

## CFS finds traces of malachite green in two grass carp samples

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (April 3) announced that trace amounts of malachite green were found in two grass carp samples. Follow-up is in progress.

A CFS spokesman said, "Following up on cases referred by a relevant organisation, the CFS collected the abovementioned grass carp samples from two stalls in Luen Wo Hui Market, Fanling, and Tai Po Hui Market respectively for testing. The test results showed that both samples contained trace amounts of malachite green at respective levels of 3 parts per billion (ppb) and 1.6 ppb.

"The CFS has informed the vendors concerned of the irregularities and instructed them to stop sale of the affected products. Should there be sufficient evidence, prosecution will be instituted," the spokesman added.

Malachite green is a type of industrial dye and has been used for treating infections in fish. Major agricultural economies such as the Mainland, the European Union, Canada and the United States prohibit the use of the chemical in food fish. According to the Harmful Substances in Food Regulations (Cap 132AF), no food sold in Hong Kong is allowed to contain malachite green. Offenders will be prosecuted and will be liable to a fine of \$50,000 and to imprisonment for six months upon conviction.

The CFS will continue to follow up on the incidents and take appropriate action, including tracing the sources of the affected products. Investigation is ongoing.

---

## Import of poultry meat and products from State of Mexico in Mexico suspended

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (April 3) that in view of a notification from the World Organisation for Animal Health (OIE) about an outbreak of highly pathogenic H7N3 avian influenza in the State of Mexico in Mexico, the CFS has instructed the trade to suspend the import of poultry meat and products (including poultry eggs) from the area with immediate effect to protect public health in Hong Kong.

A CFS spokesman said that Hong Kong has currently established a protocol with Mexico for import of poultry meat but not for poultry eggs. Last year, Hong Kong imported 125 tonnes of frozen poultry meat from Mexico.

"The CFS has contacted the Mexican authorities over the issue and will closely monitor information issued by the OIE on avian influenza outbreaks. Appropriate actions will be taken in response to the development of the situation," the spokesman said.

---

## LCQ 11: Access control of airport restricted area

Following is a question by the Hon Chu Hoi-dick and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (April 3):

Question:

It was reported that two Saudi Arabian women who intended to seek asylum from the Australian Government arrived at the Hong Kong International Airport from Colombo on a flight of the SriLankan Airlines (SLA) in September last year. While they were waiting for a connecting flight of the Cathay Pacific Airways (CX) to Melbourne in the airport restricted area, two staff members from the Consulate of Saudi Arabia in Hong Kong attempted to deceive them into boarding a flight to Dubai, and the staff members of SLA and CX cancelled their bookings of the flight to Melbourne. The two women were later permitted to enter Hong Kong and have now left Hong Kong. In this connection, will the Government inform this Council:

(1) whether it knows the means by which and the capacity in which the staff members of the Consulate of Saudi Arabia in Hong Kong entered the airport restricted area; whether it has assessed if their acts in the airport restricted area constituted any criminal offence; if it has assessed and the outcome is in the affirmative, of the follow-up actions; and

(2) whether it has assessed if the cancellation of the two women's flight bookings by the staff members of SLA and CX has undermined the women's consumer rights?

Reply:

President,

As an air transportation hub of Hong Kong and in the region, the Hong Kong International Airport handles a large volume of air traffic and a large

number of passengers every day. We must ensure that a high level of aviation security is maintained. Under sections 4 and 5 of the Aviation Security Regulation (Cap. 494A), any person who enters an airport restricted area (ARA) shall have a valid airport restricted area permit (ARAP) unless he/she is an air-crew member, or a passenger entering the area for the purpose of embarking on/disembarking an aircraft, or being escorted by a person authorised by the Airport Authority Hong Kong (AA). Besides, according to the Aviation Security Regulation, AA is responsible for devising and implementing the ARAP system. The ARAP system is established to regulate persons going into and out of the ARA, and to ensure civil aviation is not subject to unlawful interference. ARAPs are issued by AA under the Aviation Security Regulation.

On the Hon Chu Hoi-dick's question, having consulted the relevant bureaux, departments and AA, my reply is as follows:

(1) Those who are employed to work within the ARA and those whose business requires their access to the ARA from time to time (including members of the consular post) may apply for an ARAP from the AA. Such applications should be supported by the relevant sponsoring organisations. AA rigorously safeguards the access control of the ARA, and ARAP holders are required to observe the relevant laws and rules (including the conditions of issue of ARAP) when using ARAPs. If any ARAP holder is found to conduct any unlawful act within the ARA, the case will be referred to the Police for follow-up.

As regards the case mentioned by the Hon Chu, while it is not appropriate for us to go into details, the Police already advised that they received reports from a foreign male and two foreign females respectively in early September 2018. After investigation, the case reported by the former was classified as "Missing Person Located", while the case reported by the latter was classified as "Request for Police Investigation" and was followed up by Crime New Territories South Regional Headquarters. The investigation is still ongoing. If it is found that the case may involve criminal elements, the Police will consult the Department of Justice and handle in accordance with the law.

(2) A mechanism among airlines is in place for handling changes or cancellation of flights for transfer passengers. If a transfer passenger has to change or cancel his or her schedule, the airline which commuted the passenger to Hong Kong would directly inform the airline which would serve the transfer passenger on the outbound journey. Passengers may follow up with the relevant airline(s) on their schedule arrangements. Should the parties fail to reach an agreement, the case can be followed up through legal recourse.

---

## LCQ17: Kwun Tong Typhoon Shelter

Following is a question by the Hon Paul Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (April 3):

Question:

Some studies have pointed out that reclamation at the Kwun Tong Typhoon Shelter (KTTS) can produce a sizable piece of land in a short period of time, and is a more cost-effective option than the Lantau Tomorrow Vision. Besides, some members of the public have relayed that there are not many economic activities at KTTS, with only some yachts and oil barges berthing at it for most of the time. It has been reported by the media that some people use pontoons to occupy berthing spaces at KTTS for berthing of yachts and they make profits by extorting "security fees" and "berthing fees" from the relevant parties. In its Direct Investigation Report published last month, the Office of The Ombudsman expressed concern about whether the right of other vessels to the fair use of KTTS had been deprived of. Some members of the public have criticised the Protection of the Harbour Ordinance (Cap 531) for its overcorrection, which has become an ordinance offering protection to all sorts of illegal activities at typhoon shelters. Besides, there are views that at present, KTTS is unable to provide ancillary transport facilities for the Kai Tak Cruise Terminal (KTCT) which has remained idle for a long period of time, not to mention creating synergy with it. In this connection, will the Government inform this Council:

(1) whether it has studied if the aforesaid occupation of berthing spaces by pontoons and extortion of fees for the berthing of yachts is an organised crime; if it has studied and the outcome is in the affirmative, of the follow-up actions taken by the Government and the number of successful prosecutions against the persons concerned, in the past three years;

(2) given that while the Government intends to submit to this Council a funding application of \$500 million-odd for undertaking studies relating to the artificial islands in the Central Waters under the Lantau Tomorrow Vision, some members of the public consider such an amount too high, whether the Government will consider sparing, by reducing the relevant expenditure, an amount of money for conducting studies on the feasibility and benefits of reclamation at KTTS, including the value of the newly formed land, the number of units that can be built, the population that can be accommodated, as well as the ancillary transport facilities that can be provided for KTCT and the synergy that can be achieved with it;

(3) whether the Government assessed, in the past three years, (i) the economic benefits that could have been generated by arranging vessels to berth at KTTS (including the aforesaid activity of occupying berthing spaces for berthing of yachts) and (ii) the economic contributions brought about by the various commercial activities at KTTS;

(4) whether it will expeditiously conduct the studies and assessments mentioned in (2) and (3) respectively, so as to assess whether the KTTS reclamation plan should be taken forward;

(5) given that the Development Bureau mentioned earlier, in reply to my suggestions made in respect of the 2019-2020 Budget, that if reclamation was to be conducted at KTTS, site(s) had to be identified in advance for planning of new typhoon shelters or sheltered anchorages, whether the Government has proposals on the sites for the provision of typhoon shelters; if so, of the details; if not, whether it will immediately commence the site identification work;

(6) given that a few days ago, the Secretary for Development indicated, in reply to a question on the Environmentally Friendly Linkage System for Kowloon East (EFLS) raised by a Member of this Council, that the proposed viaduct, which had originally been planned to run from the tip of KTCT and cross KTTS to connect with the MTR Kwun Tong Station via Hoi Yuen Road, was faced with a lot of technical difficulties as it failed to meet a number of fire safety requirements stipulated under the Fire Safety (Buildings) Ordinance (Cap 572), whether the Government will continue to study EFLS on the one hand, and examine the road transport network that can be provided through reclamation at KTTS on the other, as a contingency plan in the event that EFLS is not pursued; and

(7) whether it will immediately amend the Protection of the Harbour Ordinance to facilitate the implementation of EFLS and reclamation of KTTS, so as to provide a large piece of residential land for the Energizing Kowloon East vision, thereby solving the traffic problems in the district and at KTCT?

Reply:

President,

The Government has been adopting a multi-pronged approach to increase land supply by means of optimising the use of existing developed land on one hand, and developing new land resources on the other including taking forward New Development Area projects and proposing the Lantau Tomorrow Vision (LTV).

Regarding the topic of reclaiming the Kwun Tong Typhoon Shelter (KTTS), the Government proposed in 2001 under the completed Comprehensive Feasibility Study for the Revised Scheme of South East Kowloon Development a total development area of 460 hectares (ha) with about 133 ha from reclamation including the northern part of the KTTS. In light of the judgment handed down by the Court of Final Appeal regarding the interpretation of the Protection of the Harbour Ordinance (Cap 531) in January 2004, the Government launched the Kai Tak Planning Review in mid-2004 with a view to examining the planning and engineering works of the former Kai Tak Airport site and preparing a new development proposal based on the "zero reclamation" principle. Three stages of public engagement were conducted between 2004 and 2006. Subsequently, recommendations of the Kai Tak Planning Review were incorporated into the Kai Tak Outline Zoning Plan (OZP) in November 2006, which were approved by the Chief Executive in Council in November 2007. The approved Kai Tak OZP No.

S/K22/6 currently in force is mainly based on the OZP exhibited in 2006 which does not involve any reclamation proposal and has gone through several rounds of public participation.

In fact, the KTTS is the second largest typhoon shelter in Victoria Harbour. If the KTTS was reclaimed, the overall supply of sheltered berthing spaces in Hong Kong would decrease. As such, the Government has no plan to study whether reclamation works can be carried out at the KTTS.

Our responses to the various parts of the question raised by the Hon Tse, having taken into account the inputs of relevant bureaux and departments, are as follows:

(1) and (3) According to the information provided by the Transport and Housing Bureau, typhoon shelters are established to provide suitable sheltered spaces for local vessels to take refuge during typhoons and inclement weather. The permitted lengths of vessels to use typhoon shelters are 30.4 metres, 50m or 75m, depending on the respective typhoon shelters. The KTTS, as one of the 14 typhoon shelters in Hong Kong, has an area of about 33 ha. Since the KTTS can provide shelter for around 350 vessels during the passage of typhoons and in inclement weather, if reclamation is to be conducted at the KTTS, site(s) must be identified in advance for planning of new typhoon shelters or sheltered anchorages, so as to ensure that there will be sufficient safe berthing spaces in Hong Kong waters for local vessels to take refuge during typhoons or inclement weather.

Moreover, in accordance with the current legislation, with a few exceptions (for example, if a vessel carries dangerous goods or has exceeded the aforesaid permitted length of typhoon shelters), all vessels (including Class II vessels to which pontoons belong) may enter and remain in any typhoon shelters at any time. Furthermore, it is not a contravention of the current legislation for a vessel (such as a pontoon) to provide services to another vessel within a typhoon shelter (including the provision of water, electricity, berthing, security and maintenance services). As regards the economic benefits brought about by the commercial activities within typhoon shelters including the aforesaid activities, they are matters between the shipowners and the service providers concerned. The Marine Department (MD) does not possess the relevant information.

Regarding whether the right to fair use of vessels of typhoon shelters has been affected by the commercial activities therein, according to the MD's on-site observation, there are still adequate berthing spaces available for vessels within the KTTS. The aforesaid pontoon have neither obstructed the free access of other vessels to the typhoon shelter, nor the passageway, they have therefore not contravened any marine legislation. The Ombudsman has also agreed in its report that this has not affected the vessels' right to fair use of the KTTS.

With regard to the management of the KTTS, since November 2018, the Hong Kong Police Force (HKPF) together with the MD have stepped up efforts in patrolling the KTTS and conducted a total of five joint operations to curb any illegal activities within the typhoon shelter. The MD will continue to

maintain close liaison with the HKPF as well as undertake patrols and operations as appropriate, so as to ensure the safe and orderly berthing of vessels within typhoon shelters.

(2) There is an acute shortage of land supply in Hong Kong. The Government endorses the views of the Task Force on Land Supply that there is no single option to solve the land shortage problem. The Government will continue to adopt a multi-pronged approach in order to increase land supply. The LTV has proposed various land supply initiatives in the medium-to-long term. One of the key initiatives of the LTV is to commence studies on the phased reclamation for the formation of artificial islands in the Central Waters. There are multiple strategic advantages of this initiative. The Government estimates that the artificial islands near Kau Yi Chau (the KYC Artificial Islands), with a total reclaimed area of about 1 000 ha, under the first phase development of the LTV are capable of providing 150 000 to 260 000 housing units, 70 per cent of which are public housing. The KYC Artificial Islands will also support the development of the third Core Business District (note: the first two Core Business Districts of Hong Kong are Central and Kowloon East), which fosters economic development and provides some 200 000 diversified employment opportunities. The artificial islands will be supported by a comprehensive network of strategic roads and rails that connects the Hong Kong Island, Lantau and the coastal areas of Tuen Mun, benefiting not only the artificial islands but also the Northwest New Territories as well as the territory as a whole.

The proposed studies related to Artificial Islands in the Central Waters comprise a detailed planning and engineering study for the KYC Artificial Islands to establish the reclamation extent, land uses and technical feasibility, including the formulation of detailed land use proposals, preparation of preliminary design of the associated engineering works, and conducting statutory environmental impact assessment as well as public engagement exercise in relation to the formulation of development proposals; a strategic transport infrastructure study; and collection of information on waters within and in the vicinity of the possible artificial islands near Hei Ling Chau and Cheung Chau South for future reference in long-term planning. Besides, the studies also include associated site investigation including supervision.

The Government estimates the capital cost of the above-mentioned studies to be \$550.4 million in money-of-the-day prices, which is considered reasonable. As mentioned above, the Government has currently no plan to study whether reclamation works can be carried out at the KTTS.

(4) to (7) The detailed feasibility study for the Environmentally Friendly Linkage System for Kowloon East is underway, which includes exploring the feasibility of provisioning a link bridge across the KTTS. Besides, as mentioned above, if the KTTS was reclaimed, the overall supply of sheltered berthing spaces in Hong Kong would decrease. Furthermore, the KTTS is part of our busy working harbour and a good place for water recreation. The Government is promoting the development of water sports and recreational activities in accordance with the direction laid down in the approved Kai Tak OZP. The concerned reclamation idea will affect the direction of promoting

water body co-use in the KTTS. The Government has currently no plan to study whether reclamation works can be carried out at the KTTS. There is also no intention to make amendment to the Protection of the Harbour Ordinance (Cap 531).

---

## LCQ21: Comprehensive review of strategy of handling non-refoulement claims

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (April 3):

Question:

It is learnt that in recent years, a large number of illegal entrants lodged, immediately upon entry into Hong Kong, torture claims or non-refoulement claims (collectively referred to as "claims") under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In this connection, will the Government inform this Council:

(1) in the past five years, of (i) the number of rejected claimants removed from Hong Kong each year and (ii) the five major countries from where such persons came, together with the number of such persons from each of those countries and its percentage in the total number of claimants (set out in a table);

(2) given that a vast majority of claimants are currently released on recognisance in lieu of detention, and the number of person-times of non-ethnic Chinese persons on recognisance (mostly non-refoulement claimants) arrested for committing criminal offences increased by about 40 per cent from 1 113 in 2015 to 1 542 in 2017, whether the Government took any targeted measures last year to combat such offences; if so, of the details; if not, the reasons for that;

(3) as the Government has proposed to amend the Immigration Ordinance (Cap. 115) by tightening the statutory timeframe for a claimant's submission of a claim form from 28 days to 14 days and cancelling the period of 21 additional days currently given to all claimants by administrative measures, whether it has studied the processing time that can be shortened for each claim on average after the amendments concerned have come into force; and

(4) whether it will consider afresh setting up holding centres or closed camps for the claimants; if so, of the details; if not, the reasons for that?



Reply:

President,

The Government has all along been very concerned for issues arising from non-refoulement claimants. In this regard, we commenced a comprehensive review of the strategy of handling non-refoulement claims in 2016. Various measures implemented so far include preventing claimants from entering Hong Kong as far as possible, expediting the screening of pending claims, shortening the time for screening each claim, increasing the number of members and secretariat staff in the Torture Claims Appeal Board (TCAB), expediting the removal of rejected claimants from Hong Kong, as well as stepping up enforcement against crimes such as unlawful employment.

The Government will also amend the Immigration Ordinance, with a view to improving the screening procedures and plugging existing loopholes, so as to avoid a rebound in the number of claims and processing time, and strengthening the powers of the Immigration Department (ImmD) in respect of enforcement, removal and detention. The Government consulted the Legislative Council (LegCo) Panel on Security on the amendment proposals in July 2018 and January 2019, and aims to introduce the amendment bill to LegCo in the first half of 2019.

At present, the number of new claims and illegal immigrants has dropped significantly by 80 per cent as compared with the peak; the ImmD has largely completed the screening of the once over 10 000 pending claims; and the number of appeals pending handling by the TCAB has started to decrease gradually, with the backlog expected to be cleared in two years at the earliest.

My reply to the various parts of the Hon Ng's question is as follows:

(1) From 2014 to 2018, a total of 9 137 non-refoulement claimants were removed by ImmD (including those with their torture claims rejected, withdrawn or for which no further action could be taken before the implementation of the unified screening mechanism (USM) in March 2014). Among them, 4 593 were rejected claimants.

Among those removed after their claims had been rejected, in terms of the total number of claimants removed over the years, top source countries are Vietnam, India, Pakistan, Indonesia, Bangladesh, the Philippines and Nepal. The breakdown by year is as follows:

Nationality / Year	2014	2015	2016	2017	2018	Total
Vietnamese	3	21	42	305	780	1 151
Indian	52	133	181	255	226	847

Pakistani	56	131	126	261	242	816
Indonesian	32	65	83	145	225	550
Bangladeshi	17	40	61	123	100	341
Filipino	20	23	33	70	81	227
Nepalese	14	51	34	63	59	221
Others	36	61	79	118	146	440
TOTAL	230	525	639	1 340	1 859	4 593

As at the end of 2018, among the some 22 000 claimants whose claims required processing by the ImmD under USM, about 40 per cent had been removed.

(2) The Government has been monitoring the situation of crimes committed by non-ethnic Chinese (NEC) persons (including non-refoulement claimants) and their taking part in triad activities in Hong Kong. In this regard, the Police have been deploying manpower to step up control according to the crime trends in various districts for prevention and detection of crimes.

To address the related issues in a focused manner, formulate strategies and coordinate enforcement operations, the Police have set up the Crime Wing Working Group on NEC Involvement in Organised Crime and Triad Activities. Its duties cover monitoring the trend of NEC persons taking part in organised crimes and triad activities; developing strategies for the Police Force; co-ordinating enforcement operations; and strengthening the Police's system and process for enhancing the capability in gathering intelligence.

On combatting crimes at the district level, the Organised Crime and Triad Bureau launched new strategies in 2017 to tackle the problem of NEC persons committing crimes, with emphasis placed on four aspects, including training, intelligence gathering and sharing, multi-agency co-operation and enhanced enforcement actions.

Besides, the Police have also maintained liaison with local and overseas law enforcement agencies, consulates in Hong Kong and NEC communities, and will take timely actions against any crimes involving the persons concerned.

In 2018, 1 150 NEC persons on recognisance (mostly non-refoulement claimants) were arrested for crimes, down by 25.4 per cent as compared to 2017. The Police will continue to monitor the relevant crime trends and operational needs, and formulate effective measures and take targeted actions accordingly.

(3) It is imperative and important to address the issues relating to non-refoulement claimants at root in the long run by expediting screening and plugging loopholes prone to procedural abuse through legislative amendments. The Security Bureau earlier consulted the Panel on Security on the amendment proposals, which include tightening the statutory timeframe for submission of

claim form from 28 days to 14 days, and ceasing the current administrative arrangement to give claimants another 21 days for doing so. If the proposals are implemented, the time required by ImmD for screening each claim will be further shortened from the current average of 10 weeks to about five weeks.

Separately, we are considering whether there is room to suitably tighten the statutory timeframe for certain appeal procedures, with a view to handling appeals more efficiently while upholding the high standards of fairness.

With the improvement of the overall screening procedures and plugging of the loopholes to avoid deliberate stalling by certain persons after the legislative amendments, it is expected that decisions on the claims will be made more expeditiously. This will be in the interest of all stakeholders (including the claimants) and the community at large.

(4) Suggestions of setting up reception centres or closed camps involve various issues concerning the law, land, infrastructure, manpower, resources, management and security, etc. The Government has been considering all lawful, practicable and effective measures. Given the complexity of the issues involved, the suggestions must be carefully and thoroughly examined.

Separately, as explained when we earlier consulted the Panel on Security on the legislative proposals, in considering the detention strategies, we are also considering legislative amendments to ensure that ImmD is able to detain claimants lawfully and reasonably at different stages of the screening and removal procedures.