

S for S speaks on shooting case in Quarry Bay Park

Following is the transcript of remarks by the Secretary for Security, Mr John Lee, at a media briefing after attending the Legislative Council meeting this afternoon (June 27):

Reporter: Mr Lee, gun crimes are very rare in Hong Kong. Should Hong Kong people be concerned about this latest incident? Do you think that the shooting case yesterday shows we need to review the regulations of import and control of firearms?

Secretary for Security: I pay serious attention to the homicide case yesterday, in which the culprit used a genuine firearm. The Police will do a very thorough and serious investigation into the case. I have also asked the Police to look at the smuggling of the firearms into Hong Kong and see whether there are things we need to follow up. I must emphasise that in regard to the firearms control of Hong Kong, the laws are strict. Anybody who wants to possess a gun, he must get the approval from the Commissioner of Police and a license in which the conditions including the use and storage of the firearms are very clearly specified. In regard to smuggling of firearms by person or by goods, both the Immigration Department's officers and customs officers have been taking strong enforcement actions. So collectively, the law enforcement agencies exercise strict controls on the inflow of firearms into Hong Kong.

Hong Kong's crime rate is low. In 2017, the crime rate was the lowest in 46 years. Robbery cases had gone down by 35 per cent in 2017, and there was no genuine firearms robbery last year. So the Hong Kong crime situation is stable. The law enforcement agencies in Hong Kong will work hard to ensure that we remain a safe city in which the threat of firearms is prevented.

(Please also refer to the Chinese portion of the transcript.)

LCQ18: Public access to records and materials of the Public Records Office

Following is a question by the Hon Charles Mok and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (June 27):

Question:

Regarding public access to the holdings of the Public Records Office (PRO), will the Government inform this Council:

(1) of the current volume of PRO's holdings; in respect of each type of holdings (including files, bound volumes, photographs, posters, maps and plans as well as films), (i) the volume of holdings and (ii) the percentage of holdings digitised;

(2) of the current means by which the public can obtain copies of PRO's holdings free of charge; whether the Government will, by making reference to the practices of the National Archives of the United Kingdom, ensure that the public can have at least one way of obtaining copies of its holdings free of charge (e.g. taking photographs of the original records directly by themselves or downloading digital files from the Internet);

(3) whether it has recently tightened the following practice: a member of the public may (i) request staff members of the PRO Search Room to print a digital file of its holdings and then (ii) take photographs of the printed copy with his/her personal digital photographic device (while the printed copy will be kept by PRO for viewing by other members of the public); if so (e.g. refusing to provide the aforesaid free printing service), of the details and its justifications for increasing the costs and difficulties of members of the public in obtaining copies of the holdings for research purposes; and

(4) as the Government has indicated that it will strive to digitise those frequently accessed and popular archival records, of the progress of the digitisation work?

Reply:

President,

The Public Records Office (PRO) of the Government Records Service (GRS) serves as the central repository for the permanent archives of the Government of the Hong Kong Special Administrative Region. PRO is committed to appraising and acquiring records and materials of enduring value and making them available for public access and use. It offers a rich heritage resource consisting of documents, photographs, films, posters and other archival records tracing the development of Hong Kong. Access to these holdings is managed under the Public Records (Access) Rules 1996, and members of the public are required to observe applicable regulations made to protect the records, including the "Rules on Using the Public Records Office Search Room" and other regulations on the protection of copyright, personal data, etc. Public access to archival records is free of charge. However, a fee is payable for obtaining a paper copy or digital copy of any records of the holdings. This arrangement is in line with the practice of other overseas national archives. To enhance its services to the public, PRO has since April 2009 been providing the service of "Using Personal Photographic Device in Search Room", under which the public may take photographs of the paper records of PRO's holdings free of charge with their personal photographic

devices, provided that they undertake to observe the Copyright Ordinance and that the physical condition of the holdings is suitable for photography.

Our reply to the question raised by Hon Charles Mok is as follows:

(1) PRO currently houses a total of nearly 1.5 million holdings. Among them, more than 85 000 archival records, or 5.7 per cent of all holdings, have been digitised to produce some two million digital images. The numbers of archival records and digitised holdings stored in various media are set out below:

Medium	Number of Archival Holdings (nos.)	Number of Digitised Holdings (%)
Files/Bound Volumes (Note 1)	763 400	69 300 (9%)
Photographs	15 700	6 000 (38%)
Posters	1 300	600 (46%)
Maps and plans	8 500	2 300 (27%)
Films	3 000	1 800 (60%)
Microforms (Note 2)	708 300	5 800 (0.8%)
Total	1 500 200	85 800 (5.7%)

Note 1: Only a combined total is available. We do not maintain a breakdown of individual items.

Note 2: Microfilming is an internationally recognised practice suitable for the long-term preservation of records. As the public can access microfilm records directly through a computer, the digitisation of microforms is not a priority for GRS.

(2) As mentioned above, from April 2009 onwards, the public may, under the service of "Using Personal Photographic Device in Search Room", take photographs of paper records of the PRO's holdings with their personal photographic devices free of charge for research or private study purposes. Starting from May 24 this year, the public may also obtain copies of digital records free of charge through taking photographs of images on a computer screen. The arrangements on the free service of "Using Personal Photographic Device in Search Room" have been posted in the PRO Search Room and uploaded to the GRS website for public information. Members of the public may also access digitised archival records which have been uploaded to the website and download them free of charge for research or private study purposes. Owing to reasons such as copyright considerations, some digitised archival records are not available on the GRS website for downloading by the public.

(3) PRO has always been committed to providing quality service to facilitate public access to its holdings and keeps its service under review. In the

past, arrangements were made by PRO to have the copies of digital records procured from overseas national archives printed in black and white, so that the public might obtain free copies of the digital records through taking photographs of the printed copies with their personal photographic devices. In a recent review of the service, PRO found that such practice is not only outdated but also inconsistent with those adopted by overseas national archives in handling digital records. Apart from the implications on manpower and resources, a large amount of paper (note 3) and printer toner are consumed in the production of paper copies which defeats the principle of conservation and environmental protection. As such, PRO has, starting from May 24 this year, adopted a more relaxed approach by allowing members of the public to take photographs of the images on a computer screen directly with their personal photographic devices to obtain copies of digital records free of charge, provided that they comply with applicable regulations made to protect the records, including those on copyright and personal data. This does not only shorten the time required for the public to obtain copies of holdings, but also allows them to obtain colour copies of the digital records. It also serves the purpose of environmental protection. In the long run, PRO will continue to study other measures that may facilitate public access to and downloading of archival records via the Internet.

Note 3: The average paper consumption in the past three years was about 11 200 sheets per year, while the paper consumption in first five months this year has already reached 20 000 sheets.

(4) GRS has been digitising its holdings with reference to criteria commonly adopted by overseas archival institutions (e.g. physical condition of holdings, users' demand or utilisation rate, copyright restriction, personal data consideration etc.) in order to facilitate public access to the holdings via digital means. At present, over 85 000 archival holdings have been digitised by GRS to produce about two million digital images, including about 1.3 million digital images of microfilm collections, oversized maps and architectural plans that are of greater public demand, so as to enhance public accessibility to the relevant items via digital means.

Digitisation of archival holdings is a complex process which involves a number of different steps on testing and treatment (e.g. cataloguing and quality checking of digital records, standardising equipment at regular intervals etc.). Such steps aim to ensure that the archival documents to be digitised are restored to good condition and the data therein are visibly clear before proceeding with the process. Moreover, the quality of the resultant images must also undergo stringent checking after digitisation. These tasks require substantial input of manpower and resources. The GRS plans to digitise archival holdings with high popularity first in the coming 10 years, with an annual production of about 350 000 digital images. The total number of digital images is expected to increase to 6 million items, or about 10 per cent to 15 per cent of all archival records, which is comparable to the digitisation rates of overseas archives.

LCQ17: Implementation of Land Titles Ordinance and land title registration system

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 27):

Question:

The Land Titles Ordinance (Cap. 585) (the Ordinance), enacted by this Council on July 7, 2004, aims to replace the deeds registration system with a new system for registering the title to land and the interests in the land subject to which the title is held, so as to provide greater certainty to both the ownership of land and title to property, and simplify property conveyancing procedures. However, so far no implementation date for the Ordinance has been fixed since its enactment nearly 14 years ago. On the other hand, some members of the legal sector have said that under the deeds registration system, legal practitioners have to carry out the onerous task of searching land records for property conveyancing and real estate transactions. This, coupled with the fact that their salary is generally low, has resulted in a drain of talents and acute manpower shortage. In this connection, will the Government inform this Council:

(1) as the authorities said that various complex issues had to be resolved before commencement of the Ordinance, for example, the mechanism for converting lands under the existing system to those under the new system as well as the "daylight conversion" mechanism (i.e. automatic conversion at the end of the 12th year after commencement of the Ordinance) might affect the titles to land the registers of which showed indeterminate ownership, and cause the Land Registry to be legally liable for the compensation concerned, of the progress made by the authorities in tackling those problems; whether, according to the authorities' assessment, there is any problem which cannot be resolved in the end;

(2) as the authorities said that after a broad consensus had been reached with the key stakeholders on the implementation of the Land Title Registration System on new land first (the new land first proposal), they would consult the Land Titles Ordinance Review Committee and the Land Titles Ordinance Steering Committee before submitting the proposal and introducing the Land Titles (Amendment) Bill to this Council, whether the authorities will draw up the relevant timetable expeditiously to facilitate members of the public and legal practitioners to make corresponding arrangements early; and

(3) of the estimated amount of administrative expenditure to be saved for the legal practitioners concerned and the number of jobs to be created in the legal sector under the new land first proposal?

Reply:

President,

The Land Titles Ordinance (Chapter 585) (LTO) aims to establish a new system, which the Title Register will provide conclusive evidence of title to and of interests in the registered land, in place of the present deeds registration system that gives no guarantee to title with a view to providing greater certainty to property titles and to simplify the procedures of checking title documents in conveyancing. The Legislative Council, when passing the Bill in July 2004, requested the Government to conduct a comprehensive review on a number of issues to be settled and consider making further amendments to the LTO in consultation with the stakeholders before its implementation.

Our reply to the various parts of the question raised by the Hon Paul Tse is as follows:

(1) The land title registration system is inherently complicated. It involves complex legal issues and carries significant implications. Since the enactment of the LTO, the Government has conducted thorough review of the LTO provisions, and has put forward different proposals to address and balance the divergent views of and to forge consensus with stakeholders with regard to various complicated issues including the mechanism for converting and bringing existing land to the land title registration system, and rectification and indemnity arrangements which are closely interrelated issues.

To address the key and closely interrelated issues mentioned above, the Government put forward the proposal of Two-Stage Conversion Mechanism, under which existing land will automatically undergo the first stage primary conversion and be brought under the LTO on a designated date; after a 12-year period, the land (unless subject to any restriction against conversion) will automatically undergo the last stage full conversion and be fully converted to registered land under the LTO. During the primary conversion period, the Government will conduct basic screening on the title chain for existing land registers. If a case of broken or multiple chains of title is identified, the Land Registrar may register a Land Registrar's Caution Against Conversion to withhold the land or property from being fully converted to the new system. The affected land or property will remain in the primary conversion stage until the relevant title issue is resolved, whereupon it can undergo full conversion to become registered land. The proposal of Two-Stage Conversion Mechanism also offers solutions to tackle the divergent views of the stakeholders on rectification and indemnity arrangements. The Government has conducted extensive discussions with major stakeholders on the Two-Stage Conversion Mechanism. However, no consensus has yet been reached on the proposal. In particular, there are still divergent views on how the basic

screening on the title chain for land registers of existing land be conducted.

The Government will continue to closely liaise with the major stakeholders and strive to seek an acceptable proposal on the necessary amendments to be made to the LTO in light of the comments received.

(2) To enable early implementation of title registration system in Hong Kong, the Government is actively pursuing consensus with the major stakeholders on the "new land first" proposal, including conducting briefing sessions to explain the proposal to the major stakeholders. The Government expects to, after general consensus on the "new land first" proposal being reached, consult the LTO Steering Committee and the LTO Review Committee on the major recommendations in taking forward the proposal. The Government will then refine the "new land first" proposal in light of the Committees' comments and prepare as soon as possible a more concrete timetable for the preparation of the Land Titles (Amendment) Bill and introduction of such amendment bill to the Legislative Council for scrutiny.

(3) As mentioned by the Member, under the present deeds registration system, when conducting conveyancing and property transactions, legal practitioners are required to conduct tedious checking of land records in order to ascertain the title to the property. When title registration system is implemented in Hong Kong, for registered land under the new system, the Title Register will be the conclusive evidence of title to the property (except as stipulated in the rectification provisions). Legal practitioners will no longer be required to trace and check the land records of 15 years or even more in order to ascertain the vendor's title as under the existing practice, but can rely on the Title Register and check the relevant instruments according to the registered matters. The new system will simplify the work relating to checking of land records and thus bring convenience to practitioners and purchasers. On the other hand, we believe that even after title registration system is implemented, legal practitioners will still have an important role to play in rendering legal advices to their clients. Apart from checking the registered matters on the Title Register and the relevant instruments, they will need to prepare the relevant legal documents, advise on the covenants and conditions set out in the relevant government leases, verify the parties' identity, verify the content of the registration applications, check the overriding interests etc. At this stage, it is difficult to assess the actual impact or influence of the "new land first" proposal on the legal profession.

LCQ14: Regulation of ingredients and

labelling of personal care products and cosmetics

Following is a question by the Dr Hon Chiang Lai-wan and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (June 27):

Question:

It has been reported that some facial cleansing products available for sale in Hong Kong contain dyes that have been banned by the European Union (EU). In the past, some sunscreen lotions and hair dye products were found after tests to contain estrogenic endocrine disruptors which were carcinogenic and allergens respectively. On the other hand, personal care products and cosmetics for sale in Hong Kong are now required to comply only with "the general safety requirement" in the Consumer Goods Safety Ordinance (Cap 456). In this connection, will the Government inform this Council:

(1) whether the authorities will, by making reference to the relevant practices applied in EU or internationally, formulate product safety standards applicable to personal care products and cosmetics, so as to enhance the protection for consumers; if so, of the details; if not, the reasons for that; and

(2) as some personal care products and cosmetics available in the market either do not have their ingredients labelled or have their ingredients labelled only in the language of the place of origin (neither Chinese nor English), and those products may contain ingredients that may cause allergies or even deaths, whether the authorities will amend the legislation to require that those products must have their ingredients labelled in both Chinese and English, so as to enhance the protection for consumers?

Reply:

President,

Having consulted the Food and Health Bureau, my reply to the two parts of the question is as follows:

(1) The safety of consumer goods which are ordinarily supplied for private use or consumption in Hong Kong, including personal care products and cosmetics, if not covered by other legislation, is subject to the regulation of the Consumer Goods Safety Ordinance (Cap 456) (CGSO) and its subsidiary legislation, Consumer Goods Safety Regulation (Cap 456A) (CGSR). According to the CGSO, manufacturers, importers and suppliers should ensure that the consumer goods comply with the "general safety requirement", which means that they are reasonably safe. In determining whether consumers goods are reasonably safe, one should have regard to all of the circumstances, including the use of any mark in relation to the consumer goods and

instructions or warnings given for the keeping, use or consumption of the consumer goods; and reasonable safety standards published by a standards institute or similar body for consumer goods of the description which applies to the consumer goods or for matters relating to consumer goods of that description.

Customs and Excise Department (C&ED) is responsible for enforcing the CGSO. For regulating the safety of personal care products and cosmetics, C&ED will, in accordance with the CGSO, consider relevant reasonable safety standards, including the standards or requirements published by the European Union, the United States and the Mainland to determine whether a product is reasonably safe. If unsafe products are found, C&ED will take appropriate enforcement actions to protect consumers.

(2) The relevant standards or regulations published by the European Union, the United States and the Mainland all require that personal care products and cosmetics be marked with precautions if they contain ingredients with health hazards. Besides, CGSR stipulates that, where consumer goods are marked with any warning or caution with respect to their safe keeping, use, consumption or disposal, such warning or caution should be in both the English and the Chinese languages, as well as legible and conspicuous.

To ensure that personal care products and cosmetics available for sale in the market comply with relevant requirements under the CGSO and CGSR, in addition to investigating into complaints, C&ED will proactively conduct spot checks on wholesalers and retailers and test-purchase products for testing. C&ED will also monitor relevant reports as well as alerts issued by organisations related to product safety. When necessary, C&ED will seek advice from the Department of Health (DH) to examine the products' impact on human health and the risks involved in order to take appropriate enforcement actions, including the issue of prohibition notices or recall notices and initiating prosecution.

Moreover, personal care products and cosmetics which fall within the definition of "pharmaceutical products" under the Pharmacy and Poisons Ordinance (Cap 138) (PPO), must satisfy the criteria of safety, quality and efficacy and be registered with the Pharmacy and Poisons Board before they can be legally sold in Hong Kong.

In addition, hair dye preparations containing phenylne diamines, toluene diamines or other alkylated benzene diamines or their salts are Part 2 poisons under the PPO and should only be sold at registered premises of Authorized Sellers of Poisons (commonly known as pharmacies or dispensaries) or Listed Sellers of Poisons (commonly known as medicine companies). When selling these hair dye preparations, they are also required to comply with the relevant labelling requirements under the PPO including displaying the name of the poison on the container and its proportion in the total composition of the preparation, together with the text of "Caution. This preparation may cause serious inflammation of the skin in certain persons and should be used only in accordance with expert advice.", etc.

Products which fall within the definition of proprietary Chinese medicines under the Chinese Medicine Ordinance (Cap 549) must fulfil the requirements set by the Chinese Medicine Council of Hong Kong (CMCHK) in terms of safety, quality and efficacy, and be registered with the Chinese Medicines Board under the CMCHK before they can be imported, locally manufactured and sold.

To ensure the safety and quality of pharmaceutical products and proprietary Chinese medicines, DH has put in place a regular market surveillance system under which samples of these products are regularly collected from the market for testing. DH has also established a mechanism for adverse incident reporting relating to drugs and Chinese medicines, so as to conduct risk assessment, management and reporting. If substandard pharmaceutical products or proprietary Chinese medicines are found, DH may take actions such as requesting the traders concerned to recall the products, prosecuting the traders concerned and referring the cases to the relevant board/council for follow-up actions, and issuing relevant press statements.

LCQ9: Tree management

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (June 27):

Question:

Last month, two 80-year-old Chinese banyan trees located at Bonham Road in front of Tang Chi Ngong Building of the University of Hong Kong were removed by workers sent by the Government for the reason that the trees had health and structural problems. It has been reported that some tree experts queried that (i) the risk assessment for the two trees conducted prior to the removal by an arborist of an outsourced service contractor was sloppy, and (ii) the Government had all along failed to maintain and manage the two trees in accordance with the standard for management of stonewall trees. In this connection, will the Government inform this Council:

(1) as the contractor engaged by the Lands Department was required to conduct regular inspection and maintenance of the two trees (including pruning) every six months since mid-2015, whether such maintenance work included (i) improving the soil at the trees' trunk bases, (ii) stabilising the structure of the low-rise wall which was wrapped around by the trees' roots, and (iii) taking measures to enhance the trees' immunity;

(2) given that the two trees met the definition of stonewall trees (i.e. most of the roots spreading on or penetrating through the wall face, and with the trunk bases situated within the confines of a wall), of the reasons why the

Government had never maintained and managed the two trees in accordance with the standard for stonewall trees; and

(3) whether the Government conducted, in the past three years, any review on the system of outsourcing tree management, including reviewing whether the practice of awarding service contracts based solely on lowest bidding had led to poor quality of risk assessments for trees, thereby causing the Government to make wrong decisions on the need to remove trees?

Reply:

President,

Since 2015, the Government has closely monitored the conditions of the two banyan trees and the wall that they are attached to. Qualified arborists of the tree maintenance contractor of the Lands Department (LandsD) conducted risk assessments for the two banyan trees every six months. Upon receiving the assessment report every time, the LandsD reviewed the report in detail and verified the assessment on site. Resistance drilling test using tree inspection equipment on the trunk of one of the trees had also been conducted to determine the extent of rot inside the trunk. Similar resistance drilling test on the other tree was not possible due to site constraints.

Four officers in the Tree Unit of the LandsD are involved in reviewing and conducting on-site verification. All of them possess arboriculture qualifications, including Certified Arborists of the International Society of Arboriculture (ISA), Tree Risk Assessment Qualification of ISA, etc, and have more than 10 years of experience in tree risk assessment and maintenance. Amongst them, a senior tree management officer possesses a master's degree in arboriculture and urban forestry from the United Kingdom and has more than 20 years of experience in tree management.

Upon receiving the tree removal proposal from the LandsD in December last year, Certified Arborists with extensive experience in tree management from the Tree Management Office (TMO) also conducted site inspections and examined the conditions of the two banyan trees and the wall. Having comprehensively considered all factors, including stability of the trees and the wall, the health and structure of the trees, their location, usage of the nearby community facilities, public consequence of tree and wall failure, and availability of practicable mitigation measures, the TMO agreed that it was necessary to remove the trees before the wet season in the interest of public safety.

The TMO also invited tree experts from the Urban Forestry Advisory Panel (UFAP) to conduct field visits to stonewall and wall trees in Hong Kong on April 26, including the banyan trees at Bonham Road, and discussed the tree removal proposal with them. The UFAP members agreed that other mitigation measures were not feasible and tree removal was necessary, taking into account their threat to public safety.

The tree risk assessments for the two banyan trees were checked and

verified by several ISA Certified Arborists and qualified arborists with extensive experience. The assessment was undertaken according to established procedures in a professional and rigorous manner.

My reply to the questions raised by the Hon Hui Chi-fung is as follows:

(1) Since mid-2015, the LandsD has arranged qualified arborists of the tree maintenance contractor to inspect and maintain the two banyan trees every six months, including pruning to reduce the weight of the canopy and removal of fungal infected parts. For other proposed maintenance works such as improving the quality of the soil around the basal area of the trees and enhancing the defence system of the trees, as the growth environment of the two banyan trees was undesirable, for instance, half of the root system was covered by footpath and road surfaces, and the other half was separated by the wall of Tang Chi Ngong Building, soil improvement would have a negligible effect in addressing the fundamental causes of tree deterioration. In addition, as the "self-repair" mechanism of the trees has failed and internal decay was observed in the old cut wounds of the two branches, the two trees showed irreversible health problems. Measures to strengthen the trees' defence system would have little effect.

Given that the footpath along Bonham Road is very narrow and the roots of the two banyan trees have already wrapped around the wall, reinforcing the structure of the walls is technically not feasible.

(2) The two banyan trees did not grow on stone retaining wall but have only wrapped around the adjacent wall. They are not considered as stonewall trees. This notwithstanding, the LandsD has closely monitored their health and structural stability since 2015, carrying out tree risk assessment every six months and implementing practicable measures to retain the trees, such as pruning to reduce the load and removing fungal fruiting bodies at the infected tree root .

(3) The Government reviews the system of outsourcing tree management works from time to time with a view to bringing in latest good practices. The LandsD's current tender evaluation process follows the established guidelines, which takes into account tenderers' past performance in previous public works projects as well as tender price. It is not based solely on lowest bidding. Furthermore, qualified tenderers must be listed in the Landscaping Category, Group II under the List of Approved Suppliers of Materials and Specialist Contractors for Public Works of the Development Bureau. In addition, all tree management departments must strictly comply with the Guidelines for Tree Risk Assessment and Management Arrangement to clearly stipulate the requirements for professional qualifications in arboriculture, training and related work experience in the contract. Only qualified personnel can be deployed to carry out relevant tasks in accordance with the requirements specified in the contract.

As mentioned above, the tree risk assessments for the two banyan trees were checked and verified by several ISA Certified Arborists and qualified arborists with extensive experience. The structure of the adjacent wall has

been adversely affected by tree growth, showing deformations and multiple cracks. The wall has tilted towards Bonham Road, indicating high likelihood of collapse. In the event of heavy rain, the runoff may wash away the soil around the tree roots through the cracks on the wall, compromising base support and leading to tree and wall collapse. Tree failures are sudden, and it is not possible for passers-by and vehicles to escape in time. Therefore, when failing trees pose high risk to the public, removing them is necessary. The decision to remove the two trees at Bonham Road is justified and professional in the interest of public safety.