

Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Bill 2024 to be gazetted on Friday

The Shipping Legislation (Use of Fuels and Miscellaneous Amendments) Bill 2024 will be published in the Gazette this Friday (July 5) to amend the Merchant Shipping (Local Vessels) Ordinance (Cap. 548) and four pieces of subsidiary legislation to facilitate the use of new fuels by vessels in Hong Kong.

As announced in the Action Plan on Maritime and Port Development Strategy promulgated in 2023, in order to consolidate and enhance Hong Kong's position as an international maritime centre, the Government is committed to developing the city into a green maritime fuel bunkering centre and promoting the use of more environmentally friendly new fuels with less or zero carbon emissions.

The Bill refines the existing legislation to cater for the safe use of new fuels such as liquefied natural gas and methanol by vessels, taking into account the nature and characteristics of new fuels which are different from traditional marine petroleum fuels.

A spokesperson for the Transport and Logistics Bureau said, "Further to the Green Incentive Scheme for eligible Hong Kong-registered ships introduced on June 28, the Bill is another demonstration of the Government's effort and resolution in developing Hong Kong into a green port. We look forward to continuing to work with the maritime industry to ride the tide of maritime decarbonisation and strive to meet the International Maritime Organization's target of net-zero greenhouse gas emissions from international shipping by or around 2050."

The Panel on Economic Development of the Legislative Council, as well as the Local Vessels Advisory Committee and the Port Operations Committee of the Marine Department, have been consulted. Members supported the proposal.

The Bill will be introduced into the Legislative Council on July 10.

Hong Kong Customs seizes suspected dangerous drugs worth about \$1.2

million (with photo)

Hong Kong Customs yesterday (July 2) seized about 5.5 kilograms of suspected cannabis oil, about 900 grams of suspected ketamine and about 600g of suspected methamphetamine, with a total estimated market value of about \$1.2 million, in Fo Tan. A man suspected to be connected with the case was arrested.

During an anti-narcotics operation conducted in the industrial area of Fo Tan yesterday evening, Customs officers intercepted a 31-year-old man and found about 10g of suspected ketamine on him. He was then arrested. Customs officers later escorted the man to his rented flat in an industrial building nearby for a search, and further seized about 5.5kg of suspected cannabis oil, about 860g of suspected ketamine, about 600g of suspected methamphetamine, and a batch of drug packaging paraphernalia therein.

The arrested man, who claimed to be unemployed, has been charged with two counts of trafficking in a dangerous drug. He will appear at the Shatin Magistrates' Courts tomorrow (July 4).

Under the Dangerous Drugs Ordinance, trafficking in a dangerous drug is a serious offence. The maximum penalty upon conviction is a fine of \$5 million and life imprisonment.

Members of the public may report any suspected drug trafficking activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).



DoJ and SPC hold first high-level

joint meeting to accelerate interface work in GBA (with photos)

The Department of Justice (DoJ) and the Supreme People's Court (SPC) held their first high-level joint meeting in Huizhou today (July 3) to accelerate the work on the interfaces of mechanisms, regulatory frameworks and talent training relating to the Guangdong-Hong Kong-Macao Greater Bay Area (GBA), and to help different sectors seize the development opportunities in the GBA through the construction of the rule of law.

The meeting was co-chaired by the Deputy Secretary for Justice, Mr Cheung Kwok-kwan, and the Director General of the Research Office of the SPC, Mr Zhou Jiahai. The DoJ and the SPC signed a memorandum of understanding in Beijing in mid-June on establishing a standing interface platform on judicial and legal co-operation in the GBA. Today's meeting was the first high-level joint meeting under the framework of the platform.

Mr Cheung said that the establishment of the platform aims to deepen communication and collaboration between the two sides through practical interface work led by senior leaders, so as to more efficiently integrate resources and needs, as well as promote research, talent training and professional exchanges more systematically. The platform will also facilitate the implementation of more specific measures, benefitting exchanges and interactions between the people and businesses in the two places, so as to promote the high-quality development of the GBA.

He said, "It is especially meaningful to hold the meeting at the beginning of the third year of the current-term Government. Advancing from stability to prosperity, Hong Kong has ushered in the opportune time for development. The DoJ will continue to spare no effort in promoting the rule of law development, thereby helping different sectors to dovetail with national development strategies and in particular to seize the opportunities in the GBA development. The meeting was held just three weeks after the signing of the memorandum of understanding, demonstrating both sides' determination to deepen the interface work and to enhance speed and efficiency. I would like to thank the SPC for its arrangements."

He mentioned that the establishment of the platform is an important measure under the DoJ's Action Plan on the Construction of Rule of Law in the Guangdong-Hong Kong-Macao Greater Bay Area released in April 2024 for strengthening the interface of the communication mechanism with the Mainland, and also one of the policy initiatives in "The Chief Executive's 2023 Policy Address", as well as the first standing interface platform between the DoJ and a central state organ.

At the meeting, the two sides actively and pragmatically took forward the collaboration in three major areas comprising the interfaces of mechanisms, regulatory frameworks and talent training. The progress of the key measures and the directions set for future co-operation are outlined

below.

(1) On the mechanism of mutual legal assistance in civil and commercial matters, both sides will review and enhance the relevant mechanism on an on-going basis, and jointly release notable cases relating to mutual legal assistance.

(2) On the measure of "allowing Hong Kong-invested enterprises to adopt Hong Kong law", both sides will press ahead with the implementation of the pilot scheme as soon as possible, and take forward the implementation of the measure of "allowing Hong Kong-invested enterprises to choose for arbitration to be seated in Hong Kong" in the nine Mainland cities in the GBA.

(3) The first GBA lawyers' practical training will be conducted on July 19 and 20 at the Guangdong branch of the National Judges College.

(4) Taking forward a practical training course for Mainland civil and commercial judges on common law and foreign-related civil and commercial legal issues this year, utilising Hong Kong's role in establishing the Hong Kong International Legal Talents Training Academy.

Mr Cheung said he hopes that the relevant initiatives will help better bring into play the unique advantages of "one country, two systems and three jurisdictions" of the GBA, so as to contribute to the construction of the rule of law in the GBA.

LCQ14: Obscene and indecent videos published on the Internet

Following is a question by the Hon Holden Chow and a written reply by the Acting Secretary for Commerce and Economic Development, Dr Bernard Chan, in the Legislative Council today (July 3):

Question:

It has been reported that in March this year, a media organisation reported to the Office for Film, Newspaper and Article Administration a total of 10 videos involving pornography and indecency on YouTube, a video-sharing website. The Obscene Articles Tribunal (OAT) had subsequently made an interim classification that one of the music videos was a Class III (Obscene) article, i.e. the video should not be published to any person. However, the video had not been taken down when the relevant press report was made. In this connection, will the Government inform this Council:

(1) of the respective numbers of reports and complaints received by the authorities involving online videos classified as Class III (Obscene)

articles in each of the past five years;

(2) of the number of articles classified as Class III (Obscene) by OAT in the past five years, with a tabulated breakdown by class of articles; among such articles, the percentage of online videos;

(3) of the respective numbers of warnings issued, prosecutions instituted and other enforcement actions taken by government departments under the Control of Obscene and Indecent Articles Ordinance (Cap. 390) in respect of articles classified as Class III (Obscene) and, among them, the number of those involving online videos in each of the past five years;

(4) of the respective numbers of cases in which locally-operated Internet platforms complied with the authorities' directions (including taking down the relevant videos) upon receipt of warnings issued by the authorities in respect of the videos classified as Class III (Obscene) articles on their platforms, or upon law enforcement by the relevant government departments, as well as the average time taken, in each of the past five years; and

(5) whether the authorities will review Cap. 390 or take further measures to prevent videos classified as Class III (Obscene) articles from being published on the Internet, so as to prevent children and young people from being corrupted; if so, of the details; if not, the reasons for that?

Reply:

President,

The Control of Obscene and Indecent Articles Ordinance (Cap. 390) (COIAO) aims to regulate publication and public display of articles with obscene or indecent content in Hong Kong, including articles published on the Internet. Under the COIAO, "obscenity" and "indecenty" include violence, depravity and repulsiveness, and articles can be classified as:

(a) Class I (neither Obscene nor Indecent), which can be published to any person;

(b) Class II (Indecent), which cannot be published to a juvenile, and the publication to persons aged 18 or above are subject to compliance with statutory requirements; and

(c) Class III (Obscene), which are prohibited from being published.

The Office for Film, Newspaper and Article Administration (OFNAA), the Hong Kong Police Force (Police) and the Customs and Excise Department are responsible for the enforcement of the COIAO. Upon receiving any complaint related to obscene or indecent articles, OFNAA will conduct initial investigation based on the guidelines stipulated in section 10 of the COIAO, and categorise the articles with reference to the previous classifications made by the Obscene Articles Tribunal (OAT) of the Judiciary on similar articles. For cases that can be clearly categorised as Class III (Obscene)

articles, OFNAA will refer the case to the Police for follow-up directly. If the category of an article could not be determined or there are doubts about its categorisation, OFNAA will submit the article concerned to the OAT for classification. Therefore, the cases where the OAT has made classification are only a subset of the complaint cases received.

In relation to the regulation of obscene or indecent content on the Internet, in view of the vast volume of information on the Internet and the rapid updates, the Government has all along been adopting a complaint-driven and co-regulatory approach with the industry to handle complaints concerning the publication of obscene or indecent articles on the Internet. The Government works with the Hong Kong Internet Service Providers Association (HKISPA) to implement a self-regulatory Code of Practice – Practice Statement on Regulation of Obscene and Indecent Material (CoP), which stipulates that:

(a) if any person disseminating information on the Internet publishes any material with Class II (Indecent) content, he should display an on-screen prescribed warning notice on the webpage, before allowing the content to be viewed by Internet users; and

(b) if Internet users are found publishing Class III (Obscene) articles, internet service providers should have the relevant articles removed or blocked, such that the information concerned could not be viewed in Hong Kong.

For individual cases involving overseas webpages (e.g. some video-sharing platforms) which require follow-up actions from overseas organisations (e.g. adding warning notice or removing relevant content), the Police or OFNAA may refer the case to law enforcement agencies in other jurisdictions or overseas website operators for appropriate actions. OFNAA would conduct follow-up inspections on these webpages to monitor the follow-up actions taken by overseas organisations.

In fact, in relation to the situation mentioned in the preamble of this question, during the first half of 2024 (up to June 28), OFNAA has received a total of 20 complaints in batches about the relevant overseas video sharing website, involving 100 videos, among which 13 were classified by the OAT as Class III (Obscene) articles. After being informed of the OAT's interim classification, OFNAA had immediately referred the cases concerned to the Police for follow-up actions, and had also conducted multiple inspections on the webpages concerned to confirm that the platform concerned had taken action against all 13 videos classified as Class III (Obscene) articles, including removing or blocking the videos concerned, such that these videos could not be played in Hong Kong.

In consultation with the Security Bureau and the Judiciary, the reply to the questions raised is as follows:

(1) In the past five years, the Government has received a total of 14 complaints involving online videos that were suspected to be Class III (Obscene) articles. The breakdown by year is as follows:

Year	No. of complaints involving online videos that were initially categorised or classified as Class III (Obscene) articles
2019	1
2020	2
2021	3
2022	5
2023	3

After receiving the complaints, OFNAA had followed its established procedures and referred all articles initially categorised or classified as Class III (Obscene) to the Police for follow-up.

(2) In the past five years, the OAT classified around 50 articles each year on average. The number of articles that were classified as Class III (Obscene) by the OAT is as follows:

Year	Videos	Books/ magazines/ newspapers	Others (e.g. photos, packaging of articles)
2019	0	0	0
2020	2 (The two videos are not online videos)	5	3
2021	0	0	2
2022	0	0	0
2023	0	0	0

(3) In the past five years, the number of prosecutions and number of persons convicted for contravening the prohibition on publishing Class III (Obscene) articles under the COIAO each year are as follows:

Year (Note)	No. of prosecution cases	No. of persons prosecuted	No. of persons convicted
2019	55	60	59
2020	28	31	30
2021	58	66	65
2022	24	24	24

2023	18	18	18
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(4) Among the 14 cases involving online videos that were initially categorised or classified as Class III (Obscene) articles, one case involved a locally-operated Internet platform. Upon receiving referral from the Police, the platform concerned had blocked the video concerned, such that the video could not be played in Hong Kong. The Police does not maintain information related to the time taken to follow up on the above case.

(5) The Internet is not an unreal world that is beyond the law. Most of the crime-prevention laws in the real world are applicable to the Internet world. The COIAO aims to protect juveniles and children from the influence of harmful material, while maintaining the free flow of information and freedom of expression.

Other than actively following up on complaint cases, OFNAA has been organising publicity and public education activities in relation to the COIAO, such as organising territory-wide publicity campaigns, collaborating with schools on activities, and hosting seminars and workshops for parents to educate children and juveniles on the importance of healthy information and strengthen their ability to reject harmful information.

The Government appeals to the industry to join hands to safeguard the juveniles from being influenced by obscene and indecent content. In this regard, OFNAA has written to major media sharing platforms and members of the HKISPA earlier, requesting them to strictly observe relevant provisions of the COIAO and the CoP, as well as encouraging them to take more proactive measures to prevent young users from accessing obscene and indecent content, such as tightening up screening and removal of harmful content hosted on their platforms, setting up community rules to reduce the dissemination of harmful messages, and putting in place safeguard measures for young users.

On the other hand, OFNAA is making preparations for a new round of publicity and public education activities to remind juveniles to stay away from obscene and indecent information while using these online platforms. Apart from the seminars and workshops mentioned above, in order to specifically promote relevant messages to students, OFNAA will also organise the "Healthy Information Student Ambassadors Scheme", roving drama performances, competitions such as "Healthy Mobile App Sticker Design Competition", "Healthy Student Video Contest" and "Healthy Chinese Public Speaking Competition" etc, to raise awareness among students and juveniles on the safe use of the Internet.

Note: The year above represents the year in which the trial was concluded. The year in which a case was prosecuted may be different from the year in which the trial was concluded. The Police does not maintain breakdown figures involving online videos from the above cases.

LCQ21: Tobacco control measures

Following is a question by the Hon Edward Leung and a written reply by the Secretary for Health, Professor Lo Chung-mau, in the Legislative Council today (July 3):

Question:

The Government submitted a paper to the Panel on Health Services of this Council on the 14th of last month, outlining the Government's next-phase tobacco control measures. In this connection, will the Government inform this Council:

- (1) whether it has compiled statistics on the sales of cigarettes and related tax revenues in the past three years, with a breakdown by cigarette flavour (such as original, menthol and fruit);
- (2) whether it has compiled statistics on the number of persons hospitalised for diseases directly caused by smoking in the past three years, with a breakdown of the top 10 diseases by category; whether there are differences between non-smokers and smokers in terms of average inpatient days, time to recovery and medical costs for such 10 categories of disease; if so, of the details;
- (3) as the Government has indicated its plan to ban flavoured cigarettes in the aforesaid paper, whether the Government has assessed the impact of this measure on smokers, such as the number of smokers switching to smoking traditional cigarettes or illegally imported flavoured cigarettes, or choosing to quit smoking as a result;
- (4) as there are views that the Government should ban the addition of flavourings to waterpipe tobacco, and it is learnt that waterpipe smoking is prevalent in the Middle East, whether the authorities have assessed the impact on business travellers and tourists from the Middle East following the implementation of the relevant measure; if so, of the details; if not, the reasons for that; and
- (5) of the average time required to quit smoking by persons receiving smoking cessation services provided by the Government in each of the past three years; given that the Government has indicated in the aforesaid paper that it will enhance smoking cessation services, such as increasing the number of smoking cessation service points and enhancing smoking cessation services provided by Chinese medicine practitioners, but there are views that such measures are more traditional models of smoking cessation, whether the Government will study the introduction of some newer forms of smoking cessation services?

Reply:

President,

According to the results of the Thematic Household Survey (THS) Report on smoking pattern in 2023, the proportion of persons aged 15 and above with daily smoking habit in Hong Kong has further dropped to 9.1 per cent in 2023. It also implies that there are still about 580 000 people in Hong Kong who are daily smokers of conventional cigarettes, and half of them are aged between 40 and 59. If this group of smokers continues to smoke, in the foreseeable future, their smoking-induced diseases will pose a heavy burden on the healthcare system. Last month, the Government announced the roll-out of 10 tobacco control measures in the short-term, which are formulated around four directions under the tobacco control strategy, namely, reducing the demand for and supply of tobacco products, minimising the attractiveness of tobacco products, protecting the public from the hazard of second-hand smoke and strengthening the provision of smoking cessation services, aiming to combat smoking hazard through a multi-pronged approach.

Having consulted the Hospital Authority (HA) and the Hong Kong Customs and Excise Department, the reply to the various parts of the Hon Edward Leung's question is as follows:

(1) The number of duty-paid cigarettes and duty revenue over the past five years are at Annex. Comparing the figures before and after the epidemic i.e. 2019 versus 2023, the drop in the number of duty-paid cigarettes is comparable to the decline in smoking prevalence over the same period. The Government does not maintain statistics on the breakdown of duty-paid cigarettes by flavours and related duty revenues.

The THS on smoking pattern conducted by the Census and Statistics Department reveal that about 40 per cent of current smokers of conventional cigarettes smoke flavoured cigarettes (including menthol, fruits and other flavours). Flavoured cigarettes are particularly appealing to women and young people. Currently, over 70 per cent of female smokers of conventional cigarettes smoke flavoured cigarettes; and over 60 per cent of female smokers of conventional cigarettes smoked flavoured cigarettes when they first smoked. In terms of age profile, the younger the age group, the higher the rate of smoking flavoured cigarettes. For instance, among the conventional cigarette smokers aged from 20 to 29, over 70 per cent of them currently smoke flavoured cigarettes, while nearly 70 per cent smoked flavoured cigarettes when they first smoked. As for conventional cigarette smokers in the age group of 60 or above, over 80 per cent of them smoke cigarettes of original flavour only. It can be seen that adding flavours in conventional cigarettes is an effective tactic for tobacco companies to attract the public, particularly women and young people, to smoke and continue with smoking habit. The situation is worrying.

(2) The healthcare system of Hong Kong is facing a dual challenge of increasing prevalence of chronic diseases and ageing population, while smoking is the most important and preventable risk factor leading to chronic

diseases. According to the World Health Organization (WHO), smoking contributes to 16 per cent of all deaths from non-communicable diseases such as heart diseases, cancers, diabetes and lung diseases. According to the HA's data of 2019, 5 per cent of HA patients who were diagnosed with diseases such as cancers, heart diseases and emphysema account for nearly 60 per cent of HA's medical expenses, and these diseases were closely related to smoking. The Government obliged to introduce more proactive and targeted measures to lower smoking prevalence, reduce smoking and hazards of second-hand smoke, and minimise the risk of developing non-communicable diseases such as heart diseases and lung cancers among citizens, thereby enabling the public to live a healthier life and the healthcare system to concentrate the limited resources to cope with the challenges brought about by ageing population.

From the public health perspective, the additional risks and health hazards associated with smoking have been proven by a large number of empirical medical studies. Smoking significantly increases the risk of smokers for developing a wide range of chronic or serious diseases such as heart diseases, cancers, diabetes and lung diseases, which can seriously jeopardise the health of patients and would impose a heavy burden on the healthcare system. For example, the WHO has pointed out that smoking is the main cause of lung cancers and 85 per cent of lung cancer cases are related to smoking. Comparison of the medical costs for a particular disease, average inpatient days and time for recovery between smokers and non-smokers could not accurately reflect the additional public health risk brought about by smoking. Comparing the medical costs of smokers and non-smokers with the same disease and neglecting the fact that smokers are much more likely to suffer from the disease due to smoking is a common tactic used by tobacco companies to divert attention against the Government's work on tobacco control on the pretext that members of the public have the freedom of choice. Moreover, medical costs cannot fully reflect the hazards of smoking, such as the drop in productivity caused by smoking and second-hand smoke, as well as the physical and mental suffering of patients and their families, etc.

(3) and (4) In respect of reducing attractiveness of tobacco products, scientific evidence shows that flavoured cigarettes, such as menthol or fruit-flavored cigarettes, reduce the awareness of the hazard of tobacco and in turn increase the chances of non-smokers (especially teenagers) to start smoking. It also makes consumers more vulnerable to getting into and continuing with the smoking habit. The guidelines for implementation of the World Health Organization Framework Convention on Tobacco Control recommend prohibiting or restricting the use of ingredients that may increase the palatability of tobacco products. Researches from places such as Canada indicate that banning flavours in tobacco products could help encourage flavoured cigarette smokers to quit smoking and is evidently conducive to increasing their cessation rates.

The Government's proposal to ban flavours (including menthol, fruit and other flavours) in conventional tobacco products seeks to counteract the intention of tobacco companies to use flavouring agents to disguise the toxicity of tobacco products and attract women and young people to smoke.

The Government also observed that the use of flavoured waterpipes has become increasingly prevalent in recent years. A study by the Youth Quitline of the University of Hong Kong showed that the proportion of youth smokers aged 25 or below who have tried waterpipe smoking has increased from 36 per cent in 2016/18 to 45 per cent in 2020/22. The research indicates that users believe that waterpipe smoking poses lower health risks compared to regular tobacco products because of its flavours, usage patterns, and misleading marketing. Yet as a matter of fact, waterpipe smoking brings more hazards than conventional cigarettes do. The burning of waterpipe tobacco and charcoal releases a large amount of toxic substances including carcinogens and as well as harmful second-hand smoke, and even produces a large amount of carbon monoxide. The smoke inhalation from one hour of waterpipe smoking can be equivalent to 100 to 200 times that of a single cigarette, and users can be exposed to nine times the amount of carbon monoxide and 1.7 times the amount of nicotine compared to smoking a single cigarette. Repeated waterpipe smoking can also lead to nicotine dependence and may serve as a “gateway” for those who were initially non-smokers to take up the habit of smoking conventional cigarettes.

The Government's proposal to ban flavours in tobacco products will also apply to waterpipes which have been regulated as one of the conventional tobacco products. This will help prevent tobacco companies to use waterpipe smoking as another means to lure members of the public, in particular women and young people, to become addicted to smoking.

The Government has fully considered the situation of the tourism sector when formulating tobacco control measures. The choice of travel for tourists or work location for non-local talents is influenced by a variety of factors, such as overall tourism experience, development opportunities, humanistic literacies, quality of environment. Tobacco control measures will allow citizens and tourists to enjoy a fresher environment, and also make Hong Kong a healthier and more vibrant city, which will be more appealing to tourists and non-local talents and will also be welcomed by most of the general public.

(5) In terms of smoking cessation services, the current services are a combination of counselling and standard treatment with medicine (with treatment ranging from eight to 12 weeks generally), and also include self-help resources such as the Quit Smoking mobile application. Smokers who receive smoking cessation treatment are followed up by smoking cessation service providers for 52 weeks for assessment of their status of quitting. In terms of smoking cessation hotlines, clinics for smoking cessation under the HA and smoking cessation services provided by non-governmental organisations, the proportion of service users who managed to quit smoking 52 weeks after they had started quitting smoking (i.e. the percentage of service users who reported to have not been smoking in the past seven days) range from 20 per cent to 60 per cent, which are comparable to those in overseas countries. In order to strengthen services and enhance publicity and promotion, the Government proposes measures such as increasing the number of smoking cessation service points, enhancing smoking cessation services provided by Chinese medicine practitioners, providing smoking cessation services through

District Health Centers under a case-management model, enhancing smoking cessation training for primary healthcare practitioners, using mobile applications to assist smoking cessation, and incorporating more elements related to smoking hazards into the regular curriculum of schools.

The Government will continue to take forward the tobacco control process incrementally so as to pave the way towards tobacco-free Hong Kong.