

LCQ4: Sexual Conviction Record Check Scheme

Following is a question by the Hon Nixie Lam and a reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (November 29):

Question:

Under the existing Sexual Conviction Record Check (SCRC) Scheme, employers may request prospective employees or contract renewal employees who undertake work relating to children or mentally incapacitated persons to make an application for a check. There are views pointing out that the relevant arrangement can hardly provide adequate protection for disadvantaged persons. In this connection, will the Government inform this Council:

- (1) as there are views that the coverage of the SCRC Scheme is limited, whether the authorities will regularly review the coverage of the SCRC Scheme, and consider expanding the coverage concerned to include all tutors, coaches and volunteers who undertake work relating to children and adolescents; if so, of the details; if not, the reasons for that;
- (2) as applications for the check should be submitted by applicants on a voluntary basis to the Hong Kong Police Force, whether the authorities will consider changing the nature of the SCRC Scheme from voluntary to compulsory; if so, of the details; if not, the reasons for that; and
- (3) as details of an applicant's sexual conviction records will not be disclosed in the check result, whether the authorities will, by drawing reference from the experience of overseas countries, disclose details of an applicant's sexual conviction records, or grade sexual offences according to their gravity and inform the applicant's existing or prospective employer of the grade of sexual offence committed by the applicant; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government has been actively implementing various measures to protect children and mentally incapacitated persons (MIPs) from sexual abuse. Among them, the Hong Kong Police Force (Police) implemented the Sexual Conviction Record Check (SCRC) Scheme in December 2011 to minimise the risks of such category of persons being sexually abused. The SCRC Scheme, which is voluntary in nature, enables employers of organisations or enterprises that engage persons in undertaking child-related or MIP-related work to have an option to request eligible employees to apply to the Police for sexual conviction record check in order to ascertain whether they have any sexual

conviction records against a specified list of sexual offences (sexual conviction records).

While protecting children and MIPs is our top priority, the Government must strike a balance among various considerations, including meeting the needs of employers, maintaining the smooth operation and sustainability of the SCRC Scheme, when considering enhancement of the Scheme.

After consulting the Police, my reply to the various parts of the question is as follows:

(1) The scope of the SCRC Scheme has been gradually expanded since its implementation. Currently, eligible applicants include prospective employees, contract renewal staff as well as staff assigned by outsourced service providers to organisations or enterprises applying to organisations or enterprises (e.g. swimming clubs, ball games clubs, music centres) for work relating to children or MIPs.

As at the end of October 2023, the Police have received a total of over 580 000 new applications and 120 000 renewal applications, and the auto-telephone answering system has received more than 680 000 enquiries about the check results. In recent years, the numbers of new applications and renewal applications have seen an upward trend, reflecting that the existing scheme has been widely used and is effective in providing employers with useful information that help them make employment decisions.

After a public consultation, the Law Reform Commission (LRC) published a report on "Sentencing and Related Matters in the Review of Sexual Offences" in 2022, which covers a review of the SCRC Scheme. The LRC considers that the Government should extend the SCRC Scheme to its fullest to cover all existing employees, self-employed persons and volunteers.

The Government agrees that the scope of the SCRC Scheme should be expanded to further strengthen the protection of children and MIPs. However, there are a huge number of employees and volunteers in Hong Kong, and hundreds of thousands of them are believed to be engaged in child-related or MIP-related work. Therefore, in considering the expansion of scope, we have to be prudent and ensure that there is sufficient capacity given the limited capability of the electronic system and constraints in the Police's manpower and resources.

At present, the SCRC system is capable of handling about 60 000 applications each year. According to the performance pledge, the check result will be uploaded onto the auto-telephone answering platform within five working days after receiving an application. As the number of applications will substantially increase after expansion of the scope of the SCRC Scheme, the Police is making strenuous efforts in enhancing the SCRC electronic system and setting up an online application platform. We expect that starting from September of next year, the system will be able to process at least 210 000 new applications annually.

While ensuring that there is sufficient capacity to process applications made under the SCRC Scheme, we will expand the scope of the SCRC Scheme in a gradual and phased manner in the light of the recommendations of the LRC, with a view to minimising the risks of children and MIPs being sexually abused.

(2) As to whether SCRC should be made mandatory for employers or employees, we agree with the LRC's recommendation that the most urgent task is to expand the SCRC Scheme to its fullest and review the need to make it a mandatory scheme at an appropriate time later. Legislating for mandatory SCRC has to be considered carefully as it involves the stipulation of penalties. From the perspective of practical needs of society, mandatory checking may not be applicable to all situations. For instance, the risk of employees committing offences of sexual abuse is relatively low if there are also other people monitoring their work. In such cases, employers may not need to request the employees to conduct SCRC. Furthermore, we must strike a balance between the two major principles of protecting children and facilitating rehabilitation, and carefully assess the impacts of the introduction of mandatory measures on society. The existing voluntary SCRC Scheme has been operating smoothly and is well recognised by society, with its benefit of flexibility. Our priority task now is to expedite the enhancement of the existing scheme. Although we will not consider changing the scheme from voluntary to mandatory for the time being, we will keep in view its operation from time to time and review the need for legislation in the future.

(3) Currently, although the Government will not disclose details of an applicant's sexual conviction record to his/her employer, if an applicant has committed sexual offence(s), the Police will give the applicant a written record with the crime(s) committed specified therein. The employer may obtain such record from the applicant if necessary. If the applicant refuses to provide it, the employer may refuse to employ the applicant to prevent him/her from undertaking work that involves contact with children or MIPs. Therefore, there are already channels in place for employers to obtain such information. It is not necessary for the Police to take the initiative to disclose the details of the applicant's conviction to the employers, or to grade the sexual offences according to their degree of seriousness. This can strike an appropriate balance between protecting children and MIPs from sexual abuse and protecting privacy.

The Government will actively expedite the enhancement of the SCRC Scheme to further strengthen the protection of children and MIPs.

Thank you, President.

LCQ18: Public records management

Following is a question by the Hon Mrs Regina Ip and a written reply by the Chief Secretary for Administration, Mr Chan Kwok-ki, in the Legislative Council today (November 29):

Question:

The Law Reform Commission of Hong Kong (LRC) established the Archives Law Sub-committee (the Subcommittee) in 2013 to commence a comprehensive study on archives law. The Subcommittee published a consultation paper on December 6, 2018 to commence a three-month public consultation on whether reform of the current public records management regime was needed. However, as at October 2023, the LRC had not yet released a report on the public consultation concerned, and the Government had not made any response. In this connection, will the Government inform this Council:

- (1) of the latest progress made by the Subcommittee in respect of the aforesaid study;
- (2) whether the LRC has drawn up a timetable for releasing a report on the aforesaid consultation; if so, of the details; if not, the reasons for that;
- (3) whether it has refined the administrative guidelines on records management in the Government; if so, of the details; if not, the reasons for that;
- (4) whether it will strengthen the records management training and education provided for civil servants; if so, of the details; if not, the reasons for that; and
- (5) as the Government held a positive view towards the enactment of an archives law in the Policy Addresses delivered in 2017 and 2018 respectively, and the Subcommittee also indicated in December 2018 that its provisional view was that there was a case for the introduction of an archives law, whether the Government will commence the relevant legislative procedure; if so, of the details and the implementation timetable; if not, the reasons for that?

Reply:

President,

In consultation with the Department of Justice, the consolidated reply to the question raised by the Hon Mrs Regina Ip is as follows:

(1) and (2) The Law Reform Commission of Hong Kong (LRC) has been commissioned to review the current management of the public records regime with a comparative study on the relevant law and practice in other jurisdictions for the purpose of making appropriate recommendations on reform options in case of need. The LRC will definitely continue to strive to ensure

that the efforts made in such work will be manifested in the report to be issued in future, and demonstrate that the time and efforts spent on the preparation and compilation of the report are totally necessary and worthwhile.

(3) The Government attaches great importance to and has been actively enhancing the records management regime. To ensure that government records are managed and preserved properly, the Government Records Service (GRS) has established and promulgated various records management regulations, administrative requirements and guidelines to assist bureaux/departments (B/Ds) to practise good records management. The GRS also reviews these regulations, requirements and guidelines in accordance with the actual implementation situation in B/Ds and the development of the relevant standards and requirements in the records management profession, so as to make timely updates and revisions. In the past three years, the GRS has reviewed and updated one General Circular relating to preservation of Government publications, three Records Management Publications and one guideline relating to management of electronic messages. The GRS will continue to review other relevant regulations and guidelines to further improve records management in the Government in due course.

(4) The Government attaches great importance to the provision of records management training to government officers, in particular newly recruited government officers, and gradually increased the annual records management training target significantly from 4 000 in 2019 to 10 000 from 2021 onwards. Records management has also been included as part of the induction training for newly recruited government officers in phases. From January 2021 to the end of October 2023, more than 36 100 government officers have received records management training, of whom over 50 per cent were newly recruited officers. In addition, to ensure that the records management training framework, contents, target trainees and mode of training reflect the latest situation, the GRS reviews and formulates its training plan for the next three years at a three-year interval. The latest training plan, which serves as the records management training blueprint for 2024 to 2026, was completed in September 2023.

(5) The Government will make timely consideration when the LRC's completed report is released to the public and submitted to the Government.

LCQ17: Transitional housing projects

Following is a question by the Hon Doreen Kong and a written reply by the Secretary for Housing, Ms Winnie Ho, in the Legislative Council today (November 29):

Question:

The first newly-built transitional housing project, Nam Cheong 220, ended in November last year. Only 25.5 per cent of the tenants of the project were allocated a public rental housing (PRH) unit after the end of the project's two-year operation period, while the remaining tenants had to move again to other transitional housing or private residential units. In this connection, will the Government inform this Council:

(1) of the total number of tenants of transitional housing projects since 2021, with a breakdown by the number of persons in the household and the household structure (e.g. whether it is a single-parent household and the age distribution of children);

(2) whether the authorities have kept track of the living situation of the tenants who had resided in the Nam Cheong 220 project as at October this year; of the measures in place to support its former tenants who still need to move more than once after moving out of that transitional housing project;

(3) whether the authorities have plans to review the following arrangements: (i) when a transitional housing project adopting the Modular Integrated Construction approach is demolished, its modules can be reused in other housing projects, and (ii) operating organizations allocate transitional housing units to Category A applicants (i.e. persons who have been waiting for traditional PRH for not less than three years) and Category B applicants (i.e. persons of other categories) in the ratio of 8:2; if so, of the details; if not, the reasons for that; and

(4) whether the authorities will consider consolidating transitional housing and Light Public Housing, so as to bring the rental levels of the two types of housing closer to each other and avoid duplication of resources; if so, of the details; if not, the reasons for that?

Reply:

President,

Transitional housing has been well received by various sectors of the community, and benefited many families and individuals who are waiting for traditional public rental housing (PRH) and inadequately housed. The Government has identified land for providing over 21 000 transitional housing units, exceeding the original target of 20 000 units. As at end October this year, about 9 000 units have come into operation. It is expected that about 11 000 units will be completed and put into service in 2024, while the remaining 1 000 units will be completed in the first quarter of 2025.

Our reply to the question raised by the Hon Doreen Kong is as follows:

(1) Under the Funding Scheme to Support Transitional Housing Projects by Non-government Organisations (the Funding Scheme) of the Housing Bureau (HB), a total of 53 transitional housing projects have been approved so far. Among them, 19 projects have come into operation, providing about 6 400 units. In addition, there are about 2 600 units of another 32 projects which are funded

by other sources, including the Community Care Fund or other schemes, such as the Pilot Scheme to Subsidise Using Rooms in Hotels and Guesthouses as Transitional Housing. The household distribution (including the numbers of units, Category A and Category B tenants) of the operating projects are set out at Annex 1.

The units under the 19 transitional housing projects mentioned above come in different designs and sizes. The types and numbers of units provided are set out at Annex 2.

As for the household structure of the tenants of transitional housing, we do not maintain the relevant information.

(2) According to the information provided by the operating organisation of Nam Cheong 220 when the project ceased operation, 24 households were allocated traditional PRH units, 58 households were rehoused to other transitional housing projects and 12 households moved to other private residential units. We have not kept track of the latest living situation of these tenants.

According to the terms of agreement entered with the organisations under the Funding Scheme, if tenants of a transitional housing project have yet to be allocated traditional PRH when the operation period of the project ends, the operating organisation of the project should endeavour to provide assistance to them to move to other transitional housing projects, or search for appropriate accommodation in the private market as far as practicable. The organisation will also provide other referral services or assistance according to the needs of individual tenants.

(3) As the Modular Integrated Construction (MiC) approach is adopted in the newly-built transitional housing projects, the modules of the projects can be demounted and re-used. At present, there are already two successful examples of re-using MiC modules in transitional housing projects, including demounting all the MiC modules of the Nam Cheong 220 project, which were originally located in Sham Shui Po, in February this year. The modules were successfully relocated to and re-assembled as one of the buildings in the "Lok Sin Village", a transitional housing project at Wong Yue Tan, Plover Cove, Tai Po.

In addition, the demounting of all the MiC modules of the three-storey transitional housing project "LST Housing" at Sung Wong Toi Road in To Kwa Wan was completed in September this year. Subsequently, the modules were transported to the warehouse in Hung Shui Kiu for inspection and restoration. The units were confirmed to be in good condition. It is expected that they will be re-assembled into an eight-storey building in a project at Choi Hing Road, Choi Hung in January 2024. The demounting and relocation of MiC modules that can be successfully re-used in other projects embody the flexibility and sustainability of the MiC approach.

As for the ratio between Category A and Category B tenants, according to the existing mechanism, if individual operating organisations encounter practical difficulties in recruiting tenants, they can submit the relevant

data to the Task Force on Transitional Housing under the HB and apply for adjustment of the tenant ratio. As at end October 2023, approval has been given to a total of five transitional housing projects under the Funding Scheme for adjustment of the tenant ratio. The relevant details (including the project names, operating organisations, approved tenant ratios after adjustment, etc) are set out at Annex 3.

(4) As the Government has reiterated before, both the Light Public Housing (LPH) and transitional housing are measures complementary to each other. As the supply of traditional PRH will not be fully in place in the coming few years, the 50 000 housing units offered by transitional housing and LPH will provide short-term housing choices for those with imminent housing needs.

To further enhance the co-ordination of and optimise the application process for transitional housing, following the introduction of the central common application form in June 2023, "TH-E" – the Central and Unified Platform for Transitional Housing was launched by the HB in September this year to facilitate the public in making online applications for transitional housing. Since the launch of the central common application form and "TH-E" platform, as at mid-November 2023, the HB has received over 9 500 applications for transitional housing. Transitional housing projects in the urban and extended urban districts have always been highly popular, with an average occupancy rate of over 90 per cent. Some of the units have already been made available for the second intake of residents, and the unit usage rate in individual projects has reached 113 per cent. For the projects in the New Territories, the average occupancy rate is over 90 per cent as well.

With the completion of LPH in phases starting from 2024-25, LPH will cater mainly for applicants who have been waiting for traditional PRH for not less than three years (i.e. Category A tenants), with priorities for families. As for transitional housing, in addition to catering for Category A tenants, it can give full play to its role in rendering community support for more Category B tenants (i.e. other categories of applicants), such as persons/families living in subdivided units who have been waiting for traditional PRH for less than three years, so as to provide them with adequate short-term accommodation and to comprehensively cover the full spectrum of people in pressing housing needs.

Regarding the issue of rent, the rent of LPH will be linked to that of traditional PRH and set at around 90 per cent of the rent of newly completed traditional PRH in the same district. While eligible persons residing in transitional housing may continue to receive allowance under the Cash Allowance Trial Scheme, those who opt for LPH will no longer be granted the allowance. Therefore, after deducting the amount of the said allowance, the difference in rent between transitional housing and LPH will not be substantial.

We will continue to closely monitor the occupancy of transitional housing and future LPH to ensure prudent utilisation of social resources.

LCQ6: Cross-boundary Wealth Management Connect Scheme in the Guangdong-Hong Kong-Macao Greater Bay Area

Following is a question by the Hon Robert Lee and a reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (November 29):

Question:

The financial regulatory authorities of the Mainland, Hong Kong and Macao announced on September 28 this year further enhancements to the Cross-boundary Wealth Management Connect Pilot Scheme in the Guangdong-Hong Kong-Macao Greater Bay Area. In this connection, will the Government inform this Council:

- (1) as one of the enhancement measures is to "include eligible securities firms as participating institutions", of the relevant eligibility requirements (such as capital size and experience);
- (2) as the enhancement measures also include "expanding the scope of eligible investment products", whether the authorities will consider including investment products such as stocks, exchange traded funds, futures, precious metals and derivatives; if not, of the reasons for that; and
- (3) given that as at May this year, a total of 24 Hong Kong banks had commenced Cross-boundary Wealth Management Connect (WMC) services, while as at the end of April this year, the aggregate quota usages under the Southbound Scheme and Northbound Scheme of WMC (covering Hong Kong and Macao) were only RMB640 million and RMB260 million respectively, and it is learnt that currently, only a limited scope of Hong Kong financial institutions may participate in WMC, whether the Government has discussed with the regulatory authorities of the Mainland how to specifically expand the scope of Hong Kong financial institutions that may participate in WMC and scale up WMC services of such institutions; if so, of the details; if not, the reasons for that?

Reply:

President,

Cross-boundary Wealth Management Connect (Cross-boundary WMC) in the Guangdong-Hong Kong-Macao Greater Bay Area (GBA) was formally launched in September 2021, enabling residents in Hong Kong, Macao and nine cities in Guangdong Province to carry out cross-boundary investment in eligible wealth management products distributed by banks in the GBA. Cross-boundary WMC

provides GBA residents with a formal, direct and convenient channel for cross-boundary investment in diverse wealth management products. It is a milestone in the financial development of the GBA and an important measure that deepens and widens mutual access between the financial markets of the Mainland and Hong Kong.

For Hong Kong, Cross-boundary WMC creates new business opportunities for the local wealth management industry and benefits the entire financial industry value chain. It incentivises international financial institutions to allocate resources to Hong Kong for product development, product distribution, asset management and other businesses. It also promotes the cross-boundary flow and use of Renminbi (RMB) and further consolidates Hong Kong's position as a global offshore RMB business hub.

As an innovative financial co-operation measure in the GBA involving three different regulatory systems, Cross-boundary WMC has been implemented under a pilot approach in a gradual and incremental manner. On the basis of their respective existing regulatory regimes and practices, the relevant regulators in the three places are maintaining close collaboration and seeking flexibility for policy formulation and implementation.

My consolidated reply to the question raised by the Hon Lee is as follows:

Cross-boundary WMC has seen steady development since its launch. Regarding participating institutions, currently Hong Kong banks engaging in retail banking or private banking businesses and registered with the Securities and Futures Commission (SFC) for relevant regulated activities can participate in Cross-boundary WMC. Twenty-four eligible Hong Kong banks have commenced relevant businesses with their respective Mainland partner banks.

Regarding funds, according to the statistics as of end-October 2023 published by the People's Bank of China, 62 900 individual investors in the GBA participated in Cross-boundary WMC, including 44 600 from Hong Kong and Macao and 18 300 from the Mainland, recording a total of more than 35 000 cross-boundary fund remittances (covering Hong Kong and Macao) amounting to over RMB8.65 billion. The aggregate quota usage under the Southbound Scheme and Northbound Scheme (covering Hong Kong and Macao) was over RMB2.33 billion and RMB250 million respectively (calculated on a net cross-boundary remittance basis). Since the resumption of normal travel between the Mainland, Hong Kong and Macao, the Southbound business has seen significant growth. In the first 10 months of 2023, the number of new individual investors participating in Cross-boundary WMC exceeded 6 400, representing an increase of 70 per cent over the same period last year. Cross-boundary fund remittances amounted to over RMB6.2 billion, having increased more than fivefold over the same period last year.

Regarding investment products, Northbound eligible products include low-to medium-risk public securities investment funds and fixed income and public equity wealth management products issued by Mainland wealth management companies (excluding cash management-based wealth management products).

Southbound eligible products include deposits, bonds and funds domiciled in Hong Kong and authorised by the SFC which are rated as low- to medium-risk and non-complex by Hong Kong banks. As of end-October 2023, Mainland investment products held by Hong Kong and Macao investors under Cross-boundary WMC stood at around RMB227 million, including wealth management products at around RMB152 million and funds at around RMB75 million. Investment products of Hong Kong and Macao held by Mainland investors under Cross-boundary WMC stood at around RMB2.351 billion, including funds at around RMB28 million, bonds at around RMB6 million and deposits at around RMB2.317 billion.

The financial regulatory authorities of the Mainland, Hong Kong and Macao jointly announced in late-September this year that they would enhance Cross-boundary WMC along five directions, including refining the eligibility criteria of investors to support more GBA residents to participate in the scheme, extending the scope of participating institutions to include eligible securities firms, expanding the scope of eligible investment products, increasing the individual investor quota as appropriate, and further enhancing the promotion and sales arrangements.

For extending the scope of participating institutions to include eligible securities firms, the SFC is considering the criteria for licensed corporations to participate in the pilot scheme, including their licence requirements, capital size, experience and transaction volume of selling investment products (bonds and funds), internal systems and supervision arrangements, etc.

We believe that the enhancement measures will further enrich the investment options of GBA residents and promote mutual access of the financial markets of the three places conducive to the industry's exploration of business opportunities in the GBA, further realising the potential of Cross-boundary WMC while enhancing Hong Kong's position as an international asset management centre. The regulatory authorities of the three places are refining the implementation arrangements and operational guidance with a view to announcing relevant details and launching the measures as soon as practicable.

Thank you, President.

[Hong Kong Customs seizes suspected counterfeit goods worth about \\$3.7](#)

million (with photo)

Hong Kong Customs on November 20 seized about 10 000 items of suspected counterfeit goods with a total estimated market value of about \$3.7 million at the Tuen Mun River Trade Terminal Customs Cargo Examination Compound.

Through risk assessment, Customs on that day inspected a 40-foot container arriving in Hong Kong from Nansha, Guangdong. After inspection, Customs officers found the batch of suspected counterfeit goods, including footwear, clothes, earphones, handbags and underwear.

An initial investigation revealed that the batch of suspected counterfeit goods would be transhipped to overseas regions.

An investigation is ongoing.

Customs will continue to combat cross-boundary counterfeit goods activities with stringent enforcement action based on risk assessment and intelligence analysis.

Under the Trade Descriptions Ordinance, any person who imports or exports any goods to which a forged trademark is applied 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 counterfeiting 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).

