Economic and Trade Office (ETO) of the Government of the Hong Kong Special Administrative Region (HKSAR) in Guangzhou, 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.

ã€ã€ã€The HKSAR Government always attaches importance to cases in which Hong Kong residents are detained or imprisoned outside the territory. The Government also takes heed of their legal rights and strives to provide them with assistance. At the same time, Hong Kong residents 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 the local authorities.

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

through the established mechanism as appropriate.

(3) According to the Co-operation Arrangement between the Mainland and the Hong Kong Special Administrative Region on the Establishment of the Port at the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link for Implementing Co-location Arrangement and the Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance, except for "reserved matters" provided in the Ordinance, for the purposes of the applicability of law and delineation of jurisdiction, the West Kowloon Station Mainland Port Area is within the Mainland jurisdiction; and the Mainland authorities can exercise jurisdiction in the Mainland Port Area. Figures of law enforcement in the Mainland Port Area and individual cases are matters related to the Mainland jurisdiction instead of the HKSAR's, and the HKSAR Government does not maintain such information.

Under the current reciprocal notification mechanism, the Mainland and the HKSAR Government 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 prosecution; and ii) unnatural deaths. The notification arrangements also apply to the West Kowloon Station Mainland Port Area.

(4) According to the reciprocal notification mechanism between the Mainland and the HKSAR, during the period from January to October this year the Mainland authorities made 799 notifications concerning the imposition of criminal compulsory measures on Hong Kong residents, involving 611 Hong Kong residents who were suspected of committing crimes such as drug abuse, fraud and smuggling. After receiving notification from the Mainland, the HKSAR Government will inform the family members of concerned Hong Kong resident as early as possible of the imposition of criminal compulsory measures on the Hong Kong residents on 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 in order to safeguard his/her legal rights. They may also seek assistance from the HKSAR Government when necessary.