

Immigration Department to revise fees

A government spokesman today (January 16) announced that from March 25 this year, the Immigration Department will revise fees for some services, including the issuing of visas/entry permits and travel documents, genetic tests and despatch service for delivering travel documents to places outside Hong Kong.

"It is the Government's established policy that fees charged by the Government should in general be set at levels sufficient to recover the full cost of providing the service," the spokesman said.

A recent costing review showed that the fees payable for services including the issuing of visas/entry permits and travel documents, genetic tests and despatch service for delivering travel documents to places outside Hong Kong are not adequate to recover the full cost of providing those services.

"Based on the government-wide general guidelines for fee increases, the fees of the services concerned will be increased by 9 per cent to 21 per cent. The proposals will have little impact on the daily life of most people and very limited impact on general business activities," the spokesman added.

The Immigration Department regularly reviews the arrangements for handling various types of applications and services with a view to improving the cost-effectiveness as well as the quality of services. Measures are in place to control the cost of providing the services.

The relevant amendment regulation will be tabled at the Legislative Council on January 23. The fee revision will take effect after completion of the necessary legislative procedures. A table setting out the existing and revised fees is in the Annex.

LCQ1: The making of prosecution decisions by Department of Justice

Following is a question by the Hon Chu Hoi-dick and a reply by the Secretary for Justice, Ms Teresa Cheng, SC, in the Legislative Council today (January 16):

Question:

Earlier on, the Independent Commission Against Corruption completed an investigation into the case concerning Mr Leung Chun-ying, the Chief

Executive of the last term, entering into an agreement with UGL Limited and receiving payments from the company during his term of office. The Department of Justice (DoJ) issued a statement last month, stating that after having carefully considered the investigation reports and relevant materials, it considered that there was insufficient evidence to institute prosecution against Mr Leung. Before making the decision, the DoJ had not sought legal advice from outside counsel, which was at variance with the practices previously adopted by the DoJ for handling the cases concerning the then or former senior public officers such as Mr Antony Leung, Mr Rafael Hui, Mr Franklin Lam, Mr Donald Tsang and Mr Timothy Tong. This has aroused criticisms from some members of the public. In this connection, will the Government inform this Council:

(1) as the DoJ pointed out in the aforesaid statement that "... Mr Leung's acts in negotiating the takeover with UGL were congruent with the interests of DTZ", whether the facts based on which the DoJ arrived at such conclusion included DTZ's written advice stating that its interests had not been undermined;

(2) as the DoJ pointed out in three statements it issued in 2012 and 2013 that if there were sensitivities with regard to a particular case, legal advice from outside counsel would be sought before making a prosecution decision, whether the incumbent Secretary for Justice (SJ) has revised such practice since she took office; if so, of the details and reasons for that; if not, why SJ, when responding to media enquiries, remarked that "we shall not brief out any case unless it involves a member of the DoJ"; and

(3) given that "the decision not to prosecute" made by the DoJ has aroused criticisms and queries from some members of the public (including whether the decision was related to Mr Leung's position as a state leader), whether the DoJ will expeditiously seek legal advice from outside counsel and then review "the decision not to prosecute"?

Reply:

President,

Article 63 of the Basic Law provides that the Department of Justice (DoJ) of the Hong Kong Special Administrative Region (HKSAR) Government "shall control criminal prosecutions, free from any interference".

That Basic Law's guarantee of independence ensures that prosecutors within the Department may act independently without political or other improper or undue influence. As the head of the DoJ, I have a constitutional duty and responsibility to make decisions and supervise the conduct of criminal prosecutions.

The Prosecution Code published by the DoJ elaborates on the independence and role of the prosecutor.

Paragraph 1.1 stipulates that "a prosecutor is required to act in the general public interest, but independently as a 'minister of justice'. In

making decisions and exercising discretion, a prosecutor must act fairly and dispassionately on the basis of the law, the facts provable by the admissible evidence, other relevant information known to the prosecution and any applicable policy or guidelines."

Paragraph 1.2 stipulates that "a prosecutor must not be influenced by:

- (a) any investigatory, political, media, community or individual interest or representation;
- (d) the possible political effect on the government, any political party, any group or individual; and
- (e) possible media or public reaction to the decision."

The legal discussions within the DoJ are always conducted with professionalism, without fear or favour, absolutely free from political or other irrelevant considerations, and the details of the discussions needs to be kept in confidence.

Decisions to prosecute or not, as the case may be, must be based on an objective and professional assessment of the available evidence and the law, and be in accordance with the Prosecution Code. The factors and the test to be considered in making a decision to prosecute are set out in Chapter 5 of the Prosecution Code. According to paragraphs 5.3 to 5.5 of the Prosecution Code, the prosecution must consider whether there is sufficient evidence to institute a prosecution, and the test is whether the evidence is sufficient to demonstrate a reasonable prospect of conviction; if there is sufficient evidence to initiate a prosecution, the prosecution will then consider whether it is in the public interest to do so.

Concerning the case raised in the question, the DoJ issued a statement on December 12, 2018, stating that there was insufficient evidence to institute prosecution after careful consideration of the investigation reports and the relevant materials submitted by the Independent Commission Against Corruption. Similarly, the decision was made according to the above principle and free from the influence of the identity of the persons involved or political factors.

(1) The question touches upon the details of the case. I cannot talk about the case. Also, considering that the case is now under judicial review proceedings, I shall not and cannot comment on or add anything regarding the details of such decision. I would like to emphasise that according to paragraph 23.4 of the Prosecution Code, there are circumstances (e.g. due to legal professional privilege or personal privacy concern etc.) in which the giving of reasons may be contrary to the public interest or otherwise inappropriate. Particular note should be taken of sub-paragraph (c), which stipulates that the giving of reasons "may adversely affect the administration of justice (especially in the case of a decision not to prosecute where public discussion may amount to a public trial without the safeguards of the criminal justice process)".

(2) The briefing out of criminal cases has two parts, which are before prosecutorial decision is made and after prosecution. Regarding the former

one, it is a norm of the DoJ to make prosecutorial decision by members of the DoJ. When a case involves member(s) of the DoJ, it is appropriate to brief out the case for legal advice. Further, depending on the need of the case, the DoJ, as it previously mentioned to this Council, may resort to briefing out when:

- (a) there is a need for expert assistance where the requisite skill is not available in the DoJ;
- (b) there is no suitable in-house counsel to appear in court for the HKSAR;
- (c) the size, complexity, quantum and length of a case so dictate;
- (d) it is deemed appropriate to obtain independent outside counsel's advice or services so as to address possible perception of bias or issues of conflict of interests;
- (e) there is a need for continuity and economy; and
- (f) there is a need for advice or proceedings involving members of the DoJ.

The question refers to three statements issued by the DoJ in 2012 and 2013 regarding cases with sensitivities. According to our record, prosecutorial decisions were made in respect of two of the cases without seeking outside legal advice. It can therefore be seen that whether it is a case with sensitivity or not is never a guideline for mandatory briefing out.

It is not a norm of the DoJ to brief out cases for legal advice. Over the past three years, the Prosecutions Division of the DoJ provided an average of over 13 000 items of legal advice per year. Save for those involving member(s) of the DoJ, the numbers of cases in respect of which outside legal advice had been obtained before making the prosecutorial decisions were 0, 1, and 0 respectively in 2018, 2017 and 2016. It is evident that the DoJ has made prosecutorial decisions without seeking outside legal advice in a great majority of cases.

(3) The DoJ bases its prosecutorial decision entirely on evidence, the Prosecution Code as well as applicable laws. The prosecutorial decision has been made. If there is reason such as the law enforcement agency discovers new evidence and considers that it is necessary to seek the DoJ's legal advice again, we will handle the case.

Thank you, President.

[Marine Department holds seminar to promote navigational safety \(with photos\)](#)

â€‹The Marine Department (MD) held the Navigational Safety Seminar 2019 today (January 16) to enhance the awareness of navigational safety among

members of the industry. The Deputy Director of Marine, Mr Wong Sai-fat, reminded coxswains and persons-in-charge of vessels that they have the responsibility to uphold safety at sea and fully comply with the marine legislation.

Mr Wong said that coxswains and crew members should take appropriate and adequate safety precautions and prepare contingency arrangements before setting sail. Vessels should have sufficient life-saving and fire-fighting equipment. Coxswains and crew members should ensure that vessels, engines and equipment are maintained in conditions that are suitable for navigation. In addition, they should be aware of the contact numbers of the port traffic control unit and units that provide emergency services, and be fully aware of the latest weather conditions and related MD Notices.

On another front, to avoid accidents caused by fatigue, owners and operators of all local vessels must ensure that the duty rosters of crew members, including coxswains, have sufficient rest periods to avoid fatigue at work.

Coxswains and crew members should strengthen lookout, sail at safe speed and comply with regulations for preventing collisions at sea, during navigation in restricted visibility. As a number of vessels were damaged last year due to Super Typhoon Mangkhut, coxswains and crew members were reminded to adopt appropriate safety enhancement measures before and during the passage of tropical cyclones.

Meanwhile, a new mobile application, "eSeaGo", has been launched to display chart information on Hong Kong waters free of charge. Users can download the chart information provided by the Hydrographic Office of the MD via the app. With the mobile device's positioning function, "eSeaGo" will assist in position fixing in Hong Kong waters.

The MD organises regular education seminars and publicity campaigns to step up marine safety promotion. Over the past three years, the MD has launched publicity at three marine ferry terminals to further promote the message that passengers on high-speed craft plying between Hong Kong and Macao should have their seat belts fastened. Similar publicity will be conducted again this year.

Today's annual seminar was attended by about 200 representatives from the shipping industries, coxswains and operators of local vessels, and representatives of marine works projects. The issues discussed covered the application of the International Regulations for Preventing Collisions at sea and the safe navigation in restricted visibility, miscellaneous permits, mobile application "eSeaGo", measures to enhance the safety of local vessels during the passage of tropical cyclones, and analysis of marine accidents and their implications. Leaflets on navigational safety were also distributed at the seminar.



LCQ15: Handling of food waste

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (January 16):

Question:

The Government is implementing, through the use of existing sewage treatment facilities for food waste/sewage sludge anaerobic co-digestion, the Food Waste/Sewage Sludge Anaerobic Co-digestion Trial Scheme (the Trial Scheme), as an additional part of the network of the Organic Resources Recovery Centre (ORRC) to help raise Hong Kong's food waste treatment capability. To this end, the Government is constructing food waste pre-treatment facilities at the Shuen Wan Leachate Pre-treatment Works at Tai Po, which are expected to provide a maximum of 50 tonnes of pre-treated food waste per day to the sewage sludge anaerobic digestion system at the Tai Po Sewage Treatment Works for anaerobic co-digestion. The works concerned commenced in December 2017 and the facilities concerned are scheduled for commissioning this year. Regarding the handling of food waste, will the Government inform this Council:

(1) as the report Monitoring of Solid Waste in Hong Kong pointed out that the daily quantity of food waste disposed of at landfills was some 3 662 tonnes in 2017, representing a year-on-year increase of 1.7 per cent, and the quantity of recyclable food waste recovered accounted for only 0.8 per cent of the total quantity of food waste, whether the Government will introduce further measures to reduce the quantity of food waste landfilled and increase the recycling rate of food waste;

(2) whether it has estimated the treatment capacity of food waste recycling facilities and its percentage in the total quantity of food waste, in each of the coming five years;

(3) of the concerns raised by Tai Po District Council on the Trial Scheme and the Government's response to them;

(4) of the quantity of sewage sludge and other waste expected to be generated under the Trial Scheme and the methods of their disposal;

(5) as the food waste to be treated under the Trial Scheme will mainly come from the food factories in Tai Po Industrial Estate and other commercial and industrial establishments in the district, whether the Government will consider collecting food waste also from the housing estates in the district for treatment under the Trial Scheme; if so, of the details; if not, the reasons for that;

(6) of the number of sewage treatment works in Hong Kong that can carry out food waste/sewage sludge anaerobic co-digestion, and the total daily quantity of food waste that can be treated by them;

(7) of the implementation situation of the Food Waste Recycling Projects in Housing Estates in each of the past three years, including the number of housing estates funded and the average daily quantity of food waste recycled; whether it will promote the project to housing estates which have not yet participated in the project; if so, of the details; if not, the reasons for that; and

(8) of (i) the output of electricity generated from the treatment of sewage sludge and (ii) the amount received from the sale of electricity (if any) to power companies by ORRC and the sludge treatment facility T·PARK, in each of the years since their establishment?

Reply:

President,

In February 2014, the Environment Bureau unveiled "A Food Waste & Yard Waste Plan for Hong Kong 2014-2022" (the Plan), which maps out four strategies to tackle food waste, namely reduction at source, reuse and donation, recyclable collection, and turning food waste into energy. An important element under the Plan is to build a network of Organic Resources Recovery Centres (ORRCs) which recycle unavoidable food waste into renewable energy and useful materials by advanced technology. Phase 1 of the ORRC (O·PARK1) is situated in Siu Ho Wan of North Lantau with a food waste treatment capacity of 200 tonnes per day, and has been operating since July 1, 2018. The Environmental Protection Department (EPD) is currently seeking funding approval from the Legislative Council for detailed planning and construction works for Phase 2 of the ORRC (ORRC2) which will be located in Sha Ling of the North District. If the funding is approved and the contract is awarded before mid-2019, ORRC2 is expected to be commissioned in 2022, with a daily treatment capacity of 300 tonnes of food waste. Besides, the engineering feasibility study and the Environmental Impact Assessment of Phase 3 of the ORRC (ORRC3) in Shek Kong of Yuen Long are underway. The ORRC3

is expected to be commissioned in 2026 with a daily treatment capacity of 300 tonnes of food waste. The EPD will continue to identify sites for developing the remaining phases of the ORRCs.

My reply to the question raised by the Hon Chan Hak-kan is as follows:

(1) To expedite the enhancement of the overall food waste treatment capability in Hong Kong, the EPD is working with the Drainage Services Department (DSD) to examine the use of existing and future sewage treatment works (STW) to implement the Food Waste/Sewage Sludge Anaerobic Co-digestion Trial Scheme (the Trial Scheme) to confirm the feasibility of this technology in local application. The first Trial Scheme will use the anaerobic digestion tanks in Tai Po STW and build the food waste pre-treatment facilities near the STW. The facilities will be completed for operation in the first half of 2019 and can process about 50 tonnes of food waste per day. The Government will extend the Trial Scheme to cover the Sha Tin STW for commissioning in 2022 with a similar daily food waste treatment capacity of about 50 tonnes.

In her 2018 Policy Agenda, the Chief Executive mentioned that a pilot scheme will be introduced to examine the feasibility of implementing government-run free food waste collection services in the long run. Subject to the operational performance and actual treatment capability of the O-PARK1 and the Trial Scheme at Tai Po STW, we are planning to implement the pilot scheme in late 2019 to provide free collection services (covering both transportation and treatment) for some commercial and industrial (C&I) sources. We will also make use of part of the treatment capacity of the above two facilities to provide free collection and treatment services for food waste from certain households. Priority will be given to housing estates with experience in food waste separation and collection. Meanwhile, the Government has commenced a study on territory-wide separation and collection of food waste from household and C&I sources. Based on actual local circumstances, the study will work out collection proposals and the ancillary facilities needed for large-scale collection of food waste from household and C&I sources as well as its delivery to the processing facilities in future. The study will be completed in 2019. We will use the Trial Scheme in Sha Tin STW to test the operational and facilitation requirements for the separation, collection and recycling of domestic food waste in the housing estates in Sha Tin. After the commissioning of ORRC2, we will also allocate part of the treatment capacity for a pilot scheme to treat the domestic food waste collected from some nearby residential developments.

Reducing food waste at source will remain to be the focus of future work. We will continue to implement the Food Wise Hong Kong Campaign and conduct publicity and education work, including Announcement in the Public Interest on reducing food waste at radio and television channels, "Big Waster" posters, leaflets and slogans, roving exhibitions, the Food Wise talks, the "Food Wise Hong Kong Campaign" website, the "Big Waster" Facebook, the education materials for reducing food waste and the Food Waste Reduction Good Practice Guides, etc. We will continue to collaborate with the C&I sector to implement the "Food Wise Charter" and the "Food Wise Eateries Scheme" to enhance the public's understanding and participation in the "Food Wise, Waste

Reduction" culture and food waste separation and recycling.

The EPD will also continue to support non-government organisations in implementing the food recovery project through the Environment and Conservation Fund (ECF). The surplus food which is still edible or will expire soon is collected from wet markets, retail shops and food wholesalers and donated to the needy in the community to achieve the goal of reducing food waste and caring for society. As of December 2018, the ECF has approved about \$68 million for 37 surplus food recovery projects. It is anticipated that about 6 900 tonnes of surplus food will be recovered and more than 8.9 million headcounts will benefit.

(2) With the successive commencement of O·PARK1, ORRC2 and the Trial Scheme in Tai Po and Sha Tin, the total treatment capacity of food waste recycling facilities will gradually increase. Taking the daily quantity of food waste landfilled in 2017 (i.e. about 3 662 tonnes) as a benchmark and assuming that the daily food waste disposal for the coming five years (2019-2023) will be similar to the quantity in 2017 and the food waste recycling facilities under construction and planning can be commissioned as scheduled, we estimate that the maximum treatment capacity of food waste recycling facilities and its percentage in the total quantity of food waste in each of the coming five years are as follows:

Year	Annual Maximum Total Treatment Capacity of Food Waste Recycling Facilities (Note 1) (% in the Total Quantity of Food Waste)
2019	About 90 000 tonnes (7%) (Note 2)
2020	About 90 000 tonnes (7%)
2021	About 90 000 tonnes (7%)
2022	About 220 000 tonnes (16%) (Note 2)
2023	About 220 000 tonnes (16%) (Note 2)

Note 1: If the food waste recycling facilities under construction and planning can be commissioned as scheduled, Food waste recycling facilities in operation between 2019 and 2023 include the O·PARK1 (commissioned in July 2018), the Trial Scheme in Tai Po (commissioning within the first half of 2019), the Trial Scheme in Sha Tin (commissioning in 2022) and the ORRC2 (commissioning in 2022).

Note 2: In these years, the O·PARK1 and ORRC2 are still in the start-up stage. Since the treatment capacity of the ORRCs during the start-up period will depend on the growth of the anaerobic bacteria, it will take about one year from the date of the commissioning of the facility to reach the designed food waste treatment capacity. Hence, the two ORRCs may not be able to reach the maximum total capacity in these years.

(3) On July 13, 2016, the EPD consulted the Environment, Housing and Works Committee of Tai Po District Council on the Trial Scheme at Tai Po STW.

Members were more concerned about the following issues: (i) whether the emissions released during the treatment of food waste would have any impacts on the environment and health of those living in the vicinity; (ii) what indicator would be adopted to assess the effectiveness of the Trial Scheme; and (iii) whether the Trial Scheme would be extended to cover residential areas. The EPD's respective responses to these concerns were: (i) No noxious gas would be emitted during the treatment process of food waste/sewage sludge. Regarding the potential odour issue, the EPD would implement on-site monitoring and corresponding measures to control pollution. Such measures would include enclosing all potential odour sources; adopting negative pressure design to avoid odour escape; and installing deodourisers, ventilation systems, etc.; (ii) The biogas generated would serve as an indicator, where the difference between sewage sludge anaerobic digestion process and food waste/sewage sludge anaerobic co-digestion in relation to the levels of biogas generated would be compared. The greater the difference, the more effective the food waste/sewage sludge anaerobic co-digestion technology; and (iii) The Trial Scheme aimed to confirm the feasibility of food waste/sewage sludge anaerobic co-digestion technology which would provide the basis for our formulation of medium to long-term development roadmaps and action plans.

(4) According to the consultant's assessment, the Trial Scheme will only generate small amount of impurities separated from pre-treated food waste for landfill disposal. In accordance with the existing arrangement for handling sewage sludge in STW, the sewage sludge treated by the food waste/sewage sludge anaerobic co-digestion process will be delivered, after dewatering, to the T-PARK in Tuen Mun for treatment so as to turn waste into energy.

(5) As a component of the Trial Scheme, the operation of food waste pre-treatment facilities needs to synchronise with the progress of the Trial Scheme so as to test the mixing ratio of food waste and sewage sludge as well as various operational parameters. During the initial period of operation, we will mainly use the food waste collected from food factories in the vicinity for the trial in order to test and adjust the mixing ratio of food waste and sewage sludge and other operational parameters. As mentioned above, the Chief Executive set out in her 2018 Policy Agenda that a pilot scheme would be introduced to examine the feasibility of implementing government-run free food waste collection services in the long run. Subject to the operation and trial outcome of the Trial Scheme in the Tai Po STW, we will use part of the treatment capacity to collect and treat some food waste from the household for free.

(6) As mentioned in the above paragraph, in addition to the Tai Po STW, we will extend the Trial Scheme to cover the Sha Tin STW for commissioning in 2022 with a daily food waste treatment capacity of about 50 tonnes. If the trial is successful, the EPD and the DSD will examine further expansion of the food waste treatment capacity of the Tai Po STW and apply the technology in other STWs where the sewage sludge anaerobic digestion facilities are or will be available, for example, Yuen Long and Hung Shui Kiu STWs. The total food waste treatment capacity of these STWs will be examined further.

(7) The "Food Waste Recycling Projects in Housing Estates" Funding Scheme has been implemented since July 2011 through the ECF. A sum of \$60 million has been earmarked to support private housing estates to install on-site food waste treatment facilities and organise relevant educational and promotional activities to encourage residents' participation in food waste recycling, with a view to enhancing their awareness of food waste reduction, as well as source separation and recycling of food waste. The EPD has offered help-desk service for the aforesaid projects to provide technical support for interested housing estates. Briefings have also been held for the owners' corporation and property management companies of these housing estates to brief them on the technical information and application procedures, and share with them the experience in food waste recycling. The implementation status of the "Food Waste Recycling Projects in Housing Estates" Funding Scheme in the past three years is summarised as follows:

Year	Number of Housing Estates Funded (Note 3)	Total Quantity of Food Waste Recycled (Note 4) (tonnes)
2015-16	20	292
2016-17	24	469
2017-18	23	508

Note 3: Including new and extension projects approved in that year, as well as those approved in earlier years but were still in operation.

Note 4: The figures do not necessarily represent the amount of food waste collected in the approved projects for that year. Since the housing estates had to make preparations after approval of the projects, such as recruiting staff and arranging tenders for the rental of composters, food waste recovery activities might not be commenced in the same year. Moreover, the recipient housing estates had to carry on food waste recovery activities for 24 months, and the projects approved in earlier years would continue to recover food waste after commissioning. Hence, the relevant figures include those projects approved in earlier years and were still in operation.

(8) The O·PARK1 has started receiving food waste from C&I sources since July 1, 2018 and the testing of its equipment is underway. To ensure that the efficiency and continuity of electricity supply in the Siu Ho Wan area will not be affected by the electricity supply system of the O·PARK1, the electricity generation equipment used in the O·PARK1 is of high standard and has to pass through various stringent tests before its formal connection to the power grid for sale of surplus electricity. We are conducting final-stage testing for completion in the first half of this year. Upon completion of all electricity transmission tests, we expect that the O·PARK1 can export a maximum of about 14 million kWh of surplus electricity to the power grid each year.

As for the sludge treatment facility T·PARK, the annual electricity

generation and the offtake price of the surplus electricity since its operation (i.e. from April 2015 to December 2018) are summarised in the table below.

Year	Total Electricity Generation (GWh)	Surplus Electricity Exported to Public Power Grid (GWh)	Offtake Price of the Surplus Electricity (\$)
2015 (April to December)	28.93	1.46	320,000
2016	49.61	2.22	410,000
2017	47.48	2.45	650,000
2018	46.01	2.46	690,000 (Note 5)

Note 5: The 2018 offtake price is a provisional figure and the actual proceeds may be adjusted after the financial year end closed.

Suspected case tests negative for MERS-CoV

The Centre for Health Protection of the Department of Health today (January 16) reported that the suspected case of Middle East Respiratory Syndrome (MERS) pending results yesterday (January 15), upon preliminary testing, tested negative for MERS Coronavirus.