

LCQ18: Government's emergency response and preparedness for typhoons and natural disasters

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

Question:

Last year, five typhoons of tropical cyclone warning signal No. 8 or above struck Hong Kong and, among them, two typhoons respectively called Hato and Pakhar inflicted particularly serious damages. Some scientists have pointed out that global climate change will lead to increasingly frequent occurrence of extreme weather conditions (including typhoons). In this connection, will the Government inform this Council:

(1) given that during the passage of Hato through Hong Kong, seawater surged into coastal areas such as Heng Fa Chuen, Siu Sai Wan and Cheung Chau, causing flooding and serious damages, whether the Government will install more facilities for preventing flooding caused by storm surge at those coastal areas that are vulnerable to storm surge; if so, of the details; if not, the reasons for that;

(2) of the areas where the stormwater collection systems currently have inadequate drainage capacity (set out by District Council district), and whether the Government has plans to carry out improvement works to the stormwater collection systems in those areas;

(3) given that after the onslaught of Hato and Pakhar, large quantities of rubbish and other objects were found adrift in inshore waters at a number of locations across the territory and affected environmental hygiene, whether the Government will consider making it a standing arrangement to deploy workers to clean up the inshore waters and carry out disinfection after the onslaught of a typhoon; if so, of the details; if not, the reasons for that;

(4) whether the Government currently stockpiles supplies and food in preparation for the needs during a natural disaster; if so, of the types of such stockpiled items and food, and for how many days the stockpiled quantities can meet the needs of Hong Kong residents; if not, the reasons for that;

(5) given that the Macao Government held a large-scale drill on typhoon response in April this year, whether the Government currently has any plan to conduct a similar drill; if so, of the details; if not, whether the Government will consider conducting a similar drill in view of the possibility of increasingly frequent occurrence of extreme weather

conditions; and

(6) under what circumstances the Government will request the Central Government to direct the People's Liberation Army Hong Kong Garrison to assist in disaster relief and recovery efforts?

Reply:

President,

Hong Kong's geographical position makes it susceptible to weather-related threats such as tropical cyclone (TC), rainstorm and storm surge. Such threats are expected to increase in frequency and severity as extreme weather becomes more likely while climate change goes drastic. The Government maintains a Contingency Plan for Natural Disasters (CPND), which sets out the Government's alert system and organisational framework for responding to natural disasters including TCs, as well as the functions and responsibilities of Government departments and other organisations. The weather warning system, emergency response and delineation of responsibilities as laid out in the CPND are generally effective. The response procedures are well defined, ensuring prompt activation of departmental actions. The weather forecast and warning systems are based on a scientific foundation and properly administered. Departments and auxiliary services responsible for emergency rescue and relief have been professional and effective in discharging their duties. In consultation with the relevant departments, I reply to the various parts of the question as follows:

(1) As regards sea flooding in the coastal areas during TCs, various departments have measures in place. After the Severe Typhoon Hagupit in 2008, the Government has identified several locations vulnerable to sea flooding and established an early alert system with a view to alleviating the impact of sea flooding on the local residents. The Drainage Services Department (DSD) has formulated action plans for these locations and carried out relevant works. The action plans mainly involve deployment of teams to handle flooding, provision of temporary pumping facilities and carrying out temporary flood-proofing measures. Meanwhile, the Government has carried out works of rock-armoured bund, concrete walls, gabion walls and water-stop boards in several locations to alleviate the impact of the land being directly inundated by sea water and enhance the protection to the public.

(2) The public stormwater drainage systems in Hong Kong are planned and designed in accordance with flood protection standards. DSD has completed a number of flood prevention projects in various areas over the territory in the past. With the commissioning of these drainage trunk systems, flooding situations in urban areas, New Territories North and Northwest, etc. have been significantly improved. To cope with the needs of future development in various districts and having regard to the impact of climate change, since 2008, DSD has initiated reviews of the efficacy of stormwater drainage systems in all districts, and planned and carried out relevant works as required. All these works have been planned, designed and constructed according to the said flood protection standards and taking into account the impact of climate change.

(3) Regarding the clearance of marine refuse, the Marine Department will mobilise its staff to strengthen patrols in regions likely to be affected as soon as possible once being notified under the notification and alert mechanism on marine refuse developed by the Environmental Protection Department, and deploy resources to clean up marine refuse where necessary.

(4) As for relief related to natural disasters, the Government has put in place the CPND which sets out that in case of major natural disasters or such disasters are assessed to be probable, where widespread damages will be done to Hong Kong, the Security Bureau (SB) will activate the Emergency Response System and the said CPND. The Social Welfare Department (SWD) will provide food or cash and other relief items to victims in need at the disaster scenes or temporary shelters. In emergencies, SWD may also liaise with four hospitals under the Hospital Authority to provide meals to these victims. Besides, as rice is a staple food in Hong Kong, the Government has devised the Rice Control Scheme under the Reserved Commodities Ordinance to ensure a stable supply of rice and to keep a reserve stock sufficient for consumption by the population for a reasonable period of time to cater for emergencies or any short term shortage of supply.

(5) In respect of exercises, in fact, various emergency departments and agencies of Hong Kong will put in place typhoon contingency plans prior to typhoon seasons. They will also conduct response exercises for major incidents or natural disasters in Hong Kong from time to time. In these exercises, weather deterioration and typhoon attacks in Hong Kong will be simulated to test the departments' contingency plans, with a view to strengthening officers' responsiveness and coordination capabilities in response to major disasters for protecting the life and property of the citizens. Moreover, SB convened its annual Inter-departmental Risk Assessment and Preparation Meeting in April this year. At that meeting, relevant departments and agencies reported on their pre-typhoon risk assessment and reduction work as well as their corresponding preparedness programmes, which include in-house drills and staff briefings, departmental contingency plan review, liaison with other departments and precautionary works programme against flooding. In May, SB also held an inter-departmental table-top exercise in which various extreme weather conditions caused by TCs were simulated. The exercise aims to ensure that all the participating departments understand their own and each other's roles and responsibilities in order to enhance their preparedness and the communication and collaboration among them.

(6) Under Article 14 of the Basic Law, the Government of the Hong Kong Special Administrative Region (HKSAR Government) may, when necessary, ask the Central People's Government for assistance from the garrison in the maintenance of public order and in disaster relief. That said, the HKSAR Government is fully confident of its experience, deployment and capability. The Government is capable to effectively perform disaster relief and recovery work. The Government has put in place a CPND which sets out comprehensive emergency response arrangements in case of natural disasters. In terms of rescue, recovery and restoration of normal operation of society, all government departments and ancillary units have accumulated

considerable experience, and as demonstrated in various disastrous incidents, they have the ability to respond to the damages caused by major natural disasters in a professional, timely and effective manner. Looking ahead, all departments will keep enhancing their equipment and training for major natural disasters and from time to time, review their disaster relief strategies and arrangements. The HKSAR Government is confident and capable of performing disaster relief work in the future.

LCSD follows up suspected improper access to public library registered users' online accounts

The Leisure and Cultural Services Department (LCSD) today (June 6) announced that a staff member of an outsourced service contractor of the Hong Kong Public Libraries (HKPL), which is under the department's management, is suspected to have obtained some HKPL registered users' account information without authorisation for reporting loss of library cards or changes of account passwords. The staff member involved, who was responsible for handling returned library materials from readers at Tseung Kwan O Public Library, has resigned.

The LCSD has reported the incident to the Police and informed the Office of the Privacy Commissioner for Personal Data and suspected affected users, of which 86 users were successfully contacted. The resigned staff member involved has been arrested by the Police.

"The LCSD is very concerned about the incident and would like to apologise to the affected users. The department will fully assist in the police investigation and has set up a task force led by an Assistant Director to fully review the security measures concerning the management of HKPL registered users' personal data and to enhance the monitoring mechanism on HKPL outsourced service contractors' performance to prevent recurrence of similar incidents," the spokesman emphasised.

The spokesman said that the HKPL recently received enquiries from registered users regarding unsuccessful access to their online accounts. Having found the incidents to be abnormal, the HKPL conducted investigations accordingly. The findings showed that these users' accounts were suspected to have been improperly accessed, and 129 of the accounts reported loss of a library card or change of the account password, resulting in the account holders' inability to use online library services.

The spokesman appealed to HKPL registered users to change their online accounts' preset passwords as soon as possible if they have never done so to protect their personal data. The LCSD has set up a hotline for HKPL

registered users who can call 2601 8218 or 2601 7348 during office hours (9am to 1pm and 2pm to 5pm from Mondays to Fridays, except public holidays) for enquiries.

[Speech by CE at Urban Land Institute Asia Pacific Summit \(English only\) \(with photos/video\)](#)

Following is the speech by the Chief Executive, Mrs Carrie Lam, at the Urban Land Institute (ULI) Asia Pacific Summit this morning (June 6):

Mr Toomey (ULI Global Chairman, Mr Tom Toomey), Dr Seek (ULI Asia Pacific Chairman, Dr Seek Ngee Huat), Tom (ULI Senior Resident Fellow and ULI/Klingbeil Family Chair for Urban Development, Mr Tom Murphy), Nick (ULI Asia Pacific Incoming Chairman, Mr Nicholas Brooke) and Raymond (ULI Hong Kong and Summit Host Committee Chairman, Mr Raymond Chow),

Thank you very much for inviting me to this very important occasion of ULI Asia Pacific – hosting for a second time this very interesting and exciting summit in Hong Kong, especially at the time when you are celebrating your 10th anniversary.

I still remember when Nick sent an invitation, he started by saying that this summit is a long way away, because the invitation was actually sent to me last September – it was a couple of months after I took office as the Chief Executive for Hong Kong. But now here I am. So I have this impression that time really flies for me as the Chief Executive for Hong Kong. I'll be celebrating my first anniversary very soon.

There is a Chinese saying that when people are in a state of anxiety, very unhappy, then days pass like years (日如年). So I take it that I have a pretty enjoyable and relaxing tenure as the Chief Executive when months actually pass like days.

I think people in the real estate sector are very used to hearing me talk with a beautiful PowerPoint, going into tens and tens of slides about Hong Kong's land development, transport infrastructure, etc. But I have no PowerPoint for you this morning because I was invited to talk about how I lead this top-tier city. There is another Chinese saying that it's easier actually to start a business but it's extremely difficult to sustain a successful business (易起難守). So I'm now right in this position of sustaining this top-tier city and bringing this top-tier city to newer heights. So I only have a few words that I want to share with you in this leadership position, that is what it's like to lead this top-tier city.

One is it is extremely tiring. Secondly, it is extremely challenging, but fortunately it's extremely fulfilling.

Now, just to impress upon you the workload or the work pressure on the Chief Executive of the Hong Kong Special Administrative Region, since I won the election on the 26th of March last year, which by now is almost one and a half years, I have only taken one day's leave – to spend a very brief holiday with my family in a city called Guilin in the Guangxi Autonomous Region. And that was really a brief holiday of four nights. But even during that very brief holiday, I had to produce a video on how wonderful it is to travel on the high-speed rail from Shenzhen North station for three hours to Guilin and sort of promoting the high-speed rail in Hong Kong which will open by the end of September this year, and by which time I don't need to go to Shenzhen North to change into a high-speed train. I will walk into the West Kowloon terminus and then one stop – although we will stop en route, but I don't need to change any train – and I'll be in Guilin in about three hours' time. Now, also during that very brief holiday I had meetings with the leaders of Guangxi who wanted to talk to me about this exciting project of the southern corridor. And then I was invited to inspect some poverty alleviation work in a village in Guilin – how they revitalised a village in order to help raise the standard of living in some of these rural villages.

So I've come to the conclusion that in this particular position there is simply no private life for the Chief Executive and I just don't have any personal time for myself and my family. That is because about 20 per cent of my time was actually spent outside of Hong Kong in the last year or so. I have made 21 trips out of Hong Kong to promote this top-tier city, and next Wednesday I'm embarking on a grand European tour of 13 days covering three countries and six cities in continental Europe to continue to promote Hong Kong and to explore opportunities for collaboration with Hong Kong in a wide range of areas, including innovation and technology, arts and culture, business, financial services, Renminbi trading and so on and so on, because we are a cosmopolitan city, very proud of being an international financial centre, shipping and logistics, and now emerging as a very important arts and cultural hub. I hope friends who come from abroad will have some time to visit the recently opened Central Police Station Compound, now called Tai Kwun, which is revitalised into an arts and entertainment precinct for Hong Kong people as well as for tourists.

I also promised and have delivered this pledge to work more closely with our politicians – the Legislative Council (LegCo) – because in our political system, and that is why leadership is so important, if we want to deliver for Hong Kong, I have to work with the politicians across the spectrum, whether they are pro-government, anti-establishment or even very radical members in the Legislative Council. So from January this year, I started the practice of going more frequently to the Legislative Council to attend not only the long versions of question-and-answers by the Chief Executive every quarter but also in addition to go there at least once a month to be questioned. But these interactions have been proven to be quite rewarding and effective. For those in the audience who are in the construction industry, you will be

pleased to hear that I am expecting a very good year in terms of getting funding for Hong Kong's infrastructure. I have said in public that I am expecting total funding to be approved this year by the Legislative Council will be in the region of HK\$170 billion, which is the highest level in the last five years.

That's so much about this being a very tiring job because of all the things I need to do and the people I need to engage in order to continue to lead Hong Kong effectively.

I said this job is also extremely challenging because on the one hand, Hong Kong has her unique strengths which I still feel there is a huge potential to be tapped, and that's why I do a lot of all these overseas and Mainland trips. On the other hand, we are facing a lot of difficulties, so that is what makes this job extremely challenging and also interesting.

But let me just start by sharing a bit with you the major challenge lies in the constitutional position of the Chief Executive. Many of you will know that I have been the Government's number two for four and a half years before I resigned to contest in the Chief Executive election. So you will feel that perhaps it's not too different and difficult because it's number two moving into number one position. But constitutionally, as laid down in the Basic Law, the position of the Chief Executive is unique. He or she is responsible to both the people of Hong Kong as well as the Central People's Government, or what we call the dual accountability. So to ensure the continued success of "one country, two systems", the Chief Executive has to perform his or her role well in taking into account the interests of the Central People's Government as well as the people of Hong Kong. I would say with my year of experience that, at most of the time, the two sets of interests align very well, because you have heard our leaders saying that they want Hong Kong to succeed. They want Hong Kong to continue to be an international city and financial centre. And more recently, in the 19th Congress report of President Xi Jinping, he said that he would support Hong Kong to integrate herself into the national development. So there are plenty of opportunities for us to tap, provided that the Chief Executive performs well in discharging her dual responsibility.

The second challenge lies in our political system. Tom has been a politician, and many of you know that in many of the overseas parliaments, the ruling government would be having a majority in the parliament, so that the government could push the policy through the legislative council or the parliament. But in our case, our situation is unique in a sense that the Government does not even have a single vote in the Legislative Council. Amongst the LegCo members we could say that some political parties are more pro-establishment, others may be less pro-establishment. But their vested interests differ significantly. So it is not always reliable to think that I have always the support of the allies from the pro-establishment group. It really depends on the issues of the day that we need to press ahead in order to deliver for the people of Hong Kong.

The third challenge lies in – there had been quite a bit of

misunderstanding or prejudiced comments about where Hong Kong is under "one country, two systems", so especially for overseas friends I would encourage you to really look deeper into Hong Kong's situation and read more broadly about different commentaries about Hong Kong instead of just taking on face value that this high degree of autonomy has been eroded, how the "one country, two systems" concept is not being upheld and so on. But of course it lies on the shoulders of the Chief Executive to continue to dispel those misperceptions and misunderstanding.

Hong Kong is facing a lot of challenges. If we want to continue to be a top-tier city, and even further and better to rise to new height, we need to enhance our competitiveness, because we are living in a globalised economic environment. So we cannot sit back and relax and think that we will succeed by being the freest economy in the world and one of the most competitive economies in the world. Because the world is changing, and other people, other governments and other economies are moving ahead. So we need to seize the many opportunities available to us under the Belt and Road and this Guangdong-Hong Kong-Macao Bay Area. I'm not going into details in these two major national strategies and what they have in offer for Hong Kong because I have looked at your programme – I believe that some of the subsequent panel discussions will cover these two very important areas.

And then we have an issue of public aspirations. For many advanced economies all over the world, the people are now more assertive. They really want the government to do more for them. They are unhappy about the gaps in wealth, they are unhappy about not being able to buy a flat, young people are a bit aggrieved about the lack of opportunities in upward mobility and so on. So the challenge lies in how I could effectively respond to the rising public aspirations across the spectrum of the economy, job opportunities, social inclusion, equality and so on.

But nothing is more pressing in Hong Kong, nothing is more challenging in Hong Kong, than this single issue of land supply, which ULI may come to our rescue and give us another advisory panel on how we can find the land. Right now, knowing very well that this is a very controversial issue and I have said in public that Hong Kong is not short of land – because only 24 per cent of our 1 100 square kilometres have been developed, so there are still three-quarters of land to be tapped and we are surrounded by water – but there is a lack of consensus on where we should find this land for meeting our economic, social and housing needs. So right now there is a land supply task force undertaking a public engagement hopefully to build a broad consensus before we could move forward. But also on land, I have something very interesting and exciting to report, especially with Tom Murphy here who has helped me, upon my invitation, and did one of those international advisory panels in 2011 on the development of Kai Tak and East Kowloon. Because when I was the Secretary for Development, I did realise that we are not only short of land for housing, we're also short of land for business – especially if we want to be an international business hub, then we need to provide land and offices, especially Grade A offices, for some of these overseas and Mainland businesses to set up. And I have targeted Kowloon East as the second Central Business District.

So in 2011, I announced a major initiative called Energizing Kowloon East, that is to transform Kowloon East comprising the two former industrial areas in Kwun Tong and Kowloon Bay and this new recycled site of the former airport of Kai Tak into a second CBD. I said I was excited to report because, Tom, you'll be pleased to hear that within a few years, this second CBD is emerging. We are expecting the Kowloon East to produce about 3 million square metres of office space by the year 2021 – we are gradually building up – and then with the potential to reach 5 million square metres of office space upon completion of the various new developments, redevelopments and conversion of industrial buildings.

Looking ahead, if you ask me where could I find a similar area for that sort of exciting development, it has to be Lantau. Because upon completion of the bridge connecting Hong Kong through the Lantau area to Macao and Zhuhai, and the completion of the second link into Lantau Island, that is the Tuen Mun-Chek Lap Kok Link by 2020, Lantau is no longer an isolated island. Lantau is very well connected and very well positioned in the Guangdong-Hong Kong-Macao Bay Area. So I together with my team are now looking into the further potential of Lantau. Inevitably, it will involve some extensive reclamation because people are very attached to country parks and Lantau has two country parks on the south and on the north, and also the southern part of Lantau is simply beautiful with Tai O, Cheung Sha and all these areas, and I don't think we should forgo the opportunities to conserve this very beautiful part of the Lantau Island.

My third feeling is this job is extremely fulfilling because I was born and brought up in Hong Kong and I love this city. So where else could I find a job that I could serve the people and serve the people I love than in the position of the Chief Executive? Because as the Chief Executive, I can make decisions. I can make very timely decisions in order to progress Hong Kong ahead. And the very rewarding experience I had in the last year is: once the Government gets its act together, has a very clear vision, clear direction and puts in a bit of resources, the response is overwhelming.

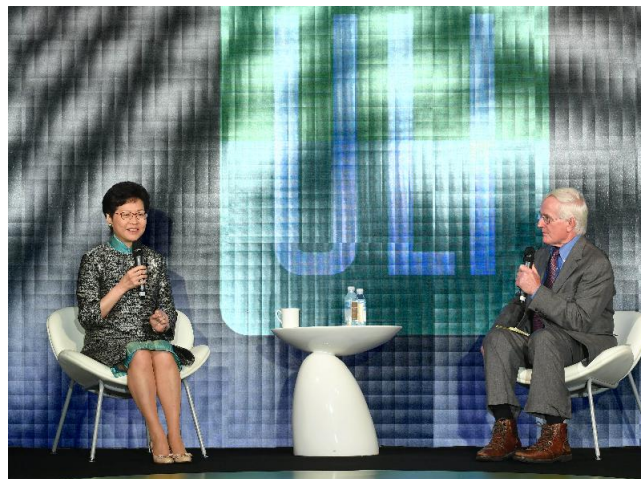
This is what I have seen in innovation and technology. Nick Brooke was the former Chairman of the Hong Kong Science and Technology Parks Corporation, laying very good groundwork for innovation and technology development in Hong Kong. The pace of innovation and technology in the last 11 months or so, I have to say, is amazing. So we have an eight-pronged strategy laid out to really develop Hong Kong's innovation and technology, not only to diversify our economy but also to provide more quality jobs for our young people.

On the financial side, you will feel that perhaps Hong Kong is already a very mature financial centre, we don't need to do any more things proactively. No. We have introduced a few things in the last several months in Hong Kong to take our financial centre to new height. One is more aggressive policy measures to encourage the issue of bonds, especially green bonds, in Hong Kong. Secondly, is to provide tax incentives for aircraft leasing activities to take place in Hong Kong. Third is the Hong Kong

Exchange has introduced new listing rules at the end of April that will attract or facilitate the listing of new economy technology companies as well as biotechnology companies in Hong Kong and provide the more ready platform for secondary listing for some of these tech companies that have been listed elsewhere.

So with this very tiring, very challenging and very fulfilling job, I am now very confident and very determined that I will do this job well, because I believe the best of Hong Kong is yet to come. And this is where I will stop and show you a three-minute [video](#) on why I feel the best of Hong Kong is yet to come.

Thank you very much.



[LCQ15: Protecting jurors from clandestine video-recording and photo-taking](#)

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Justice, Ms Teresa Cheng, SC, in the Legislative Council today (June 6):

Question:

It has been reported that four alleged incidents of clandestine video-recording and photo-taking in courtrooms occurred in the past three months. Three of such incidents occurred during the trial of cases of the offences of riot, etc. committed in Mong Kok, and the latest one occurred during the

trial of contempt of court case relating to the Occupy Mong Kok movement in 2014. On February 23, a man pointed his mobile phone to the direction of the jury and took photos and videos, and disseminated the photos and video clips through an instant messaging software. However, the judge who tried the case decided not to pursue the matter after the man deleted the photos and video clips. On May 18, when the jurors of that case retired for deliberation, the Judiciary received an email with words which read "there are a lot more" and with a photo with features of the jurors. Some members of the legal profession have considered that the person who sent the email attempted to challenge the court's impartiality in the trial of the case. On the other hand, it has been reported that in an article entitled "Smart tips to observe trials in High Court" posted on a Mainland website with a number of photos featuring local courts, the author said that, "fortunately, the clandestine photo-taking was not discovered by the judge". Also, an article entitled "What kind of experience is it to observe trials in Hong Kong's High Court", along with photos of local courts, can be found through a Mainland Internet search engine. Those articles show that the courts in Hong Kong seem to have become a tourist attraction for Mainland tourists. In this connection, will the Government inform this Council:

(1) whether it has assessed if the aforesaid acts of clandestine video-recording and photo-taking, as pointed out by the media, relate to politically sensitive cases, and whether such incidents (i) involved the intention of some people to influence the trials by sending out threatening messages, (ii) will cause members of the public who serve as jurors to worry about their identities being exposed and their personal safety, and (iii) has an impact on the confidence of members of the public on the court's impartiality in trying cases;

(2) whether it will seriously pursue the criminal liability of the aforesaid persons involved in the clandestine video-recording and photo-taking;

(3) whether it knows if the Judiciary has stepped up measures to prevent the recurrence of incidents of clandestine video-recording and photo-taking of the jury in court to ensure that they discharge their duties impartially without worries and free from threats; and

(4) whether it will request the relevant Mainland authorities to (i) address squarely the aforesaid issues and (ii) step up education of Mainland residents of their obligation to abide by the laws of Hong Kong, including the requirement that no video-recording and photo-taking is allowed when observing trials in court, when they are in Hong Kong?

Reply:

President,

Trial by jury for criminal cases at the Court of First Instance (CFI) is an indispensable component of the criminal justice system and a deep-rooted aspect of the common law tradition of Hong Kong. Article 86 of the Basic Law provides that "the principle of trial by jury previously practised in Hong Kong shall be maintained."

In HKSAR v Lee Ming-tee and another (2001) 4 HKCFAR 133 (FACC No. 8 of 2000), the Court of Final Appeal pointed out in its judgment that "reliance on the integrity of the jury and its ability to try the case fairly on the evidence, to put aside extraneous prejudice and to follow the directions of the judge is fundamental to the jury system itself."

Any intended or actual threat that constitutes undue pressure on jurors and judicial officers resulting in biased acts on their parts is completely unacceptable. Such acts may not only bring about injustice to the defendants in certain cases, but also weaken public confidence in the jury system and the criminal justice system.

In a recent case of criminal contempt of court handled by the CFI of the High Court involving photo-taking in court, the defendant was convicted by the Court for criminal contempt of court. In the reasons for verdict and sentence, the Court clearly pointed out that photo-taking in court would very likely prejudice or interfere with the due administration of justice. This is because photo-taking in the courtroom would possibly disrupt or interrupt court proceedings. Moreover, photo-taking may cause concern or unease among jurors and witnesses (including victims in sexual assault cases), in particular when their identities are disclosed, thereby leading to issues of their safety. If the photographs are misused, it will deal an even more serious blow to the due administration of justice. Therefore, photo-taking in court would very likely constitute the offence of criminal contempt of court.

Under existing laws, there are generally two ways to deal with the acts of taking photographs in court:

(i) Under section 7 of the Summary Offences Ordinance (Cap. 228), certain acts of taking photographs in court are prohibited. Offenders are liable to a fine of \$2,000 upon conviction.

(ii) Suspected offenders may also be prosecuted for criminal contempt of court, and could be sentenced to a fine and imprisonment upon conviction.

In a most recent case involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge has taken forward proceedings for contempt of court according to summary procedures in respect of the act of clandestine photo-taking by the offender. The offender was ultimately convicted and sentenced to imprisonment for seven days. As regards another incident involving clandestine photo-taking of jurors during a trial at the CFI, the Police have launched investigation into the case. The Department of Justice (DoJ) will take a serious approach in following up on the case, and on receipt of the Police's investigation report and evidence gathered, it will consider, in accordance with the Prosecution Code and the applicable law, whether to initiate prosecution or proceedings for committal for contempt of court.

In respect of the question raised by the Hon Paul Tse, the DoJ has consulted the Judiciary Administration, whose response to part (3) of the question is as follows:

"The Judiciary takes the view that due administration of justice is of paramount importance for all court proceedings. In particular, trial by jury is an important part of the administration of justice under the common law, which is constitutionally protected under Article 86 of the Basic Law. Serving jurors must be free from all actual or perceived interference or pressure. An important safeguard is the prohibition of photography and audio or video recording inside courtrooms.

According to the Judiciary, the Judiciary has all along been taking measures to remind court users that photo-taking is not allowed in courtrooms. For example, clear signage is posted inside courtrooms and at court lobbies. The Judiciary staff has been reminding court users of such restriction as necessary. The Judiciary has also been referring cases involving photo-taking at court buildings to the DoJ and/or Police for follow-up actions as appropriate.

The Judiciary is very concerned with the recent incidents of photo-taking in courtrooms when proceedings were held and takes the matter seriously. Besides taking the necessary follow-up actions, the Judiciary has recently put in place the following enhancement measures:

(i) making public announcements in courtrooms before commencement of court proceedings to remind court users of the photo-taking prohibition. The announcements are made in Cantonese, English and Putonghua;

(ii) putting up more notices and signage on the prohibition of photo-taking in more prominent areas in courtrooms and at court lobbies;

(iii) reminding court users of the prohibition of photo-taking more extensively by Judiciary staff verbally or through written notices as appropriate; and

(iv) strengthening security personnel manpower during court proceedings for monitoring the situation as necessary.

In addition, the Judiciary is actively considering the issuance of a Practice Direction to regulate the use of mobile phones and other devices with photo-taking or audio/video recording capability for jury proceedings."

As regards parts (1), (2) and (4) of the Hon Paul Tse's question, the DoJ's response is as follows:

(1) and (2) We do not provide specific comments on individual cases. In respect of the incident of clandestine photo-taking of jurors referred above, it is already under police investigation. The DoJ attaches great importance to the incident. But to avoid affecting the related follow-up actions, it is inappropriate for us to comment any further or disclose any specific details at this stage. On receipt of the Police's investigation report and evidence gathered, the DoJ will make an independent professional consideration as to whether to initiate prosecution or proceedings for committal for contempt of court in accordance with the Prosecution Code and the applicable law, and the offender may also be subject to arrest or punishment. In the most recent case

involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge emphasised in his judgment that the court must protect the privacy and safety of jurors and witnesses, so that they would not be subject to unnecessary interference. And because photographs taken inside the court may also be disseminated quickly and fall into the hands of the bad elements, thereby seriously disrupting the court's judicial proceedings, it is necessary to impose penalties with deterrent effect on offenders for illegal photo-taking in court.

(4) Taking into account the various measures set out in the Judiciary's response to part (3) of the question set out above, it is considered that there are sufficient measures to ensure that people observing trials in court are aware of the requirement that photo-taking is not allowed in court. The sentence imposed in the most recent case involving clandestine photo-taking during court proceedings in the CFI has also sent a clear and deterring signal to the public, the court definitely would not tolerate acts of illegal photo-taking in court.

[LCQ15: Protecting jurors from clandestine video-recording and photo-taking](#)

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Justice, Ms Teresa Cheng, SC, in the Legislative Council today (June 6):

Question:

It has been reported that four alleged incidents of clandestine video-recording and photo-taking in courtrooms occurred in the past three months. Three of such incidents occurred during the trial of cases of the offences of riot, etc. committed in Mong Kok, and the latest one occurred during the trial of contempt of court case relating to the Occupy Mong Kok movement in 2014. On February 23, a man pointed his mobile phone to the direction of the jury and took photos and videos, and disseminated the photos and video clips through an instant messaging software. However, the judge who tried the case decided not to pursue the matter after the man deleted the photos and video clips. On May 18, when the jurors of that case retired for deliberation, the Judiciary received an email with words which read "there are a lot more" and with a photo with features of the jurors. Some members of the legal profession have considered that the person who sent the email attempted to challenge the court's impartiality in the trial of the case. On the other hand, it has been reported that in an article entitled "Smart tips to observe trials in High Court" posted on a Mainland website with a number of photos

featuring local courts, the author said that, "fortunately, the clandestine photo-taking was not discovered by the judge". Also, an article entitled "What kind of experience is it to observe trials in Hong Kong's High Court", along with photos of local courts, can be found through a Mainland Internet search engine. Those articles show that the courts in Hong Kong seem to have become a tourist attraction for Mainland tourists. In this connection, will the Government inform this Council:

(1) whether it has assessed if the aforesaid acts of clandestine video-recording and photo-taking, as pointed out by the media, relate to politically sensitive cases, and whether such incidents (i) involved the intention of some people to influence the trials by sending out threatening messages, (ii) will cause members of the public who serve as jurors to worry about their identities being exposed and their personal safety, and (iii) has an impact on the confidence of members of the public on the court's impartiality in trying cases;

(2) whether it will seriously pursue the criminal liability of the aforesaid persons involved in the clandestine video-recording and photo-taking;

(3) whether it knows if the Judiciary has stepped up measures to prevent the recurrence of incidents of clandestine video-recording and photo-taking of the jury in court to ensure that they discharge their duties impartially without worries and free from threats; and

(4) whether it will request the relevant Mainland authorities to (i) address squarely the aforesaid issues and (ii) step up education of Mainland residents of their obligation to abide by the laws of Hong Kong, including the requirement that no video-recording and photo-taking is allowed when observing trials in court, when they are in Hong Kong?

Reply:

President,

Trial by jury for criminal cases at the Court of First Instance (CFI) is an indispensable component of the criminal justice system and a deep-rooted aspect of the common law tradition of Hong Kong. Article 86 of the Basic Law provides that "the principle of trial by jury previously practised in Hong Kong shall be maintained."

In *HKSAR v Lee Ming-tee and another* (2001) 4 HKCFAR 133 (FACC No. 8 of 2000), the Court of Final Appeal pointed out in its judgment that "reliance on the integrity of the jury and its ability to try the case fairly on the evidence, to put aside extraneous prejudice and to follow the directions of the judge is fundamental to the jury system itself."

Any intended or actual threat that constitutes undue pressure on jurors and judicial officers resulting in biased acts on their parts is completely unacceptable. Such acts may not only bring about injustice to the defendants in certain cases, but also weaken public confidence in the jury system and the criminal justice system.

In a recent case of criminal contempt of court handled by the CFI of the High Court involving photo-taking in court, the defendant was convicted by the Court for criminal contempt of court. In the reasons for verdict and sentence, the Court clearly pointed out that photo-taking in court would very likely prejudice or interfere with the due administration of justice. This is because photo-taking in the courtroom would possibly disrupt or interrupt court proceedings. Moreover, photo-taking may cause concern or unease among jurors and witnesses (including victims in sexual assault cases), in particular when their identities are disclosed, thereby leading to issues of their safety. If the photographs are misused, it will deal an even more serious blow to the due administration of justice. Therefore, photo-taking in court would very likely constitute the offence of criminal contempt of court.

Under existing laws, there are generally two ways to deal with the acts of taking photographs in court:

(i) Under section 7 of the Summary Offences Ordinance (Cap. 228), certain acts of taking photographs in court are prohibited. Offenders are liable to a fine of \$2,000 upon conviction.

(ii) Suspected offenders may also be prosecuted for criminal contempt of court, and could be sentenced to a fine and imprisonment upon conviction.

In a most recent case involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge has taken forward proceedings for contempt of court according to summary procedures in respect of the act of clandestine photo-taking by the offender. The offender was ultimately convicted and sentenced to imprisonment for seven days. As regards another incident involving clandestine photo-taking of jurors during a trial at the CFI, the Police have launched investigation into the case. The Department of Justice (DoJ) will take a serious approach in following up on the case, and on receipt of the Police's investigation report and evidence gathered, it will consider, in accordance with the Prosecution Code and the applicable law, whether to initiate prosecution or proceedings for committal for contempt of court.

In respect of the question raised by the Hon Paul Tse, the DoJ has consulted the Judiciary Administration, whose response to part (3) of the question is as follows:

"The Judiciary takes the view that due administration of justice is of paramount importance for all court proceedings. In particular, trial by jury is an important part of the administration of justice under the common law, which is constitutionally protected under Article 86 of the Basic Law. Serving jurors must be free from all actual or perceived interference or pressure. An important safeguard is the prohibition of photography and audio or video recording inside courtrooms.

According to the Judiciary, the Judiciary has all along been taking measures to remind court users that photo-taking is not allowed in courtrooms. For example, clear signage is posted inside courtrooms and at court lobbies. The Judiciary staff has been reminding court users of such

restriction as necessary. The Judiciary has also been referring cases involving photo-taking at court buildings to the DoJ and/or Police for follow-up actions as appropriate.

The Judiciary is very concerned with the recent incidents of photo-taking in courtrooms when proceedings were held and takes the matter seriously. Besides taking the necessary follow-up actions, the Judiciary has recently put in place the following enhancement measures:

- (i) making public announcements in courtrooms before commencement of court proceedings to remind court users of the photo-taking prohibition. The announcements are made in Cantonese, English and Putonghua;
- (ii) putting up more notices and signage on the prohibition of photo-taking in more prominent areas in courtrooms and at court lobbies;
- (iii) reminding court users of the prohibition of photo-taking more extensively by Judiciary staff verbally or through written notices as appropriate; and
- (iv) strengthening security personnel manpower during court proceedings for monitoring the situation as necessary.

In addition, the Judiciary is actively considering the issuance of a Practice Direction to regulate the use of mobile phones and other devices with photo-taking or audio/video recording capability for jury proceedings."

As regards parts (1), (2) and (4) of the Hon Paul Tse's question, the DoJ's response is as follows:

(1) and (2) We do not provide specific comments on individual cases. In respect of the incident of clandestine photo-taking of jurors referred above, it is already under police investigation. The DoJ attaches great importance to the incident. But to avoid affecting the related follow-up actions, it is inappropriate for us to comment any further or disclose any specific details at this stage. On receipt of the Police's investigation report and evidence gathered, the DoJ will make an independent professional consideration as to whether to initiate prosecution or proceedings for committal for contempt of court in accordance with the Prosecution Code and the applicable law, and the offender may also be subject to arrest or punishment. In the most recent case involving clandestine photo-taking during court proceedings in the CFI referred above, the trial judge emphasised in his judgment that the court must protect the privacy and safety of jurors and witnesses, so that they would not be subject to unnecessary interference. And because photographs taken inside the court may also be disseminated quickly and fall into the hands of the bad elements, thereby seriously disrupting the court's judicial proceedings, it is necessary to impose penalties with deterrent effect on offenders for illegal photo-taking in court.

(4) Taking into account the various measures set out in the Judiciary's response to part (3) of the question set out above, it is considered that there are sufficient measures to ensure that people observing trials in court

are aware of the requirement that photo-taking is not allowed in court. The sentence imposed in the most recent case involving clandestine photo-taking during court proceedings in the CFI has also sent a clear and deterring signal to the public, the court definitely would not tolerate acts of illegal photo-taking in court.