

Transcript of remarks by S for S at media session on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Following is the transcript of remarks by the Secretary for Security, Mr John Lee, at a media session at the Central Government Offices on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 today (May 30):

Reporter: Some matters remain unaddressed. Is that people can still be extradited to places that do not have proper rule of law or proper human rights safeguard and why nothing is done to address this matter? For example, by giving more power to court?

Secretary for Security: First of all, the concept of extradition or surrender of fugitives is to ensure that people who have committed serious crimes will face justice and at the same time, ensure that the human rights are protected. That is the concept accepted internationally and actually is a result of resolution in the United Nations. You can see that different countries may have sign long-term agreements with countries which may be ahead of its own in the ranking of the rule of law or criminal justice system. The concept of surrender is not just to surrender (fugitives) to a particular jurisdiction, where you will regard that its system is ahead of yours or as good as yours. You can see that for example, countries such as the US and the UK have signed over a hundred of long-term agreements with countries which are lower (rankings) in the world. Some of them, some of these countries may rank differently. So the concept of surrender of fugitives is, on one hand, you, in appropriate cases, will have to ensure that fugitives face justice in the place where they committed the crime and where the evidence is stronger; and actually there is a duty for him to face trial for the sake of justice in front of the victims. So that is, first of all, an important thing to bear in mind. But of course, we have to ensure that fugitive when surrendered, his right is protected. So how do we do that? We do that, as I have explained to you, by ensuring that his right will be protected with guarantees given by the requesting jurisdiction. That is to ensure that he will have an open trial, he will have the right to lawyers, he will have time to prepare his own defense, he can cross-examine witnesses etc.

One policy intent of the bill is to make two major provisions with minimal changes and the provisions purely are to remove the geographical restrictions and then to ensure that the whole system can be activated by a certificate issued by the Chief Executive. Then the whole process will take

place in the same way as we have been doing in all long-term agreements within these almost 22 years. So the court's powers remain as they have been examining cases in these last almost 22 years smoothly without real problems. In fact, in one case which took place I think in Eastern Magistrates' Court, after the court had heard the case, it found that the evidence was insufficient and the person was immediately released. So the whole system has been operating smoothly. The policy intent is to make the minimal change to the present regime and system. Only two provisions are deliberately put in to ensure that the geographical restrictions are removed and then the whole process can be activated by the Chief Executive's certificate.

Reporter: Three recommendations that you have just proposed are really similar to the ones the pro-establishment camp talked about today. Isn't it getting even more difficult for the government to gain support from the public, as it may give an image to the public that you are really inclined to the pro-establishment camp or even the business sector? My second question is about the seven-year imprisonment threshold serious crimes such as criminal intimidation is excluded and even it is defeating the purpose of amending the laws, because serious criminals will be evaded? Thank you.

Secretary for Security: I think I can answer both questions together. First of all, I have emphasised in my beginning that we received views from a lot of people in different sectors. These include organisations of course, even from the representatives of other governments, and also some academics and legal practitioners as well. The opinion that we have heard is that since it is a stopgap measure, we should deal with it cautiously. And we should aim at dealing with heinous or the most serious crimes. As a result of all these opinions, we have to make a decision how we can strike a good balance. Because it is only a supplementary measure to the main policy of signing long-term agreement with jurisdictions, so we think that dealing with the most serious crimes do strike the right balance. And seven years (of imprisonment) or above is the usual kind of offences that will be dealt with in the High Court and that is easily understood by people of Hong Kong. So by comparing to what the High Court will usually try, we think that seven (years of imprisonment) or more is a right balance.

Reporter: Secretary, can you justify why it is seven years but not five years? Is it largely to do with the concerns of the Mainland's legal system, because you are fully aware that the Mainland legal system upgrading it to five years or seven years has more or less the same effect on the legal system of the retrospectiveness? Also you have repeatedly stressed on the urgency of this bill, on pursuing the Taiwan case. Would the government apply the same urgency in dealing with certain Macao cases to co-operate with the Macao authorities over a fugitive? Thank you.

Secretary for Security: Well, I really do not understand what you are getting at in your second question, but I will answer your first one. In regard to raising the threshold from more than three years (of imprisonment) to seven years or more, I have explained that we have heard views about dealing with the most serious or heinous crimes on a case-by-case basis will be most appropriate, because it is a supplementary measure to the long-term agreement

that will remain our main policy intent. Since it is only on a case-by-case basis, we think that we need to strike a right balance. Opinions indicating that we should deal with heinous and most serious crimes and making reference to the usual kind of cases that will be tried in the High Court will be easily understood by people of Hong Kong. We think that is the right balance to strike. It has nothing to do with the law of another jurisdiction. In fact, if you talk about jurisdictions which practise the continental law system, usually they will have a limit of proceeding in respect of crimes. Since you have mentioned the Mainland, the Mainland's lapse of time standard usually said at a five, 10, 15, or 20 year's level. So there is no comparison at all with the level or the threshold that I have just suggested.

Reporter: What is your response towards the judges' concern? Do you think a new change is able to address the concerns raised by the judges towards the bill?

Secretary for Security: If you do look at the bill carefully, you can see that there are only two changes, the whole regime is not changed, the system is not changed. There are only two changes. One is to take away the geographic restrictions, the other thing is to allow the Chief Executive to start the process of handing over this man to the court. Then the court will look at the case in the same way as the court will do in each and every surrender case that has been heard in Hong Kong in almost 22 years. We have not heard anything that indicates that the system is not working. One policy intent which I wish you to notice, I want to make these two changes with minimal effect on the whole regime. That is why you can see we are only doing these two changes and the whole system, the whole regime, the whole way of dealing with surrender cases remains as it has been in the past 22 years. And I have full confidence in the judges in Hong Kong since they have been looking at all these cases in the past 22 years without any problem. I have full confidence in their professionalism and impartiality.

(Please also refer to the Chinese portion of the transcript.)

[A kind of chilled raw beef product from US suspected to be contaminated with E. coli \(0157:H7\)](#)

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (May 30) announced that a kind of chilled raw beef product imported from the United States (US) might have been contaminated with Escherichia coli (E. coli) (0157:H7). Members of the public should stop consuming the product concerned immediately if they have bought it.

Details of the product are as follows:

Product name: US ANGUS PRIME BEEF RIBEYE

Place of origin: US

Packer: Aurora Packing Company, Inc.

Importer: Yata Limited

Use-by-dates: May 7 to 13, 2019

"The CFS, through its Food Incident Surveillance System, noted a notice issued by the US authorities concerned that raw beef products might have been contaminated with E. coli (O157:H7) and are being recalled. Preliminary investigation by the CFS found that the above-mentioned local importer was suspected to have imported the affected product into Hong Kong," a spokesman for the CFS said.

The CFS immediately contacted the importer concerned. Follow-up investigation confirmed that the importer had imported around 150 kilograms of the above affected product. All had been sold out at its outlets. The importer has initiated a recall according to the CFS' advice. Enquiries about the recall can be made to the importer's hotline at 2694 1111 during office hours.

"People can contract E. coli through consumption of contaminated water or undercooked and contaminated foods, resulting in gastro-intestinal diseases. Intestinal bleeding and serious complications such as hemolytic uraemic syndrome may also develop in some people. Furthermore, due to poor personal hygiene, person-to-person transmission of this pathogen is possible through the oral-faecal route. E. coli cannot survive under high temperature and can be killed by thorough cooking," a spokesman for the CFS said.

The CFS will continue to monitor the incident and take appropriate follow-up action. Investigation is ongoing.

CHP investigates outbreak of acute gastroenteritis at special school on Lantau Island

The Centre for Health Protection (CHP) of the Department of Health is today (May 30) investigating an outbreak of acute gastroenteritis (AGE) at a special school on Lantau Island, and hence reminded the public and management of institutions to maintain personal and environmental hygiene against AGE.

The outbreak involves 18 boys aged 8 to 13 and three staff members who have developed vomiting, diarrhoea and abdominal pain since May 19. All sought medical attention and none required hospitalisation. They have been in

a stable condition.

Officers of the CHP have conducted a site visit and provided health advice to the staff of the school concerning proper and thorough disinfection, proper disposal of vomitus, and personal and environmental hygiene. The school has been put under medical surveillance.

The CHP's investigations are ongoing.

A spokesman for the CHP advised members of the public to take heed of the following preventive measures against gastroenteritis:

- Ensure proper personal hygiene;
- Wash hands thoroughly before handling food and eating, after using the toilet or after changing diapers;
- Wear gloves when disposing of vomitus or faecal matter, and wash hands afterwards;
- Clean and disinfect contaminated areas or items promptly and thoroughly with diluted household bleach (by adding one part of bleach containing 5.25 per cent sodium hypochlorite to 49 parts of water). Wash hands thoroughly afterwards;
- Maintain good indoor ventilation;
- Pay attention to food hygiene;
- Use separate utensils to handle raw and cooked food;
- Avoid food that is not thoroughly cooked;
- Drink boiled water; and
- Do not patronise unlicensed food premises or food stalls.

The public may visit the CHP's website (www.chp.gov.hk) or call the Health Education Hotline (2833 0111) for more information.

[DH receives WHO's World No Tobacco Day Award for accomplishments in tobacco control \(with photos\)](#)

The Director of Health, Dr Constance Chan, today (May 30) received the World No Tobacco Day Award from the World Health Organization (WHO) on behalf of the Department of Health (DH). Speaking at the award presentation ceremony in Hong Kong, Dr Chan said that the DH has consistently accorded high priority to tobacco control and will continue to work with its partners to address the challenges ahead to protect the future generation from the harm of tobacco.

â€‹ The Secretary for Food and Health, Professor Sophia Chan, witnessed

the award presentation ceremony, in which Dr Chan accepted the award from Senior Policy Adviser to the WHO Professor Judith Mackay.

â€‹ The WHO marks May 31 as World No Tobacco Day annually to raise awareness on the harmful and deadly effects of tobacco use and second-hand smoke exposure, and to discourage the use of tobacco in any form. Every year, the WHO presents the World No Tobacco Day Award to individuals or organisations in each of the six WHO Regions in recognition of their accomplishments in tobacco control.

In her remarks at the presentation ceremony, Dr Chan said, "It is my great honour to receive, on behalf of the DH, the World No Tobacco Day Award 2019 from the WHO. We thank the WHO for this encouraging award in recognition of our tobacco control efforts. I must share this honour with all those who have joined hands with us in the fight against tobacco." Dr Chan also expressed her gratitude to allies from academia, the medical and healthcare professions, the education sector, the community and many government departments for their strong support over the years."

Dr Chan added, "Tobacco control is a persistent battle in public health. Smoking prevalence in Hong Kong has reduced from 23 per cent in the 1980s to 10 per cent in 2017. It is the result of over three decades of tobacco control measures, implemented in a comprehensive and sustained manner, with the help of many tobacco control pioneers and partners from various sectors of the community.

â€‹ "This year marks the 30th anniversary of the DH. Under the leadership of my predecessors including the late Professor S H Lee, Dr Margaret Chan and Dr P Y Lam, and with the support from our policy bureau, the DH has consistently accorded high priority to tobacco control.

"While we celebrate our success of achieving a low smoking prevalence of 10 per cent in Hong Kong, challenges lie ahead. Smoking remains the leading cause of preventable deaths in our population. New smoking products threaten to undermine decades of tobacco control efforts. The introduction of the Smoking (Public Health) (Amendment) Bill 2019 to propose a ban on the import, manufacture, distribution, sale and advertisement of alternative smoking products is a testament to the political commitment of the Government, and the collective will of the society, to protect our future generations from the harm of tobacco, which damages our health and pollutes the environment."

Professor Mackay said, "The award gives due recognition to the work of the DH on tobacco control over many decades. Since the 1970s, the Hong Kong Government has taken firm, progressive and multi-pronged tobacco control measures. Hong Kong has been an exemplar in the WHO's Western Pacific Region from health education (since the 1970s), tobacco control legislation (1982), the ban on smokeless tobacco (1980s), bans on overt advertising (1980s and 1990s), the creation of smoke-free public and work areas (2007) and the increase in the graphic pack warning size to 85 per cent (2017) to the current proposal to ban electronic cigarettes and other new tobacco products.

"Looking to the future, it is hoped that Hong Kong will soon be one of the first jurisdictions in the world to reach single-digit smoking prevalence, and continue to contribute its experience to other parts of the world."

The theme of World No Tobacco Day 2019 is "Tobacco and Lung Health". According to an earlier study, a total of 6 154 deaths (aged 35 and over) in Hong Kong in 2011 were attributed to active smoking while 672 deaths were attributed to second-hand smoke exposure. Evidence shows that smoking is the primary cause for lung cancer (the leading cause of cancer in Hong Kong) and chronic obstructive pulmonary disease, claiming the lives of 3 890 people and causing 29 000 inpatient discharges and deaths in Hong Kong in 2017 respectively. According to the WHO, over two-thirds of global lung cancer deaths are attributed to smoking.

Smoking contributes to 14 per cent of all deaths from non-communicable diseases (NCDs). On average, tobacco users lose 15 years of life and up to half of all tobacco users die of tobacco-related causes. With a view to reducing the burden of NCDs, including disability and premature death, in Hong Kong, the Government announced "Towards 2025: Strategy and Action Plan to Prevent and Control NCDs in Hong Kong" in May last year. Among the targets set for 2025, the Government aims to achieve a 30 per cent relative reduction in the prevalence of current tobacco use in persons aged 15 years or above.

The DH called on smokers to support World No Tobacco Day by quitting smoking as early as possible for the health of themselves and their families and friends. Smokers who intend to quit smoking can call the DH's Integrated Smoking Cessation Hotline on 1833 183. The hotline is operated by registered nurses, providing professional counselling services on smoking cessation. Cases will be referred to smoking cessation services for follow-up when needed.





DH investigates suspected illegal sale of unregistered proprietary Chinese medicine (with photo)

The Department of Health (DH) is today (May 30) investigating T8 (Int'l) Group Limited (TGL) at Comweb Plaza, Cheung Sha Wan, for suspected illegal sale of an unregistered proprietary Chinese medicine (pCm) named Wellmune Cordyceps Sinensis.

Acting upon intelligence, the DH seized the above unregistered pCm from the market and conducted a field investigation at TGL. According to the content of the product label, the product claimed that it can strengthen the body, moisten the lung, move qi and activate blood, and more.

"Safety, quality and efficacy of unregistered pCms are not proven. Our investigation is ongoing. So far, no related adverse reports have been received," a spokesman for the DH said.

The DH endorsed TGL to voluntarily recall the above unregistered pCm from the market and set up a hotline (2488 2489) for related enquiries. The

DH will closely monitor the recall.

According to section 119 of the Chinese Medicine Ordinance (Cap 549), no person shall sell, import or possess any pCm unless it is registered. The maximum penalty is a fine of \$100,000 and two years' imprisonment. Upon completion of the investigation, the DH will seek advice from the Department of Justice on prosecution matters.

Members of the public who have purchased the above unregistered pCm should stop taking it immediately. Those who have consumed it and are feeling unwell should seek advice from healthcare professionals. People who have the product can submit it to the DH's Chinese Medicine Division on 16/F, AIA Kowloon Tower, Landmark East, 100 How Ming Street, Kwun Tong, during office hours for disposal.

"The public should not buy or use products of doubtful composition or from unknown sources. All registered pCms should carry a Hong Kong registration number on the product label in the format of 'HKC-XXXXX' or 'HKP-XXXXX'. The list of registered pCms is published on the website of the Chinese Medicine Council of Hong Kong (www.cmchk.org.hk/pcm/eng/#main_listpcm.htm) for public reference," the spokesman added.

