

Public urged to report flooding

Attention duty announcers, radio and TV stations:

Please broadcast the following as soon as possible and repeat it at suitable intervals:

Members of the public are advised to report any street flooding that comes to their notice to the Drainage Services Department by calling the 24-hour drainage hotline on 2300 1110.

Transcript of SCMA's remarks on LegCo by-election

Following is the transcript of remarks made by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, at a media session after attending the Legislative Council meeting today (June 6):

Reporter: Is there any plan for the by-election to wait for the (appeal relating to the) New Territories East (geographical constituency)?

Secretary for Constitutional and Mainland Affairs: As I said, basically, the Electoral Affairs Commission will act in accordance with the legal requirements to conduct a by-election whenever there is a vacancy as earlier as practicable. So that is the legal requirement. And it will also take into account the actual circumstances. That will be the follow-up work to be done by the Electoral Affairs Commission.

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

LCQ19: Unlicensed medical practice

Following is a question by the Hon Pau Tse and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 6):

Question:

It has been reported that in the year before last, four persons of South

Korean nationality who claimed that they were medical staff and two Hong Kong women suspected of acting as intermediaries allegedly used a hotel in Hong Kong as a medical clinic, solicited patronage through online advertisements and conducted, for customers in the hotel, medical examinations prior to plastic surgery. Those four persons of South Korean nationality were subsequently prosecuted for, among other offences, practising without registration as medical practitioners (commonly known as "unlicensed medical practice"). Regarding the issue of foreign nationals engaging in unlicensed medical practice in Hong Kong, will the Government inform this Council:

(1) of the number of cases involving foreign nationals engaging in unlicensed medical practice in Hong Kong received by the authorities in the past three years, together with a breakdown by nationality; among them, of the respective numbers of those who were prosecuted and convicted;

(2) whether intermediaries were involved in the cases mentioned in (1); if so, of the details;

(3) whether it received in the past three years reports of medical incidents involving foreign nationals engaging in unlicensed medical practice in Hong Kong; if so, of the details; of the channels through which members of the public may pursue so as to hold the other party responsible; which policy bureau or government department is dedicated to the handling of the relevant complaints lodged by members of the public;

(4) of the measures put in place to alert members of the public that they should, before receiving medical services relating to plastic surgery, verify whether the persons providing such services for them are medical practitioners registered under the Medical Registration Ordinance (Cap. 161);

(5) given that talks held by intermediaries are available in the market from time to time to induce members of the public in Hong Kong to join cross-boundary/cross-nation plastic surgery packages, whether the authorities have compiled statistics on the current number of intermediaries engaging in such business in Hong Kong; whether the authorities will study the enactment of legislation to regulate plastic surgery intermediaries with a view to enhancing the protection for members of the public; and

(6) as the Code of Professional Conduct for the Guidance of Registered Medical Practitioners stipulates that practice promotion by medical practitioners is not permitted, whether overseas medical practitioners coming to Hong Kong to provide consultation service for patients is subject to similar restriction and regulation; if so, of the details; if not, whether the authorities have studied amending the legislation to plug the loopholes?

Reply:

President,

My reply to the questions raised by the Hon Paul Tse is as follows.

(1) to (3) The Department of Health (DH) refers complaints of suspected illegal practice of medicine to the Police and provides professional support if needed. In 2015-2017, DH referred 67 cases of suspected illegal practice of medicine to the Police.

As the progress of cases involved varies, the Government does not maintain statistics on number of cases of illegal practice of medicine involving foreign nationals, number prosecuted and convicted, and number involving intermediary agent.

Members of the public should report suspected illegal practice of medicine to the Police. The DH will provide professional support to the Police if needed.

(4) The DH has been providing information to the public on the possible risks and complications associated with certain cosmetic procedures through various media, including television, radio, newspapers and websites. Besides, the DH has produced pamphlets and booklets on common beauty procedures advising the public that certain beauty procedures should only be performed by locally registered medical practitioners (e.g. procedures related to injection). A list of registered medical practitioners can be found at the website of the Medical Council of Hong Kong (www.mchk.org.hk/english/list_register/doctor_list.php). Further information is available at the DH website (www.dh.gov.hk/english/useful/useful_medical_beauty/useful_medical_beauty.html).

(5) The Food and Health Bureau and DH do not have the statistics on number of intermediaries engaging in business involving cross-boundary/cross-nation plastic surgery packages. The reply to part 4 of the question above has set out the current measures of the Government on increasing public awareness on possible risks associated with cosmetic procedures.

(6) The Medical Council of Hong Kong issued the Code of Professional Conduct to provide guidance on professional conduct for registered doctors in Hong Kong. The Code is not applicable to any person not registered in Hong Kong.

Moreover, according to section 28 of the Medical Registration Ordinance (MRO), subject to the provision of section 28(3) of the MRO, if any person who is not being registered or provisionally registered or exempted from registration practises medicine or surgery, or does any medical diagnosis, prescribes any medical treatment or performs any medical treatment (including surgery) in relation to a person which results in personal injury to that person, he commits an offence and is liable to fine and imprisonment. The maximum penalty is imprisonment for seven years.

Red flag hoisted at Upper Cheung Sha Beach

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (June 6) that due to big waves, red flag has been hoisted at Upper Cheung Sha Beach in Islands District. Beach-goers are advised not to swim at the beach.

LCQ22: Cooperation between HKSAR Government and other jurisdictions on MLA and SFO

Following is a question by the Hon Starry Lee and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 6):

Question:

It has been reported that in March this year, the Taiwan Police found, after investigation, that a Hong Kong woman was killed in Taiwan and her corpse was dumped there. The Taiwan Police suspect that a Hong Kong man who went to Taiwan with the woman and subsequently returned to Hong Kong alone is the murderer. However, in the absence of an arrangement for mutual legal assistance in criminal matters or surrender of fugitive offenders (SFO) between Hong Kong and Taiwan, there is no formal channel for exchange of intelligence and documents and for SFO between the two places, which has made it difficult for the law enforcement agencies of the two places to track down the suspect's criminal liability along the line of murder. To ensure that offenders cannot elude justice, and to demonstrate to the public the Government's determination and capability in upholding the rule of law, will the Government inform this Council:

- (1) whether it will facilitate a prompt discussion between the law enforcement agencies of Hong Kong and Taiwan about the exchange of intelligence and documents relating to the aforesaid case;
- (2) whether it has studied if special arrangements may be made to surrender

the aforesaid suspect to the law enforcement agency of Taiwan, and assist it in gathering evidence for the case and instituting prosecution; and

(3) whether it will explore entering into a reciprocal judicial assistance agreement with the Taiwan authorities; if so, of the details; if not, the reasons for that?

Reply:

President,

A consolidated reply to the three parts of the question is as follows:

According to Article 95 of the Basic Law, "[t]he Hong Kong Special Administrative Region may, through consultations and in accordance with law, maintain juridical relations with the judicial organs of other parts of the country, and they may render assistance to each other". According to Article 96 of the Basic Law, "[w]ith the assistance or authorisation of the Central People's Government, the Government of the Hong Kong Special Administrative Region may make appropriate arrangements with foreign states for reciprocal juridical assistance". Since Hong Kong's return to the Motherland, the Hong Kong Special Administrative Region (HKSAR) Government has been actively taking forward cooperation with other jurisdictions on mutual legal assistance in criminal matters (MLA) and surrender of fugitive offenders (SFO) in accordance with the Basic Law, with a view to combating crimes and upholding justice. At present, Hong Kong has signed MLA agreements with 32 jurisdictions (Note 1) and SFO agreements with 20 jurisdictions (Note 2). The HKSAR Government will continue its proactive work on this front.

It is stipulated in section 2(1) of the Mutual Legal Assistance in Criminal Matters Ordinance (Chapter 525 of the Laws of Hong Kong) that MLA arrangements are applicable to "the Government and the government of a place outside Hong Kong" or "Hong Kong and a place outside Hong Kong" other than "the Central People's Government or the government of any other part of the People's Republic of China" or "any other part of the People's Republic of China". It is also stated in section 2(1) of the Fugitive Offenders Ordinance (Chapter 503 of the Laws of Hong Kong) that SFO arrangements are applicable to "the Government and the government of a place outside Hong Kong" or "Hong Kong and a place outside Hong Kong" other than "the Central People's Government or the government of any other part of the People's Republic of China" or "any other part of the People's Republic of China". At present, Hong Kong does not have MLA or SFO arrangements with Taiwan. Prior to the implementation of a new MLA or SFO arrangement between Hong Kong and any jurisdiction (prescribed arrangement), both parties have to go through the processes of negotiation and signing of the relevant agreement or arrangement as well as completing the respective procedures required for entry into force of the relevant agreement or arrangement before the prescribed arrangement can take legal effect.

Apart from MLA and SFO arrangements, the Hong Kong Police and other law enforcement agencies liaise and cooperate with their counterparts of other

places from time to time to exchange intelligence for combating crimes. Besides, under Part VIII of the Evidence Ordinance (Chapter 8 of the Laws of Hong Kong), Hong Kong may, via letters of request issued by the court, seek assistance on criminal matters from courts of other places; similarly, if other places need assistance on criminal matters from Hong Kong, they may make relevant applications to the Hong Kong court. Parties concerned are required to strictly comply with their respective laws and requirements in the liaison and cooperation.

The HKSAR Government is very concerned about and attaches great importance to the case of the victim Poon Hiu-wing. The Hong Kong Police arrested the suspect on March 13, 2018. The case was brought before the Kwun Tong Magistrates' Courts on March 15, and the suspect was detained under the court order on the same day. Hearings were held on April 12 and May 10. At the hearing in May, the prosecution indicated that the investigation would continue for potential new charges and advice from the Department of Justice (DoJ) would be sought. The case has been adjourned to July 5 for further hearing, and the suspect is remanded in the custody of the Correctional Services Department during the period.

The HKSAR Government is now continuing to handle the case proactively. Police investigation is in full swing under their purview according to laws of Hong Kong and in light of the actual circumstances of evidence collection. Three police officers were sent to Taiwan on March 21, 2018 to follow up the case. The body of the deceased, after returning to Hong Kong, was examined by a forensic pathologist on April 4. The Police are now striving to collect all evidence that may be useful and will not skip any small clue. Also, as the case involves two jurisdictions, DoJ is contemplating how the case should be handled and followed up under the existing legal framework. As legal proceedings of the case are underway, relevant investigation details and evidence cannot be disclosed in order not to affect the conduct of such proceedings. Meanwhile, the Police have been providing assistance and support to the family members of the victim Poon Hiu-wing.

The HKSAR Government fully understands the community's concern about the case. The Police and DoJ will definitely spare no effort to obtain a thorough and clear understanding of the incidents happened, crimes involved and evidence collected in the two jurisdictions, with a view to handling the case in the most appropriate manner.

Note 1: Argentina, Australia, Belgium, Canada, Czech Republic, Denmark, France, Finland, Germany, India, Indonesia, Ireland, Israel, Italy, Japan, Malaysia, Mongolia, the Netherlands, New Zealand, the Philippines, Poland, Portugal, Republic of Korea, Singapore, Sri Lanka, South Africa, Spain, Sweden, Switzerland, the United Kingdom, the United States and Ukraine.

Note 2: Australia, Canada, Czech Republic, France, Finland, Germany, India, Indonesia, Ireland, Malaysia, the Netherlands, New Zealand, the Philippines, Portugal, Republic of Korea, Singapore, South Africa, Sri Lanka, the United Kingdom and the United States.