

## Manager and operator fined for illegal club operations

A woman and a company were fined \$2,500 and \$3,000 at the Kowloon City Magistrates' Courts today (May 8) for contravening the Clubs (Safety of Premises) Ordinance.

The courts heard that in August last year, officers from the Office of the Licensing Authority (OLA) of the Home Affairs Department conducted an inspection at a club on Sai Yee Street in Mong Kok which had been operating with a certificate of compliance (CoC).

The OLA officers posed as customers and patronised the club for food and drinks without being asked to show their membership status or being invited to join the club as members. Condition 19 of the CoC was breached.

The woman and the company, being the manager of the club and the CoC holder of the club respectively, were charged with contravening section 21(1) (a) and section 21(2) of the Ordinance.

A spokesman for the department reminded all CoC holders to comply with the conditions as stipulated therein. Enforcement action will continue to be taken against illegal club operations.

---

## Update on measles cases

The Centre for Health Protection of the Department of Health (DH) said today (May 8) that no additional case of measles infection had been recorded as at 4pm today.

Regarding measles control measures implemented at Hong Kong International Airport (HKIA), a total of five persons had received measles vaccination at the airport vaccination station as at 6pm today, bringing the cumulative number of vaccinations given to 8 379.

From tomorrow (May 9) to May 17 (excluding Sundays and public holidays), measles vaccination will be provided to airport staff who:

- (1) Were born in or after 1967, and have not received two doses of measles vaccination, and have not been infected with measles before; or
- (2) Have laboratory evidence of testing not positive against measles antibody (IgG).

The vaccination quota for the measles vaccination station at the airport remains at 600 doses daily. The venue and operation hours of the airport vaccination station are as follows:

Venue:	Multi-function Room, HKIA Tower (Level 5, Terminal 2)
Hours:	May 9 to 17 (excluding Sundays and public holidays) 10am to 1pm 2pm to 6pm

---

## [Opening remarks by SJ at press conference on Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation \(Amendment\) Bill 2019 \(with video\)](#)

The Secretary for Justice, Ms Teresa Cheng, SC; the Secretary for Security, Mr John Lee; and representatives of the Department of Justice and the Security Bureau held a press conference on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 yesterday afternoon (May 7). Following is the English translation of the opening remarks by Ms Cheng at the press conference:

Thank you for coming to the press conference this afternoon. In regard to the different views recently expressed in the community on the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill, we would like to reiterate the policy objectives and the directions of the amendments as well as respond to those views. Let me first invite the Secretary for Security to speak on the policy objectives. (Please refer to the opening remarks by the Secretary for Security.)

Thank you, Secretary for Security. I will supplement briefly on the Secretary's remarks on the directions of the amendments. There are three directions. Firstly, the current approach to initiate the procedure of vetting by the Legislative Council will be replaced by a certificate to be issued by the Chief Executive. Secondly, the amendments proposed to change the 46 items of offences and offences punishable with imprisonment for more than one year to 37 items of offences and offences punishable with imprisonment for more than three years. Thirdly, the proposed amendments are to be applicable to any jurisdiction. These three points are the major directions.

I would also like to take this opportunity to respond to some views expressed recently. You may have heard that there are suggestions on amending the Criminal Jurisdiction Ordinance or Offences against the Person Ordinance, or trying Hong Kong residents locally. We understand that these suggestions are aimed at dealing with the murder case that happened in Taiwan. However, they cannot serve the purpose for the following reasons.

Firstly, Hong Kong has a common law system and adopts the territoriality principle in respect of criminal jurisdiction. Generally, our jurisdiction will apply only when the whole or part of the criminal act takes place within the territory. Practical problems in the collection of evidence and tendering of evidence in court will arise if extraterritorial jurisdiction is adopted.

Secondly, the Taiwan murder case could not be dealt with even if the ordinances are amended. Since the suggested amendments will turn acts in other jurisdictions into crimes under the Hong Kong law, the related provisions can only be applicable to crimes committed after the (amendment) ordinance has come into force. Therefore, the suggestion cannot serve the purpose of handling the Taiwan murder case.

Thirdly, if a provision is added to provide for retrospectivity, it will be in violation of Article 12(1) of the Hong Kong Bill of Rights, which stipulates that criminal offences or penalties shall not have retrospective effect. This is an important and fundamental problem which cannot be solved by amending the ordinances.

There are also views on whether there exists an exception based on Article 12(2) of the Hong Kong Bill of Rights. I would like to let everyone here know that this suggestion is not sound. The provision originated from Article 15(2) of the International Covenant on Civil and Political Rights (ICCPR). According to authoritative commentaries on the ICCPR, the concept of "criminal according to the general principles of law recognised by the community of nations" actually refers to crimes committed under international treaty law and customary international laws. One example of crimes under international treaty law would be the crime of genocide under Article 1 of the Convention on the Prevention and Punishment of the Crime of Genocide in 1946. In customary international law, we can find examples of war crimes, crimes against humanity and peace, etc. If we look at whether Article 12(2) of the Hong Kong Bill of Rights is an exemption, and whether it can cover a situation like murder, the answer is that it cannot. Therefore, this suggestion is not sound.

Having looked at the above points, it is obvious to all that these suggestions and opinions will not solve the case in Taiwan.

Further, there is recently a saying or suggestion on whether we can adopt "trying Hong Kong residents locally" when dealing with this case. In fact, this idea also has the same problem of criminal retroactivity which I mentioned just now. Even if an ordinance providing for it was enacted, it could only apply to crimes committed after the ordinance has come into force.

It cannot apply retroactively to the murder case that occurred in Taiwan last year.

The second problem of this suggestion is the same as the first point I made. In other words, the scope of the proposed "trying Hong Kong residents locally" is more extensive than the amendment of one or two offences. It may be necessary to turn the 46 items of offences under the Fugitive Offenders Ordinance into the mode of "trying Hong Kong residents locally". This involves a fundamental change in our criminal law and system, and Hong Kong's established "territoriality principle". Therefore, this proposal cannot be adopted lightly.

Thirdly, as mentioned earlier, it may bring practical problems in its actual operation, such as collection of evidence, the handling of relevant evidence during prosecution proceedings, and discharge of duty by the prosecution. Generally speaking, the five proposals are in fact not feasible and the proposal put forward by the Security Bureau and the Government is a desirable option.

I have made some key responses just now. I hope, as the Secretary for Security has said, that we can discuss the various amendments and related issues rationally at the Legislative Council's Bills Committee as soon as possible.

---

## **SCED speaks on US-China Economic and Security Review Commission's report**

Following is the transcript of remarks by the Secretary for Commerce and Economic Development, Mr Edward Yau, on the US-China Economic and Security Review Commission's report at a media session today (May 8):

Reporter: The US-China Economic and Security Review Commission report has highlighted a number of concerns. Would the Government take these concerns seriously? And how would you respond to these concerns?

Secretary for Commerce and Economic Development: First of all, I must say that I do not want to step over to portfolios beyond mine because the Secretary for Security and the Secretary for Justice have been handling the whole issue of the fugitive amendment bill (the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019).

On the worries and anxieties raised by some other bodies and also the report, I would say that it has long been Hong Kong's practice to tackle all these through an objective and systematic way of handling legislative proposals. The very purpose of the fugitive amendment bill is to put criminal

offenders to legal justice by allowing them to undergo a legal extradition process. There is a loophole that we are intending to plug. If there are any questions, queries or misunderstanding arising from this bill, I think it is the job of the Government to explain and articulate. And there is nothing better than having the Bills Committee as the proper way to examine, scrutinise and discuss the details of the bill, so that we can make the bill workable and we can allow different views to be expressed. That is exactly the reason why the Secretary for Justice and the Secretary for Security spent time yesterday, before the Bills Committee is actually put in action, to further explain the major clauses (of the bill) and to ease certain anxieties. I believe my colleagues will continue to do so. And in my own capacity, if I hear any other views, I am happy to pass them on. In the past my colleague, the Secretary for Security, has talked to various organisations and groups who have expressed views. I believe the process will carry on. Thanks.

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

---

## Two fresh beef samples found to contain sulphur dioxide

â€‹The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (May 8) that two fresh beef samples were found to contain sulphur dioxide, a preservative which is not permitted to be used in fresh meat. The CFS is following up on the cases.

â€€â€€

A spokesman for the CFS said, "Subsequent to announcing earlier that fresh beef samples taken from stalls in Quarry Bay Market and Lai Wan Market were detected with sulphur dioxide, the CFS took another two fresh beef samples from the two stalls for testing during follow-up investigations. Similar irregularities were detected with the test results showing that the two samples contained sulphur dioxide at levels of 150 parts per million (ppm) and 600 ppm respectively."

According to the Preservatives in Food Regulation (Cap 132BD), it is an offence to add sulphur dioxide to fresh or chilled meat. The maximum penalty is a \$50,000 fine and six months' imprisonment.

â€€â€€

The CFS has informed the vendors concerned of the above-mentioned irregularities. Prosecution will be instituted should there be sufficient evidence.

â€€â€€

â€€ Sulphur dioxide is a commonly used preservative in a variety of foods including dried fruits, pickled vegetables and meat products such as sausages and grilled burgers, but under the Regulation it is not permitted in fresh or

chilled meat. Nonetheless, individual meat traders may illegally use sulphur dioxide to make meat look fresher. This preservative is of low toxicity. As it is water soluble, most of it can be removed through washing and cooking. However, susceptible individuals who are allergic to this preservative may experience breathing difficulties, headache and nausea.

¶¶¶¶¶¶

The spokesman reminded the food trade to comply with the law and not to sell fresh or chilled meat adulterated with sulphur dioxide. Members of the public should purchase meat from reliable market stalls or fresh provision shops. They should avoid buying or consuming meat which is unnaturally red and maintain a balanced diet to avoid malnutrition or excessive exposure to chemicals from a small range of food items.

The CFS will continue to follow up on the cases and take appropriate action. Investigation is ongoing.