

FS to attend Qianhai Co-operation Forum in Shenzhen

The Financial Secretary, Mr Paul Chan, will depart for Shenzhen tomorrow morning (July 5) to attend and address the Qianhai Co-operation Forum organised by the Authority of Qianhai and Chinese Association of Hong Kong and Macao Studies.

Mr Chan will return to Hong Kong at noon the same day.

A June with rejuvenating rain

After a very dry May, the rainbands of tropical cyclone Ewiniar in early June, as well as showery activities associated with troughs and an active southerly airstream later in the month, brought significant amount of rainfall to the territory. The monthly rainfall was 458.8 millimetres, slightly above the normal figure of 456.1 millimetres for June. However, as rainfall in the first five months was far below normal, the accumulated rainfall recorded in the first half of the year was 633.8 millimetres, a deficit of 42 per cent compared to the normal figure of 1096.9 millimetres for the same period. The month was also hotter than usual with a mean temperature of 28.6 degrees, 0.7 degrees above the normal figure of 27.9 degrees.

The heat wave in the latter half of May extended into early June. With plenty of sunshine in the morning, the temperature at the Hong Kong Observatory soared to the month's highest of 35.1 degrees around noon on June 1. The heat triggered some isolated heavy showers and thunderstorms near Tai Po. An easterly airstream then reached the coastal area of Guangdong later in the day and the intense heat was slightly relieved by windy conditions over the next couple of days.

Meanwhile, an area of low pressure over the South China Sea intensified into a tropical depression on June 2 and was later named Ewiniar. It skirted past the east coast of Hainan Island and moved in the general direction of the coastal areas of western Guangdong. The weather in Hong Kong became cloudy with some squally showers and thunderstorms on June 4. The Observatory issued the tropical cyclone warning signal for the first time this year on the morning of June 5. After making landfall near Yangjiang on the night of June 7, the weakening Ewiniar continued to drift towards the Pearl River Delta. Its rainbands brought heavy squally showers and thunderstorms to Hong Kong, with more than 170 millimetres of rainfall recorded over the territory

from June 6 to 8. The heavy downpour necessitated the issuance of the first rainstorm warning signal on June 6 this year, and the Red Rainstorm Warning Signal was issued on June 8. A waterspout was spotted near Cheung Chau in the evening on June 7. The weather became generally fine on June 9 as local winds gradually subsided and the showers eased off.

After two fine and very hot days on June 10 and 11, a trough of low pressure brought heavy showers and thunderstorms to the coast of Guangdong over the next two days. There was a report of waterspout near the Ninepin Islands on the morning of June 12, and more than 100 millimetres of rain fell over Sai Kung, Hong Kong Island and Cheung Chau on June 13. As the trough moved to the south of Hong Kong, local weather improved with a mixture of sunshine and isolated showers on June 14 and 15. A low pressure area along the trough developed over the northern part of the South China Sea, and the weather in Hong Kong remained mostly fine but windy on June 16 and 17.

Under the influence of the southwest monsoon, there was a mixture of sunny periods and showers in Hong Kong from June 18 to 21. An active southerly airstream brought more clouds and some heavy showers to the territory on June 22 and 23. Another waterspout was observed near Cheung Chau on the morning of June 22, and the temperature at the Observatory fell to the month's lowest of 24.4 degrees on June 23 during heavy showers. Despite a sunny day on June 24, there were showers that night and the next day in Hong Kong.

As a subtropical ridge established itself over southeastern China, showery activities gradually reduced on June 26. Under the influence of the southwest monsoon, despite some showers at times, the weather in Hong Kong remained mostly fine and hot till the end of the month.

Four tropical cyclones occurred over the South China Sea and the western North Pacific in June 2018.

Details of issuance and cancellation of various warnings/signals in June are summarised in Table 1. Monthly meteorological figures and departures from normal for June are tabulated in Table 2.

LCQ6: Circumstances that HKSAR Government refuses surrender of fugitives

Following is a question by Dr the Hon Cheng Chung-tai and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (July 4):

Question:

The Hong Kong Policy Act Report published by the Department of State of the United States (US) in May this year pointed out that the Chief Executive had turned down, in October last year at the behest of the Central Government, a fugitive surrender request made by the US Government. The Report also alleged that certain actions by the Central Government had been inconsistent with its commitment in the Basic Law to allow Hong Kong to exercise a high degree of autonomy. Some members of the public are worried that the US authorities may no longer recognise Hong Kong's status as a separate customs territory on the grounds that Hong Kong has lost its high degree of autonomy. In this connection, will the Government inform this Council:

(1) whether it will refuse fugitive surrender requests made by other jurisdictions on the grounds that the identity of the fugitive concerned is sensitive or that surrendering the fugitive will arouse political and national defense concerns; and

(2) whether it has assessed the resultant impacts on Hong Kong's economic and trade activities, as well as Hong Kong residents' entry into US and their personal safety, in the event that the US authorities amend or repeal the Hong Kong Policy Act; if so, of the assessment outcome, relevant data and contingency measures?

Reply:

President,

In the Hong Kong Policy Act Report submitted by the United States (US) Department of State to the US Congress as referred in the question, it was mentioned that in respect of a request for surrender of fugitive offenders (SFO) made by the US Government, the Chief Executive (CE) refused the request in October 2017 "at the behest of the Central Government". The statement in the Report suggests that the CE's decision in the case concerned was made in a manner other than in accordance with the Fugitive Offenders Ordinance (FOO) (Cap 503) and the SFO agreement signed between the governments of the two places. The Hong Kong Special Administrative Region (HKSAR) Government has already issued a public statement to show its deep regret over that inaccurate statement in the Report.

My reply to the Hon Cheng's question is as follows:

(1) Each individual SFO case is processed by the HKSAR Government in strict accordance with the FOO and the relevant SFO agreements signed with the respective jurisdictions. Article 96 of the Basic Law states that with the assistance or authorisation of the Central People's Government, the HKSAR Government may make appropriate arrangements with foreign states for reciprocal juridical assistance. Since Hong Kong's return to the Motherland, the HKSAR Government has been actively building the juridical assistance

network with other jurisdictions with a view to combating crimes. As far, Hong Kong has signed SFO agreements with 20 jurisdictions (Note).

Before signing agreements with other places, the HKSAR Government will conduct detailed negotiations and exchanges with the other party on the social background, judicial system, legal basis, interpretation on agreement provisions and implementation details, etc. We will also explain the specific provisions in the F00, including certain circumstances that a fugitive shall or may not be surrendered, such as the offence involved in the surrender does not constitute an offence in both the requesting party and Hong Kong (section 2(2)); that offence is of a political character (section 5(1)(a)); that offence was prosecuted in the absence of the fugitive and a conviction obtained (section 5(1)(b)); the surrender request has been made on account of race, religion, nationality or political opinions of the fugitive; or if the fugitive is surrendered, he may be prejudiced at trial or punished, detained or restricted in his personal liberty by reason of his race, religion, nationality or political opinions (sections 5(1)(c) and (d)); the fugitive has already been tried or acquitted, or convicted and served his sentence, for the offence involved (section 5(1)(e)); the requesting party has not guaranteed that the fugitive would not be tried for a crime other than that for which his surrender was ordered (section 5(2)); the requesting party has not guaranteed that the fugitive would not be surrendered to a third jurisdiction (section 5(5)); and if that offence is punishable with death, but the requesting party has not given an assurance that the punishment will not be imposed or carried out (section 13(5)).

In light of the actual circumstances in different places, the expressions in each agreement may vary, but the substance of the arrangement must be in conformity with the provisions of the F00. The relevant agreements are required to be enacted by the Legislative Council before they can be put into effect in Hong Kong.

The SFO arrangements between Hong Kong and the US are stipulated in the Agreement between the Government of Hong Kong and the Government of the United States of America for the Surrender of Fugitive Offenders (Agreement) under the Fugitive Offenders (United States of America) Order (Cap 503F). On top of mirroring the above provisions under the F00, the Agreement also specifies that fugitives shall or may not be surrendered under certain circumstances under the principle of reciprocity, such as:

Under Article 3(2), the US Government reserves the right to refuse the surrender of US nationals in cases in which the requested surrender relates to the defence, foreign affairs or essential public interest or policy of the US;

Under Article 3(3), which is the reciprocal article to this point, the Hong Kong Government reserves the right to refuse the surrender of nationals of the State whose government is responsible for the foreign affairs relating to Hong Kong in cases in which:

(i) The requested surrender relates to the defence, foreign affairs or

essential public interest or policy of the State whose government is responsible for the foreign affairs relating to Hong Kong, or

(ii) The person sought neither has the right of abode in Hong Kong nor has entered Hong Kong for the purpose of settlement, and the State whose government is responsible for the foreign affairs relating to Hong Kong has jurisdiction over the offence relating to the requested surrender and has commenced or completed proceedings for the prosecution of that person;

Other reciprocal articles, such as Article 7, the surrender is likely to entail exceptionally serious consequences related to age or health; or Article 11, if the surrender of a fugitive is requested concurrently by different places, the requested party shall make its decision having regard to all the circumstances, including the relevant provisions of such arrangements, the place of commission of the offences, their relative seriousness, the respective dates of the requests, the nationality of the fugitive offender, the nationality of the victim, and the possibility of subsequent surrender to another jurisdiction.

The HKSAR Government handles each SFO request in strict accordance with the requirements of the FOO. Upon receipt of a request, the CE must first issue an authority to proceed before the request can be processed further. The decision on whether to issue an authority to proceed rests entirely with the CE in strict accordance with the laws of Hong Kong, and the CE would consult the Department of Justice before making such a decision. The CE would only make a decision after taking into full account the relevant facts and circumstances of each case.

Since Hong Kong's return to the Motherland, the HKSAR has been fully and faithfully implementing the "One Country, Two Systems", "Hong Kong people administering Hong Kong" and high degree of autonomy in strict accordance with the Basic Law. The full and successful implementation of the "One Country, Two Systems" has been widely recognised by the international community.

(2) The United States-Hong Kong Policy Act (the Act) was enacted by the US Congress in 1992. According to the Act, in view of the implementation of "One Country, Two Systems" in Hong Kong and the high degree of autonomy enjoyed by Hong Kong on all matters other than defence and foreign affairs, the US will establish bilateral relations with Hong Kong in a wide range of areas, and provide Hong Kong with treatments different to those accorded to Mainland China.

Since Hong Kong's return to the Motherland, the US Dollar can be freely exchanged in Hong Kong and the US has recognised passports and travel documents issued by the HKSAR Government; recognised ships and planes registered in Hong Kong and airline licences issued by Hong Kong; maintained and expanded cultural, educational, academic and scientific exchanges with Hong Kong, as well as maintained and expanded trade and economic ties with Hong Kong, including the treatment of Hong Kong as a separate customs territory.

The US also maintains a strong trade relation with Hong Kong. The US is Hong Kong's second largest trading partner economy in merchandise trade, while Hong Kong is the US' 9th largest export market. According to the US' statistics, bilateral trade in goods and services between the US and Hong Kong amounted to about US\$69 billion in 2017. The US has all along been enjoying its largest bilateral trade surplus world-wide with Hong Kong. In 2017, the surplus reached US\$34.5 billion, with a surplus in trade in goods at US\$32.5 billion. Moreover, Hong Kong and the US maintain close investment relation. In 2016, the US was the 6th largest source of direct inward investment in Hong Kong and the 8th largest destination of direct outward investment from Hong Kong. The HKSAR Government will continue to maintain and enhance our trade and economic ties with the US.

As regards the immigration policy of individual countries, it is related to their internal affairs and we are not in a position to make comments.

Thank you, President.

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

[Government respects Court of Final Appeal's judgment concerning dependant immigration policy](#)

Today (July 4), the Court of Final Appeal (CFA) handed down a judgment in QT v Director of Immigration (FACV No. 1 of 2018), a judicial review lodged by the applicant QT against the Director of Immigration's decision of refusing her application for entry for residence in Hong Kong as a dependant of her same-sex partner on the grounds that she is not a "spouse" under the prevailing dependant immigration policy. The CFA dismissed the appeal lodged by the Director and held that the Director has failed to justify the differential treatment of refusing QT a dependant visa under the prevailing dependant immigration policy.

"The Government respects the CFA's judgment. We are studying the judgment carefully and shall seek legal advice as necessary on follow-up actions," a spokesman for the Hong Kong Special Administrative Region Government said.

Under the prevailing dependant immigration policy, the spouse of an

eligible sponsor in Hong Kong may apply for entry for residence in Hong Kong as a dependant. The Director has adopted the meaning of "spouse" as a party to a marriage consisting of one man and one woman as recognised by the laws of Hong Kong.

The CFA has made it clear that this case does not involve any claim that same-sex couples have a right to marry under Hong Kong law, and that it was recognised that a valid marriage under Hong Kong law is heterosexual and monogamous and is not a status open to couples of the same sex.

LCQ10: Use of the space on the rooftops of service reservoirs

Following is a question by the Dr Hon Helena Wong and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (July 4):

Question:

At present, there are more than 220 service reservoirs across the territory, which are used for providing transient storage for fresh water or sea water. The Water Supplies Department (WSD) allocates the space on the rooftops of some service reservoirs to other government departments and private organisations as venues for recreational and other activities. Regarding service reservoirs with space on their rooftops available for allocation (which stood at 100 across the territory as at the 14th of last month), will the Government inform this Council:

(1) of the respective (i) names, (ii) capacities, (iii) numbers of air vents, (iv) roof areas, and (v) live loads of the roofs (and whether they are five kPa or above) of various service reservoirs, and set out such information one by one by the District Council district to which the service reservoirs belong;

(2) since when the policy of allocating the space on the rooftops of service reservoirs has been implemented; of the reasons for implementing this policy and its specific details;

(3) of the details of the allocation of the space on the rooftops in each of the past five years, including (i) names of government departments/private organisations to which the space was allocated, (ii) allocation periods, (iii) ways of leasing/granting, (iv) annual rents and rates payable (if applicable), and (v) use of the space on the rooftops, and set out such information by name of service reservoir; and

(4) of the WSD's specific measures to regulate activities conducted on the space on the rooftops of service reservoirs, in order to prevent contamination of the fresh water stored in the service reservoirs?

Reply:

President,

To make gainful use of space, the Water Supplies Department (WSD) has all along been opening up rooftops of service reservoirs for recreational use. The WSD currently has 171 fresh water service reservoirs and 54 sea water service reservoirs, of which 101 have rooftops suitable for opening up for recreational use. The remaining service reservoirs are not suitable for such purpose because they are either in the vicinity of water treatment works or located in remote locations; or their rooftops are either of non-structural design or too small. Among the 101 service reservoirs with rooftops suitable for opening up for recreational use, 49 have been allocated to different government departments and private organisations, and their uses mainly include sports grounds, sitting-out areas, parks, playgrounds and training fields.

My response to the four parts of Dr Hon Wong's question is as follows:

(1) The WSD currently has 101 fresh water service reservoirs and sea water service reservoirs with rooftops suitable for opening up for recreational use. Details of these service reservoirs are grouped by District Council district and listed in Annex 1.

(2) According to the WSD's record, the opening up of rooftops of service reservoirs for recreational use for making gainful use of space has started since 1960s of the last century. Under the prevailing policy, when designing a new service reservoir, the WSD would consult the Leisure and Cultural Services Department (LCSD) on whether the LCSD would like to use the rooftop of the new service reservoir for recreational use. For existing service reservoirs, if their rooftops are suitable for recreational use, the LCSD, other government departments or private organisations can approach the WSD with their proposal. If the WSD considers the proposed use of the rooftop of service reservoir suitable, the concerned government department or private organisation can submit an application to the relevant District Lands Office for the allocation of the service reservoir rooftop for the proposed use. For applications from private organisations, support from the relevant policy bureau is required. If the allocation is approved, the District Lands Office will grant the land of the concerned service reservoir rooftop to the applicant in the form of a government land allocation, a Short Term Tenancy or a land licence. One of the conditions of the land grant is that the applicant shall comply with the conditions imposed by the WSD, including the proper management of the facility to avoid any damage to the service reservoir and contamination of the water stored therein.

(3) There are currently 49 fresh water and sea water service reservoirs with

rooftops allocated to different government departments and private organisations for recreational use. Upon consulting the Lands Department, the Government Property Agency and the Rating and Valuation Department, the requested details on the use of the rooftops of these service reservoirs are listed in Annex 2.

(4) Service reservoirs adopt enclosed design and are constructed with reinforced concrete. All structural parts of service reservoirs, including perimeter walls and rooftops, are designed to be water-proof. This design can prevent seepage and contamination of the water stored inside the service reservoirs by external pollutants. The ventilators at service reservoir rooftops are also designed to effectively prevent ingress of foreign substances into the service reservoirs to contaminate the water stored therein.

Moreover, the government departments and private organisations being granted of the use of the rooftops of service reservoirs must comply with the conditions imposed by the WSD to properly manage the facilities and prevent contamination of the water stored in the service reservoirs. These conditions include restricting the use of rooftops of the service reservoirs to the approved recreational purpose, forbidding use of fertilisers and pesticides, and requiring the recreational area to arrange attendant on duty and sufficient lighting when it is open. The WSD will arrange inspections to ensure the users are complying with the conditions. The WSD will also take drinking water samples from service reservoirs regularly for water quality tests to ensure the quality of the drinking water stored therein is not affected.