

Hong Kong Customs combats unfair trade practices at ginseng and dried seafood shop

Hong Kong Customs today (July 4) arrested a salesman of a ginseng and dried seafood shop suspected to have applied a false trade description in the sale of dried fish maw, in contravention of the Trade Descriptions Ordinance (TDO).

Customs earlier received information alleging that a salesman of a ginseng and dried seafood shop in Mong Kok claimed that the unit price of dried fish maw was calculated per catty. After the goods were sliced, the salesman revealed that the dried fish maw was priced per tael. The price was 16 times different from expected.

After investigation, Customs officers today arrested a 28-year-old man.

Investigation is ongoing and the arrested man has been released on bail pending further investigation.

Customs reminds traders to comply with the requirements of the TDO and consumers to purchase products from reputable shops. Consumers should also be cautious about the unit price and ask for more information, including the total price of the goods selected, before making a purchase decision.

Under the TDO, any person who applies a false trade description to any goods, or supplies goods with a false trade description in the course of trade or business, commits an offence. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Members of the public may report any suspected violations of the TDO to the Customs 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).

LCQ22: Admission of local students holding overseas academic qualifications by universities funded by University Grants Committee

Following is a question by the Hon Ip Kin-yuen and a written reply by

the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (July 4):

Question:

The Joint University Programmes Admission System (JUPAS) is the main platform for students holding Hong Kong Diploma of Secondary Education Examination results to apply for admission to undergraduate programmes funded by the University Grants Committee (UGC). Students holding other academic qualifications may only apply to individual UGC-funded universities (funded universities) directly for admission (non-JUPAS). However, some members of the public have relayed to me that the various funded universities have not made public details of the two methods of admitting students via the JUPAS and non-JUPAS routes (e.g. the ratios of places, the admission criteria), raising doubts as to whether funded universities treat those two types of students fairly in student admission. Regarding information on admission of local students holding overseas academic qualifications by funded universities, will the Government inform this Council if it knows:

(1) in respect of the publicly-funded first-year-first-degree programmes offered by each funded university in each of the past five academic years, (i) the total number of students and, among such students, (ii) the number of those admitted via the non-JUPAS route; among the students in (ii), the respective numbers and percentages of local students and non-local students (set out in a table); among those local students admitted via the non-JUPAS route, the respective numbers and percentages of those holding various types of overseas academic qualifications (e.g. International Baccalaureate Diploma Programme, the General Certificate of Education Advanced Level Programme), together with the respective names of the relevant academic qualifications (set out in a table);

(2) in respect of the 20 programmes with the largest numbers of local students admitted by each funded university via the non-JUPAS route in each of the past five academic years, the respective median and minimum academic qualifications of the local students who were admitted to each programme (set out in a table);

(3) the method currently adopted by various funded universities for ensuring that the admission thresholds for applicants holding different types of academic qualifications are consistent; and

(4) whether the local students admitted by funded universities via the non-JUPAS route will take up the places reserved for (i) international students or (ii) JUPAS students; whether UGC and funded universities have formulated guidelines to ensure fair treatment for students applying for admission via the JUPAS and non-JUPAS routes; if so, of the details?

Reply:

President,

The Joint University Programmes Admissions System (JUPAS) is the main

platform for students sitting for the Hong Kong Diploma of Secondary Education (HKDSE) Examination to apply for admission to undergraduate programmes funded by the University Grants Committee (UGC). It aims at handling centrally applications for admission to university programmes by students holding specific public examination results (currently the HKDSE). For local students holding other academic qualifications, including sub-degree students of local post-secondary institutions and Hong Kong permanent residents who study in or outside Hong Kong and sit for international public examinations, they have to apply to individual UGC-funded universities direct for admission (commonly known as "non-JUPAS").

The UGC Notes on Procedures clearly state that UGC-funded universities enjoy autonomy in the development of curricula and academic standards, selection of staff and students, initiation and conduct of research, internal allocation of resources, etc., and they are accountable for their decisions in these matters. On the principles of fairness and merit-based selection, each university will work out its admission policy and criteria for different programmes to assess students' applications submitted through the JUPAS and non-JUPAS routes. All the universities shall endeavour to ensure that only the most deserving applicants are offered admission regardless of the types of academic qualifications they are holding. As a matter of fact, all candidates who are Hong Kong permanent residents deserve equal opportunities to be considered for admission to UGC-funded programmes on the basis of fair competition, irrespective of their admission routes and academic qualifications.

The Education Bureau's reply to the question raised by the Hon Ip is as follows:

- (1) The total number of students, the number of local students admitted via the non-JUPAS route and the respective information of various types of non-local academic qualifications held by local students via the non-JUPAS route of each UGC-funded university in the past five academic years (i.e. 2013/14 to 2017/18 academic year) are set out at Annex 1.
- (2) The respective median and minimum academic qualifications of the local students who were admitted via the non-JUPAS route to the 20 programmes with the largest numbers of local students of each UGC-funded university in the past five academic years (i.e. 2013/14 to 2017/18 academic year) are set out at Annex 2.
- (3) and (4) Recognising institutional autonomy in student admission, neither the Government nor the UGC would require universities to specify a particular proportion of local students admitted through the JUPAS and non-JUPAS routes. Besides, in accordance with the prevailing policy, UGC-funded universities could only admit non-local students to UGC-funded programmes by way of over-enrolment, irrespective of the academic qualifications or results of any given examination used by non-local students for their applications. Such intake places should all be outside the UGC-funded places. In other words, the 15 000 UGC-funded first-year-first-degree intake places each year must be used for admitting local students including non-JUPAS local students. As such, non-JUPAS local students would not take up the places used for

admission of non-local students, and vice versa.

According to UGC-funded universities, student admission is based on a rigorous and holistic assessment of applicants in a variety of aspects, including their academic qualifications and results, interview performance, personal attributes, non-academic achievements, interests and experiences, programme preferences. Hence, the applications via the JUPAS and non-JUPAS routes should not be simply compared by their academic results. All universities have accumulated a wealth of experience in assessing applicants with different academic qualifications and will continue to monitor the relative academic results and performance of students admitted with different academic qualifications to ensure that the admission thresholds are consistently applied to applicants holding different types of academic qualifications. The Bureau understands that universities do not apply any formula to convert and compare different academic and non-academic qualifications.

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 FOO, 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 FOO. 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 F00. 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.