

LCQ1: Subdue arrestee by police officer

Following is a question by Hon Chu Hoi-dick and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (July 8):

Question:

In 2012, a police officer dragged a taxi driver into a police car by means of a chokehold, causing him to suffer from a cervical vertebra dislocation, and the man subsequently died. In handling the activities against the proposed legislative amendments in recent months, police officers often subdued demonstrators by means of kneeling on their necks. In May this year, a man who had been knelt on the neck died a day after his arrest. Regarding police officers' use of force in the form of chokeholds such as kneeling on one's neck, will the Government inform this Council:

(1) of the number of occasions, since January last year, on which police officers used force in the form of chokeholds to subdue arrestees, and the number of persons who sustained injuries or died consequently;

(2) whether the Police has stipulated the circumstances under which police officers may use force in the form of chokeholds; if so, of the liabilities to be borne by a police officer for inappropriate use of such form of force which causes injuries or death to an arrestee; and

(3) given that an incident in May this year in which an African American died after being knelt on the neck by a police officer in the United States has sparked nationwide protests, and the relevant authorities of a number of states and cities in the United States have subsequently banned the use of force in the form of chokeholds by police officers, whether the Hong Kong Government has plans to ban, by way of an executive order or enactment of legislation, the use of force in the form of chokeholds by police officers; if so, of the details; if not, the reasons for that?

Reply:

President,

The preamble of the question mentions two cases. Regarding the case in 2012, as there is an on-going judicial review, it is inappropriate for us to draw any conclusion about or discuss its outcome. As regards the case in May this year, the subject was searched for committing criminal damage. He resisted and struggled strongly. Police officers, with the help of passers-by, brought him under control and arrested him for suspected possession of drugs, criminal damage and attack on police officers. He was sent to the hospital as he was feeling unwell and died in the hospital on the following day. The autopsy by the Forensic Pathologist indicated neither fractures nor

damages to the internal organs. The cause of death is subject to further toxicological testing and investigation. The Police will submit an investigation report to the Coroner for handling and scrutiny after completing the investigation. We should not make any speculation on the cause of death at this stage.

My consolidated reply to the question is as follows:

According to section 10 of the Police Force Ordinance (Cap. 232), the Police have the responsibility to adopt lawful measures to maintain public safety, public order, as well as safeguard people's life and property. The Police will, in light of the circumstances at the scene, make assessments and exercise professional judgment to take appropriate actions, including using the necessary force, to ensure public safety and public order.

Police officers must comply with the use of force principles when using force, i.e. they may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers will give warning prior to the use of force as far as circumstances permit, while the person(s) involved will be given every opportunity, where practicable, to obey police orders before force is used.

Every newly recruited or serving police officer has to go through rigorous training on the use of force. The purpose of the training is to allow officers to fully understand how to use different levels of force in a safe and effective manner, including the use of verbal advice / verbal control, empty-hand control, oleoresin capsicum foam, batons and firearms, as a means to achieve the relevant lawful purpose. Police officers will exercise a high level of restraint at all times and cease to use force once the purpose is achieved.

According to the Police's guidelines, if an arrestee is injured at the scene of crime or during arrest, treatment will be arranged for that person. In addition, as prescribed under the Coroners Ordinance (Cap. 504), there are 20 types of deaths which must be reported to the Coroner, including deaths which occurred during the course of arrest or detention. The Police have always strictly complied with the statutory requirements. Regarding the two cases mentioned in the preamble of the question, the Police precisely follow the Coroners Ordinance in carrying out detailed investigation, and making a report to the Coroner for his consideration and decision in respect of whether a death inquest is required.

The question raises enquiries about the so-called "chokeholds". As I have said above, the force used by police officers under all circumstances must comply with the use of force principles. Details of the use of force (including the methods and equipment etc.) should not be disclosed in order not to affect the efficacy of the Police's operation. However, the force used by police officers must be for the purpose of accomplishing lawful duties in order to respond to the prevailing situation at the time. The force used by police officers should adhere to the two important principles of proportionality and necessity. Every police officer must be responsible for

the force he/she uses. Due consideration should be given to these elements when using force.

It is inappropriate for us to disclose the operational details of the Police's use of force. I must reiterate that the level of force to be used by police officers under a particular circumstance depends on the facts and situation at that time. The necessary force to be used depends on the threat and resistance faced by police officers under the circumstances at the time.

If any police officer is found to have used inappropriate force which is in breach of the law and police guidelines, the management of the Police will follow up in a serious manner.

The Police have always reviewed the guidelines and code of practice on the use of force from time to time. Factors for consideration include the principles of proportionality and necessity, as well as how to strike a balance among various factors such as the risks to suspects, threats to police officers' personal safety, operational needs, the gears being equipped with at the time, how many police officers are available for assistance at the scene, etc. With regard to "the use of force in the form of chokeholds" as mentioned in the question, currently the Police do not have any plans to ban such use by police officers. The considerations and decisions regarding the use of force by police officers in different places are made in accordance with the actual circumstances.

Besides, there is no death case in relation to the circumstances mentioned in part 1 of the question. As regards the other figures mentioned in the question, the Police do not keep the statistics.

Thank you, President.

Music Office's Instrumental Music Training Scheme invites applications from beginners

The Instrumental Music Training Scheme, organised by the Music Office of the Leisure and Cultural Services Department, is now recruiting beginners for its 2020-21 Elementary Year 1 courses. Children and youths aged 6 to 14 with no instrumental experience are welcome to apply. The deadline for applications is August 7.

The scheme provides training in almost 30 Chinese and Western musical instruments including violin, viola, cello, double bass, clarinet, oboe, bassoon, French horn, trombone, suona, sheng, dizi, erhu, pipa, zhongruan and

others, with supplementary training in musicianship and theory. It seeks to help children and youths develop their potential and interest in music through a systematic course of training.

One-hour group lessons are conducted weekly in Cantonese at the Music Office's music centres located in Wan Chai, Kwun Tong, Mong Kok, Sha Tin and Tsuen Wan. Annual tuition fees of \$1,764 for the first year and \$2,156 for the second year are payable in four instalments. A fee remission scheme is available for trainees in need of financial assistance.

Applications can be done online at www.lcsd.gov.hk/musicoffice. Course pamphlets and application forms are also available at all of the Music Office's music centres. Applicants who meet the age requirement will be invited to attend a music aptitude test and an interview on August 30 and notified of the results by October. The training will start in early November.

For enquiries, please call the Music Office's music centres at 2802 0657 (Wan Chai), 2796 2893 (Kwun Tong), 2399 2200 (Mong Kok), 2158 6462 (Sha Tin) and 2417 6429 (Tsuen Wan).

LCQ19: Support for private museums

Following is a question by the Hon Ma Fung-kwok and a reply by the Secretary for Home Affairs, Mr Caspar Tsui, in the Legislative Council today (July 8):

Question:

Earlier on, the Legislative Council Secretariat has, at my request, conducted a study on the support policies for private museums in overseas places. The findings of the study show that private museums in the United States (US) and the United Kingdom (UK) are provided with various policy and financial support by their governments. In comparison, among over 35 existing private museums in Hong Kong, most of them have not been provided with any direct support by the Government. There have been comments that such a situation is not conducive to the preservation and diversified development of culture. In this connection, will the Government inform this Council:

(1) of the measures currently in place to support private museums, including whether it has assisted such museums in their promotional work targeted at members of the public in Hong Kong and overseas tourists; if so, of the details; if not, the reasons for that;

(2) of the details of the support provided by the Government for individual private museums in the past three years, including the names of such museums,

and the specific details of the support; and

(3) whether it will consider, by drawing reference from the practices adopted by the US and UK authorities, (i) encouraging and supporting private museums in Hong Kong to establish their own accreditation regime and implement an accreditation scheme, and (ii) formulating policies and measures for supporting private museums, e.g. disbursing direct financial assistance, providing technical support, as well as regarding donations to private museums as a deduction allowable in tax assessment; if so, of the details; if not, the reasons for that?

Reply:

President,

The consolidated reply to various parts of the Hon Ma's question is as follows:

Currently, the major museums in Hong Kong are under the purview of the Leisure and Cultural Services Department (LCSD). LCSD is responsible for the provision and management of its museums in accordance with the Public Health and Municipal Services Ordinance (Cap 132). From the cultural policy perspective, in addition to the operations of public museums, the Government also welcomes the establishment of private museums, which are conducive to the pluralism and diversity in the cultural ecology of Hong Kong.

There have been regular collaborations between LCSD museums and other local museums. The most significant example is the annual International Museum Day, in which LCSD has been inviting non-LCSD museums to participate since 2001. On the International Museum Day 2020, Hong Kong (IMD 2020, HK), 18 private museums joined hands with our public museums to launch online activities and upload resources such as pamphlets, audio guides and multimedia programmes. Besides IMD 2020, HK, reciprocal loan of museum collections is also very common between LCSD museums and private museums; recent examples include:

(a) F11 Foto Museum loaned its manual cameras produced in the early years to LCSD's Hong Kong Museum of Coastal Defence for display at its thematic exhibition from 2017 to 2018;

(b) LCSD's Hong Kong Museum of Art loaned its collections to the Hong Kong Maritime Museum (HKMM) for the exhibitions "The Silver Age: Origins and Trade of Chinese Export Silver" and "Pirates of the South China Sea: Chasing Cheung Po Tsai and the Port Cities" from 2017 to 2018; and to Liang Yi Museum for its exhibition "The Blue Road: Mastercrafts From Persia" in 2018;

(c) LCSD's Hong Kong Heritage Museum loaned its collections to the HKMM, the Fong Yim Fun Art Sustainability Project Gallery of the Chinese University of Hong Kong, "Dismantling the Scaffold" exhibition of the Tai Kwun (2018), "A Story of Light: Hon Chi-fun" exhibition of the Asia Society Hong Kong Center (2019) and "Art Deco. The France-China Connection" exhibition of the Indra

and Harry Banga Gallery of the City University of Hong Kong (2019);

(d) LCSD's Hong Kong Museum of Art loaned the artworks of Hon Chi-fun and Irene Chou to the Asia Society Hong Kong Center in 2019 for display at the exhibitions "A Story of Light: Hon Chi-fun" and "A World Within: The Art and Inspiration of Irene Chou" respectively; and

(e) LCSD's Hong Kong Museum of History borrowed 14 collections from the MILL6 Foundation for its exhibition "Striving and Transforming – The History of Hong Kong Industry" (2020).

Apart from loaning of collections, LCSD museums and private museums also join hands with each other in organising various kinds of activities including exhibitions, lectures and seminars. Recent examples include:

(a) LCSD's Hong Kong Museum of Art jointly organised the exhibition "In Search of Zen – The Art of Lui Shou-kwan" with the Art Museum, The Chinese University of Hong Kong and the National Art Museum of China in 2018. Ink paintings by Lui Shou-kwan from the Hong Kong Museum of Art and the Art Museum, The Chinese University of Hong Kong were exhibited at the National Art Museum of China in Beijing. Lectures were also organised;

(b) At end 2018, LCSD's Dr Sun Yat-sen Museum and Tianjin Museum jointly organised the exhibition "The Beiyang Warlords: War and Politics". The Tung Wah Group of Hospitals and Tung Wah Museum rendered assistance by providing artifacts for display and organising visits to Tung Wah Hospital; and

(c) LCSD's Hong Kong Heritage Museum will jointly organise the exhibition "Fund-raising Culture of Hong Kong – Contributions of the Tung Wah Group of Hospitals" with Tung Wah Museum in October 2020.

In 2010, the Government had studied whether there was a need to formulate a suitable framework and mechanism to support the development of museums in Hong Kong. After examining the mode of governance of overseas museums, the Government found that the situation among different regions varied, hence it would be difficult to formulate a single mode that would be applicable for all. From the point of view of accountability, while the use of public resource should be monitored, when considering supports to private museums and formulating the relevant policies, the Government has to be mindful not to affect the diversified development of non-LCSD museums. Having regard to the uniqueness of individual museums' cultural and historical importance, theme, scale, organisational structure or financial situation, the Government does not have a set of standard mechanisms to support the operation of private museums. Consideration of whether and how to support the operation of individual private museums would be made on a case-by-case basis in accordance with our policy objectives and established assessment criteria by examining carefully the museum's mission, planning, governance, community involvement, collections custodianship and the level of public recognition. Reference will also be drawn from operation information of museums of similar scale and theme in Hong Kong, the Mainland and overseas when reviewing the financial situation and operating mode.

Specifically, when handling the requests of support from private museums, we will positively consider museums meeting the following five main criteria:

- (a) whether the development of the museum concerned will help maintain a diverse, pluralistic and vibrant cultural ecology in Hong Kong;
- (b) whether the theme and contents of the museum concerned will help preserve and promote Hong Kong's art, culture and heritage with special reference to the key areas where Hong Kong's unique and outstanding development is showcased;
- (c) whether the development of the museum concerned will help enhance Hong Kong's positioning as a creative economy and regional cultural hub;
- (d) whether the activities and programmes of the museum concerned will help foster partnership between the Government and the community by complementing the public museums managed and operated by LCSD; and
- (e) whether the museum would be managed by professional staff adopting internationally accepted code of practice.

In principle, we will only consider funding applications submitted by private museums operated by non-profit-making organisations in a non-profit-making mode. Applications from cultural organisations operating on commercial principles, such as private galleries, will not be considered.

Currently, the HKMM is the only private museum in Hong Kong that is subvented by the Government. The Government has leased the premises at Central Pier 8 to HKMM at nominal rental with a 10-year land lease since 2011. Afterwards, the Government has provided subvention to support the operation of HKMM, including an annual operating grant at \$6 million per annum and a maintenance fund up to \$0.6 million between April 1, 2018 and July 31, 2021. The Government has also subsidised individual exhibitions and projects of HKMM, such as the Marine Science Education Programme (2020), exhibitions "The World on Paper: From Square to Sphericity" (2019) and "The Silver Age: Origins and Trade of Chinese Export Silver" (2017), etc.

In addition to subvention, the Government welcomes organisations interested in operating museums to apply for subsidy for cultural, art projects or activities, such as the Springboard Grants and the Project Grants under the Arts Capacity Development Funding Scheme managed by the Home Affairs Bureau, the Project Grant and Matching Fund Scheme from Hong Kong Arts Development Council and the Lord Wilson Heritage Trust, etc, to support the museum's operations or to organise events. Non-government organisations and social enterprises, if interested in operating a private museum on vacant government land, can submit an application for "Use of Vacant Government Land for Community, Institutional or Non-Profit Making Purposes on Short Term Basis". The Government will consider whether to grant the short term tenancy at nominal rent in accordance with policy objectives and established

assessment criteria.

According to section 2 of the Inland Revenue Ordinance (Cap 112), approved charitable donation means a donation of money to any charitable institution or trust of a public character, which is exempt from tax under section 88 of the Inland Revenue Ordinance, or to the Government, for charitable purposes. If the private museum is a charity that is exempted from tax under section 88 of the Inland Revenue Ordinance, taxpayers can claim a deduction for a donation of money. The aggregate deduction of approved charitable donations cannot be less than \$100, and shall not exceed 35 per cent of income after allowable expenses and depreciation allowances or assessable profits.

In terms of promotion, the Hong Kong Tourism Board has been promoting public and private museums with unique characteristics and their activities on its website (discoverhongkong.com), social platforms and tourist information centres, to highlight the diversity of touristic experience in Hong Kong.

With regards to other forms of support, private museums may also consider support provided by the global network of the International Council of Museums (ICOM) in exchange with museum professionals and reference from the professional and ethical standards established by ICOM to enhance the quality of museums. ICOM, established in 1946, is an international organisation of museums and museum professionals committed to the conservation, continuation and communication to society of the world's natural and cultural heritage. The major museums under LCSD are members of the ICOM. HKMM is also a member.

The Government will continue to keep closely in view the development and trends of museums around the world, and to review the development of museums in Hong Kong.

LCQ10: Minor Works Control System

Following is a question by the Hon Leung Che-cheung and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (July 8):

Question:

The Minor Works Control System aims at facilitating building owners and occupiers to carry out small-scale building works lawfully and safely through simplified requirements. The Building Authority's prior approval of building plans and consent are not required before the commencement of minor works. In this connection, will the Government inform this Council, where a person who

arranges for minor works to be carried out on any land (including property) is not the owner of the title to the land but merely an occupier, whether the person is required to, prior to commencement of the works, (i) obtain the consent of all owners of the titles to the land concerned, as well as (ii) consult nearby residents who will be affected by the works?

Reply:

President,

Minor Works Control System (MWCS) aims to provide building owners and occupiers a lawful, simple, safe and convenient way in carrying out small-scale building works. With the MWCS, they can carry out minor works (MW) through simplified requirements without the need for obtaining the prior approval and consent from the Buildings Department (BD).

Under the MWCS, a person who arranges for MW to be carried out can be an owner or occupier of the related private premises or an agent appointed by the aforesaid persons (for example, a consultancy company); if the private premises concerned is a common part of a building, the person can also be an owners' corporation (OC), management company or their appointed agent. The aforesaid persons are required to appoint a Prescribed Registered Contractor (PRC) (Note 1) to carry out MW according to the class, type and item of MW. If Class I MW is involved, a Prescribed Building Professional (PBP) (Note 2) should be appointed in order to ensure compliance with the Buildings Ordinance (BO) and its subsidiary regulations.

The MWCS does not require occupiers to obtain permission from the relevant owners. It also does not require the person who arranges for MW to be carried out to consult the affected residents before the commencement of works. Notwithstanding, any person who wishes to carry out MW in an existing building, specifically at the common parts of the building is obliged to carefully examine the relevant lease and the deeds of mutual covenant (DMC) to ensure that the works do not contravene the relevant conditions. He/she should also consult the co-owners, OC and/or management company where necessary and seek legal advice if in doubt.

If the relevant MW involves the common part of a building, the BD has made reminders regarding consultation arrangements. Firstly, the BD has reminded in the specified form that persons arranging for the MW to be carried out to pay attention to the provisions in the DMC and consult the co-owners, OC and/or management company before the commencement of works. Secondly, the BD has stated clearly in the acknowledgement letter issued upon receipt of a MW submission that per section 61 of the Building (Minor Works) Regulation, the acknowledgement of receipt does not confer any title to land or constitute a waiver of any term in any lease or license. The acknowledgment letter also reminds the relevant parties that if the MW involves the common parts of a building, they should discuss with the co-owners, OC and/or management company and to adhere to the DMC of the building. Otherwise, they may be in breach of the DMC and are therefore liable to civil proceedings and may bear civil liabilities. In addition, the

BD has promulgated through various channels including practice notes, the BD's website, mobile application, general guidelines and technical guidelines to remind PBP and PRC to obtain consent from building owners or OC before carrying out MW at the common parts of buildings.

Note 1: PRC refers to Registered General Building Contractors, Registered Specialist Contractors qualified to carry out a category of works under the B0 or Registered Minor Works Contractors qualified to carry out the minor works belonging to the class, type and item for which they are registered.

Note 2: PBP refers to Authorized Person or Registered Inspector, and (if applicable) Registered Structural Engineer or Registered Geotechnical Engineer under the B0.

US Dollar Liquidity Facility Tender Result

The following is issued on behalf of the Hong Kong Monetary Authority:

US Dollar Liquidity Facility Tender Result

Tender date	: July 8, 2020 (Wednesday)
Settlement date	: July 9, 2020 (Thursday)
Repayment date	: July 16, 2020 (Thursday)
Tenor	: 7 Days
Amount applied	: Nil
Amount allotted	: Nil
Lowest interest rate accepted	: Nil
Highest interest rate accepted	: Nil