

# Hong Kong Customs combats sale of game circumvention devices and pirated electronic games (with photo)

Hong Kong Customs conducted a special operation yesterday (June 4) to combat the sale of game circumvention devices and pirated electronic games. A batch of suspected circumvention devices and infringing game consoles with an estimated market value of about \$210,000 was seized.

Upon intelligence analysis and with the assistance of a copyright owner, Customs officers took enforcement action yesterday and raided five retail shops in Sham Shui Po. A total of 27 suspected circumvention devices, 12 sets of mobile game consoles, eight memory cards loaded with suspected pirated electronic games, 110 sets of game consoles containing suspected pirated electronic games and one set of a computer with an external hard disk used for dealing with pirated games were seized.

Customs officers also seized game consoles preloaded with about 2 000 types of suspected pirated electronic games. Most of the games were nostalgic-type and can be played without using a circumvention device.

During the operation, two male shop owners and three male salespersons aged between 28 and 37 were arrested.

Investigation is ongoing and the arrested persons have been released on bail for further investigation.

The Divisional Commander (Intellectual Property Technology Crime Investigation), Mr Lawrence Ng, said at a press conference today (June 5) that in the electronic game market, copyright owners apply effective technological measures in game consoles to prevent any unauthorised games being played on the device. The arrested persons are suspected to have made pirated games playable in game consoles using circumvention technology.

He reminded shop owners and salespersons not to take part in these illegal activities as selling circumvention devices or offering circumvention service is a serious crime. He also appealed to members of the public to respect intellectual property rights and not to buy any circumvention device, modified electronic game consoles or pirated games.

Under the Copyright Ordinance, any person who possesses an infringing copy of a copyright work with a view to selling it commits an offence. The maximum penalty upon conviction is a fine of \$50,000 per infringing copy and imprisonment for four years. Any person who, for the purpose of a circumvention business, or in the course of a circumvention business, sells or lets for hire a relevant device, or provides relevant service in order to allow circumventing an effective technological measure which has been applied in relation to a copyright work, is liable to a maximum penalty of a fine of

\$500,000 and imprisonment for four years.

Members of the public may report any suspected infringing activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account ([crimereport@customs.gov.hk](mailto:crimereport@customs.gov.hk)).



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## C&ED makes proactive efforts to promote Single E-lock Scheme for use by trade (with photos)

â€‹The Customs and Excise Department (C&ED) announced today (June 5) that it is making ongoing progress in promoting the Single E-lock Scheme for use by the trade. A consignment of goods was taken to the clearance point newly established in Zhongshan for the first time today. The consignment arrived in Hong Kong by air, and was transhipped to Zhongshan by truck via the Hong Kong-Zhuhai-Macao Bridge (HZMB). The entire operation was smooth.

"Since mid-May 2019, the number of clearance points in Guangdong Province has been increased to 52, including 43 which cover all nine Mainland municipalities in the Greater Bay Area (GBA). The expanded network of clearance points will not only bring additional convenience for the trade and allow more flexibility for business development, but will also enable the Scheme to better accommodate the operation of the logistics industry in routing cargo through the HZMB. The C&ED has been promoting the Scheme proactively and will continue to encourage the logistics industry to join the Scheme and make good use of the facilitation provided under the Scheme in tapping the business opportunities arising from the development of the GBA and the commissioning of the HZMB," a spokesman for the C&ED said.

For more details about the Scheme and the network of clearance points, please refer to the following webpage on the C&ED's website: [www.customs.gov.hk/en/trade\\_facilitation/sels/index.html](http://www.customs.gov.hk/en/trade_facilitation/sels/index.html).



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## Tseung Kwan O Hospital announces sentinel event

The following is issued on behalf of the Hospital Authority:

The spokesperson for Tseung Kwan O Hospital (TKOH) announced a sentinel event today (June 5) as below:

A seven-year-old boy attended the Accident and Emergency Department of Tseung Kwan O Hospital for a right thumb injury in the evening of May 31. Following an X-ray examination, it was found that the boy's right metacarpophalangeal joint had a dorsal dislocation. Closed reduction was attempted but was not successful.

He was transferred to the Paediatrics and Adolescent Medicine Ward for follow-up treatment the same evening. A closed reduction operation with K-wire fixation was conducted on June 1 morning. He was transferred to the recovery bay after the operation and the doctor found that the fixation procedure was mistakenly performed on the interphalangeal joint, instead of the dislocated metacarpophalangeal joint. Consent from the boy's mother was obtained for a remedial operation immediately.

The result of an X-ray and computed tomography examinations done on June 3 and 4 respectively showed that the clinical outcome was still unsatisfactory. Although it will not affect the joint's future mobility, another operation was suggested.

The hospital is very concerned about the incident. The hospital has met

with the family today to explain and extend an apology, while making its best effort to offer follow-up options for the patient. The incident has been reported to the Hospital Authority Head Office and categorised as a sentinel event. A Root Cause Analysis Panel will be set up to look into the incident to avoid a recurrence. The report will be submitted to the HA within eight weeks.

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## **LCQ2: Human rights safeguards under Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019**

Following is a question by the Hon James To and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (June 5):

Question:

€€€The Government has submitted to this Council a bill which seeks to enable the Government to surrender fugitive offenders under a one-off case-based approach to jurisdictions (including Mainland China) with which Hong Kong has not entered into any long-term surrender arrangements. Earlier on, 130 000 members of the public joined a march to express strong objection to the proposed legislative amendments of the bill, and the government officials of a number of countries as well as some international chambers of commerce have expressed grave concern on the matter. On the other hand, the Government conducted a public consultation lasting for 20 days only and, under the circumstances that the relevant Bills Committee was yet to examine the general merits, principles and detailed provisions of the bill and was yet to listen to public views, the Government indicated on May 20 that "[it] intend[s] to give notice to the Clerk to the Legislative Council (LegCo) for resumption of the Second Reading debate on the Bill on June 12". In this connection, will the Government inform this Council:

(1) whether it has assessed if the hasty law amendment process and insufficiency in public engagement opportunities will draw a strong backlash from the various sectors of society; if it has, of the details; whether it will consider afresh withdrawing the bill so as to maintain social stability; if not, of the reasons for that;

(2) as the United States-China Economic and Security Review Commission, created by the United States (US) Congress, pointed out in a report published on the 7th of last month that the bill would create serious risks for the national security and economic interests of the US and could potentially

violate numerous key provisions of the Hong Kong Policy Act, whether the Government has assessed the impacts on US-Hong Kong relations that the passage of the bill will bring about, including whether the US would repeal the Hong Kong Policy Act and whether such a situation would lead to any adverse consequences, such as overseas enterprises moving their regional headquarters out of Hong Kong and implementing large-scale layoffs in the territory; if it has assessed and the outcome is in the affirmative, of the counter measures; and

(3) given that two years ago, some US Congressmen, out of their worries that the human rights and freedom in Hong Kong would be jeopardised, re-introduced the Hong Kong Human Rights and Democracy Act to the US Congress, proposing the imposition of sanctions against the government officials in Hong Kong and Mainland China who suppress the basic freedoms of Hong Kong residents, including freezing their US-based assets and denying them entry into the US (but the Act was not enacted), whether the Government has assessed, upon the passage of the bill on surrendering fugitive offenders, if some US Congressmen will re-introduce the Hong Kong Human Rights and Democracy Act and what impacts such a situation will bring onto Hong Kong; if it has, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Panel on Security of the Legislative Council (LegCo) on February 15, 2019, the Hong Kong Special Administrative Region (HKSAR) Government submitted the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (the Bill) to LegCo on April 3. The Bill aims at enabling us to deal with a case of a Hong Kong resident suspected of murdering another Hong Kong resident in Taiwan, and plugging the loopholes in the current regime of Hong Kong on mutual assistance in criminal matters (including geographical restrictions and impracticable operational procedures) at the same time. The legislative amendment involves time element. We must establish a legal basis prior to the release of the suspect of the homicide case, which is expected to be in October this year the earliest so that the Government can make necessary preparation for bringing the suspect to face due legal sanction.

Since putting forward the proposal, the Government team has been explaining the proposal to various sectors of the community and listening to their views. Members of the Government team, including Secretaries of Departments and Directors of Bureaux, met with various organisations and sectors, local and overseas chambers of commerce, foreign envoys and local communities, etc. on numerous occasions to have dialogues and exchanges. From our first-hand experience, face-to-face explanation by government officials and their point-to-point responses could often help ease such worries and rectify some incorrect sayings in the community. The Government team will continue to work hard on providing explanations for enhancing the understanding of the Bill among members of the public.

My reply to the three parts of the question is as follows:

(1) By international consensus, surrender of fugitive offenders is executed to fight organised and cross-boundary crimes and a commonly accepted means to reduce crimes effectively. The existing Fugitive Offenders Ordinance (FOO) has made reference to the model treaty promulgated by the United Nations and is in line with the international common practice in respect of human rights and legal procedures. Also, it has balanced the needs of both apprehending fugitive offenders and protecting human rights. With the proposed special surrender arrangements prescribed under the Bill by the Government, there will only be more instead of fewer requirements for protection of the rights of the subject than under the existing FOO.

With the principle of providing more instead of fewer safeguards in making special surrender arrangements, and having considered the specific views and concerns expressed by various sectors, the Government promulgated on May 30 the provision of additional safeguards in the following three aspects to ease the concerns: (1) limiting the application of special surrender arrangements to the most serious offences only by raising the threshold requirement for applicable offences from imprisonment for more than three years to seven years or above; (2) including safeguards that are in line with common human rights protection in the activation of special surrender arrangements, such as presumption of innocence, open trial, legal representation, right to cross-examine witnesses, no coerced confession, right to appeal, etc.; and the requesting party must guarantee that the effective limitation period of the relevant offence has not lapsed; and (3) enhancing protection for the interests of surrendered persons, such as processing only requests from the central authority (as opposed to the local authority) of a place, following up with the Mainland the arrangements for helping sentenced persons to serve their sentence in Hong Kong, negotiating appropriate means and arrangements for post-surrender visits, etc. The policy goals and needs of the Bill are clear. To achieve such goals and needs, the Government considers it necessary to proceed with the legislative process.

(2) Our unique status and advantages under "one country, two systems" are conferred on the HKSAR by the Basic Law. Hong Kong is a separate customs territory and participates in such international organisations as the World Trade Organization and the Asia-Pacific Economic Cooperation, etc. as a separate member. Hong Kong also establishes mutually beneficial relationships with our trading partners. Since Hong Kong's return to the Motherland, the United States (US) has continued to maintain and expand economic and trade ties with Hong Kong on the basis of our unique status. In terms of individual economies, the US is Hong Kong's 2nd largest merchandise trading partner in the world, while Hong Kong is the US' 10th largest export market. For many years, the US has been enjoying the largest trade surplus with Hong Kong among its global trading partners, valued at US\$33.8 billion in 2018. Hong Kong and the US also maintain close investment relations. In 2017, the US was the 7th major source of inward direct investment into Hong Kong, while the US was the 9th major destination of outward direct investment from Hong Kong.

The latest report on the United States-Hong Kong Policy Act published by the US Department of State in March 2019 continues to affirm this special



treatment of Hong Kong. The report also recapitulates the fact that "the United States continues to have deep economic and cultural interests in Hong Kong", and that "co-operation between the US government and the Hong Kong government remains broad and effective in many areas, providing significant benefits to the US economy and homeland security". We believe that it is in the US' and Hong Kong's mutual interests to maintain and promote our bilateral relations. At the same time, such bilateral relations can only be maintained and developed on the premise of mutual respect and co-operation.

(3) Since the reunification, the HKSAR has been implementing "Hong Kong people ruling Hong Kong" and a high degree of autonomy in accordance with the Basic Law, fully and successfully implemented the "one country, two systems" principle. Article 27 of the Basic Law stipulates that Hong Kong residents shall have freedom of speech, of the press and of publication; freedom of association, of assembly, of procession and of demonstration; and the right and freedom to form and join trade unions, and to strike. Article 39 also stipulates that the provisions of the International Covenant on Civil and Political Rights as applied to Hong Kong shall remain in force and they are implemented by the Hong Kong Bill of Rights Ordinance. We will not allow the illegal suppression of the human rights and freedom in Hong Kong.

The proposals in the Bill target the fugitives who committed serious crimes and do not affect the legal rights and freedom of individuals. On the other hand, Hong Kong's judicial independence ranks 1st in Asia and 8th in the world. Judges exercise judicial power independently, free from any interference. Eminent judges from other common law jurisdictions, such as the United Kingdom, Australia and Canada, have been appointed as non-permanent judges of the Court of Final Appeal. Any case-based surrender request must fully comply with the law and relevant requirements under the arrangement and the safeguards of the rights of individual, including the application for habeas corpus, review of the executive decisions, and the judicial review. In this respect, the Government and the Judiciary have the duty to perform their powers and responsibilities.

We reiterate that amending the FOO is a local legislation exercise, the internal affairs of the HKSAR to which overseas legislatures should respect. The Economic and Trade Offices of the HKSAR in the US have maintained liaison with the local politicians, government officials, businessmen and think tank personnel, and provided explanations to ease their unnecessary worries.

Thank you President.

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**Sample of prepackaged vegetarian bean**

# curd roll detected with non-permitted preservative

â€‹The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (June 5) announced that a sample of prepackaged vegetarian bean curd roll was found to contain sorbic acid, a preservative not permitted to be added in soy protein powders and mixes, and the preservative was not declared on its food label, breaching the food labelling regulations. The CFS is following up on the incident.

Product details are as follows:

Product name: Not available in English  
Place of origin: China  
Manufacturer: Huizhou Huamei Food Co Ltd  
General agent: Chung Hing Development Co  
Net weight: 110 grams per pack  
Best-before date: July 28, 2019

"Following up on cases referred by a relevant organisation, the CFS collected the above-mentioned sample from a retail outlet in Tsuen Wan for testing. The test result showed that the sample contained sorbic acid at a level of 88 parts per million. According to the Preservatives in Food Regulation (Cap 132BD), sorbic acid is not permitted to be added in soy protein powders and mixes," a CFS spokesman said.

The CFS has informed the vendor concerned of the irregularity and instructed it to stop sale and remove from shelves the affected batch of the product. Should there be sufficient evidence, prosecution will be initiated.

The spokesman said, "Sorbic acid is a preservative of low-toxicity. Based on the level detected in the above-mentioned sample, adverse health effects will not be caused under usual consumption."

The spokesman reminded the food trade that the use of preservatives in food must comply with the Preservatives in Food Regulation (Cap 132BD). Offenders of the regulation are liable to a maximum fine of \$50,000 and six months' imprisonment upon conviction.

The CFS will inform the trade, continue to follow up on the case and take appropriate action. Investigation is ongoing.