

# Statement by the Judiciary

The following is issued on behalf of the Judiciary:

In response to media enquiries, the Judiciary confirms that Lord Collins of Mapesbury and Lord Sumption, non-permanent judges from other common law jurisdictions of the Court of Final Appeal, have tendered their respective resignations to the Chief Executive of the Hong Kong Special Administrative Region.

The Chief Justice of the Court of Final Appeal will shortly issue a statement in response to the two judges' resignations.

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## Transport Department's response to conversion of red minibus routes into green minibus routes operations

In response to the media enquiries regarding the conversion of red minibus (RMB) routes into green minibus (GMB) routes operations, a spokesman for the Transport Department (TD) today (June 6) responds as follows:

To ensure the service quality level of RMBs and achieve more effective monitoring, it has been the Government's established policy to encourage the conversion of RMBs to GMBs. To align with this policy, the TD has been planning and developing new GMB route packages based on passenger demand and has been inviting applications from interested parties (including RMB operators) to run these routes through the annual Green Minibus Operators Selection exercise. In response to requests from the public light bus trade, the TD had studied converting some of the long-established RMB routes directly into GMB routes operations.

Since February 2022, the Government Public Transport Fare Concession Scheme for the Elderly and Eligible Persons with Disabilities (\$2 Scheme) has been extended to cover RMB routes. Currently, about 70 RMB routes have voluntarily participated in the scheme. According to the requirements of the \$2 Scheme, the operators of the relevant RMB routes are required to submit operational information to the TD, including routings, fares and vehicle deployment, etc. In compliance with the requirements of the \$2 Scheme, the operating mode of these RMB routes is largely the same as that of GMB routes. This arrangement allows the TD to grasp the specific route details, and to facilitate the review on expediting the conversion of RMB into GMB operations.

To achieve more effective monitoring of public light bus services, the TD, after review, intends to invite applications from RMB routes that have participated in the \$2 Scheme and fulfilled the specific criteria for direct conversion to GMB route operations. Taking into account the existing GMB operating mode and requirements, the preliminary conditions for the RMB routes to be invited to apply for the conversion include having at least five years of service, vehicles of the route only operating on that single route with whole day and daily service, as well as operating the relevant route by a single operator.

The TD consulted the public light bus trades (including GMB operators and RMB trade associations) for their opinions in late May this year and received positive responses from them.

The TD will inform the GMB Operators Selection Board of the details and relevant requirements of the conversion of RMB routes to GMB route operations, and plans to issue invitations to the operators of the eligible RMB routes within July. The TD will process each application to ensure that the routes meet the requirements for operating GMB services, including the employment of drivers for the routes and the daily operation and fare level being monitored by the TD.

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## **[Police Museum to reopen tomorrow](#)**

The Police Museum, which was temporarily closed earlier due to urgent repair works, will be reopened at 9am tomorrow (June 7).

For enquiries, please call the museum at 2849 7019.

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## **[Government puts forward more targeted tobacco control measures to bring down tobacco hazards \(with photo\)](#)**

The Health Bureau (HHB) announced today (June 6) that in the light of findings of the Vibrant, Healthy and Tobacco-free Hong Kong public consultation on tobacco control strategies and the Thematic Household Survey (THS), the Government planned to introduce 10 tobacco control measures in short term, and continue to explore various tobacco control measures in

medium and long term, including further expansion of no smoking areas (NSAs), thereby eliminating the social hazards posed by tobacco products in all aspects and safeguarding the health of the community with a multi-pronged approach.

The Secretary for Health, Professor Lo Chung-mau, said that the proportion of persons aged 15 and above with daily smoking habit has further dropped from 9.5 per cent in 2021 to 9.1 per cent in 2023 according to the [THS Report No. 79](#) published today, signifying that Hong Kong is a forerunner of tobacco control in the world. It is also an outcome of the concerted community effort from healthcare professionals and members of the public over the past years. Yet, there are about 580 000 people in Hong Kong who are still daily smokers of traditional cigarettes. The entire society and the healthcare system are forced to pay together with these smokers a heavy price for the smoking-induced diseases. Preliminary data from a local study conducted in 2021 revealed that the economic loss resulting from tobacco-induced health problems was estimated to be about HK\$8.2 billion every year. The hazard brought about by tobacco to citizens remains a significant public health issue that needs to be reckoned with.

In the Vibrant, Healthy and Tobacco-free Hong Kong public consultation on tobacco control strategies conducted from July to September last year, over 90 per cent of the citizens expressed support to the further reduction of smoking prevalence in Hong Kong, showcasing broad consensus in the community to promote a smoke-free Hong Kong. Having considered the views received through the public consultation, the effectiveness of tobacco control measures in reducing smoking prevalence and second-hand smoke, public receptiveness and the practicability of the measures, the HHB plans to put forward the overall tobacco control strategy in short, medium and long term, and to further reduce the use of tobacco products and minimise the effect of second-hand smoke on the public through multiple measures. These measures 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 take forward the tobacco control process incrementally.

In order to combat illicit cigarettes in a more effective manner and protect non-smokers from tobacco hazards, the Government proposed to introduce 10 tobacco control measures in short term.

#### Regulate Supply, Suppress Demand

(1) To implement a duty stamp system in order to differentiate duty-paid cigarettes from duty-not-paid ones, thus enhancing the effectiveness of law enforcement. The Government is currently conducting a consultancy study to examine the implementation details. Moreover, the Government will amend the Dutiable Commodities Ordinance (DCO) (Cap. 109) to require tobacco products being sold at a price lower than the tobacco duty need to be proved duty-paid.

(2) To increase penalties for duty-not-paid cigarettes. The maximum penalty for dealing with, possession of, selling or buying illicit cigarettes will be substantially raised from the existing \$1 million fine and two-year imprisonment on summary conviction to a \$2 million fine and seven-year imprisonment on indictment. In addition, the Government will increase the penalties for relevant offences compoundable under the DCO (i.e. imposing penalty instead of prosecution) and listing DCO offences in the Organized and Serious Crimes Ordinance (Cap. 455) to enable the Customs and Excise Department to apply for freezing illicit proceeds associated with illicit cigarette activities.

(3) To prohibit the possession of alternative smoking products (ASPs). Subsequent to the ban on importing, promoting, manufacturing, selling or possessing ASPs for commercial purposes since April 30, 2022, the Government will go an extra mile by prohibiting the possession of ASPs in any form (including personal use) to achieve the goal of imposing a total ban on ASPs.

(4) To prohibit provision of tobacco products to persons aged below 18, such that the provider is to be held liable, thus protecting underage persons from accessing tobacco products.

(5) To continuously review the effectiveness of increasing tobacco duty and the pace of future adjustments.

#### Ban Promotion, Reduce Attractiveness

(6) To ban flavoured cigarettes, including menthol cigarettes and candy/fruit-flavoured cigarettes, to counteract the intention of tobacco traders to use flavoring additives to attract youngsters and women to smoke and to make smokers more vulnerable to getting into and continuing with smoking habit.

(7) To implement plain packaging by requiring tobacco packages (including brands and product names) to be uniformly designed, so as to dampen the promotional effect of tobacco products.

#### Expand No Smoking Areas, Mitigate Harm

(8) To prohibit smoking while queuing. At this stage, the scope of the proposal to prohibit smoking while queuing includes queuing for public transport, and queuing for entering designated public premises, such as public healthcare facilities, public pleasure grounds, theme parks, places of public entertainment, etc.

(9) To extend statutory NSAs to the designated areas at entrances and exits of designated premises, including child care centres, schools, residential care homes for the elderly and public healthcare facilities; and to enable the designation of extensive NSAs at designated locations with a view to

further safeguarding the public from suffering from second-hand smoke hazards. In addition, the Government will increase the fixed penalty for doing a smoking act in statutory NSAs to \$3,000.

#### Enhance Education, Support Cessation

(10) To strengthen smoking cessation services as well as publicity and education through 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 THS indicated that daily cigarette smokers aged between 40 and 59 account for nearly half of the total daily cigarette smokers. If they continue to smoke, various diseases brought about by smoking will impose a heavy burden on the healthcare system. Although the percentage of male daily cigarette smokers has dropped to 16.4 per cent, it is still much higher than the percentage of female daily cigarette smokers which is 2.7 per cent. The percentage of female daily cigarette smokers did not drop significantly over the past 20 years or so, remaining at a level of about 3 to 4 per cent. Furthermore, some 60 per cent of female smokers and some 70 per cent of young smokers aged between 20 and 29 opted for flavoured cigarettes for smoking.

Professor Lo said, "It is crystal clear that smoking continues to pose a threat to the health of many citizens and we cannot turn a blind eye to the situation. To this end, we are obliged to introduce more proactive and targeted measures to combat smoking hazard in short term."

"The 10 short-term measures were put forward after factors such as the effectiveness, practicability and public receptiveness of these measures were weighed. Not only is this package pragmatic, it includes a number of progressive and pioneering measures. We hope to cultivate a tobacco-free atmosphere and foster a culture of 'say no to tobacco hazards' in the community by adopting a multi-pronged approach through education, publicity and enforcement, so as to reduce smoking prevalence to 7.8 per cent by 2025. The HHB will continue to work with relevant departments to draft legislative proposals and study implementation details, aiming to introduce the proposed legislative amendments into the Legislative Council by the end of this year."

Upon the implementation of the short-term measures for a period of time, the HHB will review the effectiveness of the measures in reducing smoking prevalence and subsequently formulate the plan for rolling out medium-term tobacco control measures. The medium-term measures to be explored by the Government include requiring the display of tobacco products to be stored out of sight and reach by customers, strengthening measures to ensure retail outlets' compliance with various sales restrictions on the tobacco products, prohibiting "smoking while walking" which is colloquially known as

"locomotives", designating extensive NSAs on a trial basis with regard to circumstances in districts for continuous expansion of NSAs, as well as imposing legal liabilities on the management of premises that condone illegal smoking.

In the long run, subject to the effectiveness of the short and medium term measures, the HHB will further explore the implementation of other further tobacco control measures, including prohibition of the sale of tobacco products to persons born after a certain date, introduction of a tobacco duty adjustment mechanism linked to the levels recommended by the World Health Organization and/or inflation, as well as restrictions on the specifications of tobacco products (e.g. nicotine content, standardised appearance of cigarettes), to pave the way towards tobacco-free Hong Kong.



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## [HKSAR Government strongly disapproves of and opposes to resolution by House of Representatives of US Congress](#)

The Hong Kong Special Administrative Region (HKSAR) Government today (June 6) strongly disapproved of and opposed to the House of Representatives of the United States (US) Congress for introducing a so-called resolution which smeared and slandered the Hong Kong National Security Law (NSL) and the Safeguarding National Security Ordinance (SNSO) as well as law enforcement actions taken by the HKSAR law enforcement agencies in accordance with the law, and also requested to impose so-called "sanctions" on relevant personnel responsible for the SNSO.

A spokesman for the HKSAR Government said, "The proposed imposition of the so-called 'sanctions' by the House of Representatives of the US Congress intended to intimidate officials who resolutely safeguard national security. It attempted to use the name of freedom to disguise its despicable political motives and grossly interfered in Hong Kong affairs which are internal affairs of China, violating the international law and the basic norms

governing international relations. The HKSAR will not be intimidated by such a despicable behavior and will continue to resolutely safeguard national security in accordance with the law."

The spokesman pointed out, "The content regarding the laws relevant to safeguarding national security in the HKSAR contained in the so-called resolution is completely absurd and untrue. Since the implementation of the NSL in June 2020, the US has ignored the large-scale and incessant riots that occurred in 2019 and devastated society, livelihood and economy of Hong Kong. Instead, it piled up false stories and fabricated narratives through various so-called reports to maliciously slander laws relevant to safeguarding national security in the HKSAR, and blatantly attack the HKSAR in safeguarding national security dutifully, faithfully and in accordance with the law. The US has also deliberately neglected the fact that the NSL has enabled the livelihood and economic activities of the Hong Kong community, and as well the business environment, to return to normalcy. Its bullying act and hypocrisy with double standards are utterly ugly and despicable.

"As a matter of fact, it is each and every sovereign state's inherent right to enact laws safeguarding national security, and it is also an international practice. The US has at least 21 pieces of laws safeguarding national security. It is therefore in no position to point its finger at the HKSAR for legitimately legislating to safeguard national security.

"The legal framework in safeguarding national security in the HKSAR is in line with relevant international human rights standards. The NSL and the SNSO clearly stipulate that human rights shall be respected and protected in safeguarding national security. The rights and freedoms, including the freedoms of speech, of the press and of publication, and the freedoms of association, of assembly, of procession and of demonstration, enjoyed by Hong Kong residents under the Basic Law and the provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights as applied to the HKSAR are protected in accordance with the law."

"Extraterritorial effect for the offences endangering national security under the SNSO fully aligns with the principles of international law, international practice and common practice adopted in various countries and regions. It is both necessary and legitimate, and is also in line with those of other countries and regions around the world. It can be seen that the national security laws of various countries also have extraterritorial effect under the 'personality principle' and the 'protective principle'. In formulating the extraterritorial effect under the SNSO, we have already taken into account the principles of international law and international practice of state jurisdiction, as well as the nature of the offences," the spokesman said.

"We must also point out that the HKSAR law enforcement agencies have been taking law enforcement actions based on evidence and strictly in accordance with the law in respect of the acts of the persons or entities concerned, which have nothing to do with their political stance, background or occupation. The suggestion that certain individuals should be immune from

legal consequences for their illegal acts is no different from advocating a special pass to break the law, and this totally runs contrary to the spirit of the rule of law."

"The SNSO is a piece of legislation to defend against external forces that endanger our national security, strengthening the protection for our home. Only intruders trying to plunder and loot will not want the HKSAR to safeguard our country in accordance with the law. The HKSAR Government strongly urges the House of Representatives of the US Congress to stop its attempts to interfere Hong Kong in safeguarding national security in accordance with the law by deploying such political tactics," the spokesman reiterated.

It is incontrovertible that safeguarding national security will provide a better business environment in Hong Kong. The HKSAR Government will continue to safeguard national security fearlessly, so that the HKSAR can focus its efforts on developing the economy, improving people's livelihood and maintaining the long-term prosperity and stability of Hong Kong.