

LCQ14: Guarding students from being corrupted by incorrect or biased teaching contents

Following is a question by the Hon Elizabeth Quat and a written reply by the Secretary for Education, Mr Kevin Yeung, in the Legislative Council today (May 20):

Question:

Recently, complaints have been lodged against a university lecturer about his making misrepresented and hatred-inciting comments in public, and a teacher for the subject of General Studies (GS subject) for primary education distorted historical facts when teaching the history of Opium War to students. Furthermore, some textbooks for GS subject for primary education and teaching materials for the subject of Liberal Studies (LS subject) for senior secondary education are alleged to have biased contents, e.g. overemphasising negative examples when mentioning the situation on the Mainland and deliberately exaggerating the conflicts between the Mainland and Hong Kong. With regard to guarding students from being corrupted by incorrect or biased teaching contents, will the Government inform this Council:

(1) of the number of complaints about teachers' professional conduct received by the authorities since June last year, with a breakdown by nature of complaints and type of schools in which the teachers were teaching; the criteria adopted by the authorities for handling such complaints; the number of cases under investigation; the number of cases the investigation of which has been completed and, among such cases, the respective numbers of those in which the complaints were found:

(i) substantiated; the number of complainees against whom follow-up actions have been taken, with a breakdown by type of such actions (e.g. issue of reprimand letters, warning letters and advisory letters, and interdiction); and

(ii) unsubstantiated, and the justifications for that;

(2) whether it has assessed if university lecturers' making misrepresented and hatred-inciting comments in public is within the scope of application of Article 137 of the Basic Law (which provides that educational institutions may retain their autonomy and academic freedom); if it has assessed and the outcome is in the affirmative, of the justifications for that; if the assessment outcome is in the negative, how the Education Bureau (EDB) will follow up on the relevant complaints;

(3) given that the EDB has indicated that in March this year, the EDB's professional team offered professional feedback and suggestions on the contents of textbooks of LS subject to the relevant publishers, of the details of such feedback and suggestions, the progress of revising the textbooks, and whether the revised textbooks can be published in time before

the commencement of the next school year;

(4) given that whether or not the contents taught in GS subject for primary education and LS subject for senior secondary education are accurate and fair is primarily monitored by schools at present, whether the EDB will strengthen its monitoring role (e.g. vetting the contents of teaching materials) so as to guard students from being corrupted by incorrect or biased teaching contents; if so, of the details; if not, the reasons for that;

(5) given the absence of selection standards and outlines for teaching materials for LS subject, some parents of students have suggested that in order to guard students from being corrupted by the biased teaching materials selected by teachers with radical thinking, the EDB should (i) change LS subject from a compulsory subject to an elective one, (ii) compile standard teaching materials for LS subject, and (iii) request universities to remove LS subject from the list of subjects for which minimum entrance requirements have been set, whether the EDB will adopt such suggestions; if so, of the details; if not, the reasons for that;

(6) whether, in order to address the problem of some teachers of LS subject instilling radical political ideas and negative values into students, the EDB will review the mechanism for sanctioning such teachers, and step up teachers' training in respect of moral education and awareness of abiding by law; if so, of the details; if not, the reasons for that; and

(7) whether the EDB will require all schools in Hong Kong to use a set of standardised textbooks for Chinese History subject so as to ensure that the contents of teaching materials are accurate in terms of historical facts, and make this subject compulsory for all levels of primary and secondary schools; if so, of the details; if not, the reasons for that?

Reply:

President,

In secondary and primary schools, there are a wide range of learning and teaching resources for different curricula and subjects with diversified sources. In addition to textbooks, teachers would, based on teaching needs, develop and prepare supplementary materials on their own to enrich teaching, which is considered part of the routine teaching tasks. However, schools should perform a gatekeeper role by duly setting up well-defined school-based guidelines/criteria for the selection of learning and teaching materials and devising a review/monitoring mechanism for school-based learning and teaching resources. The Education Bureau (EDB) has been reminding schools, through various channels such as circular memorandum and school visits, that when developing school-based learning and teaching materials, the school management has the responsibility to monitor and ensure that the learning and teaching materials of various subjects (including senior secondary Liberal Studies (LS)) are in line with the aims and objectives of the central curriculum. The contents and information of the materials should be correct, complete, objective and impartial. Through effective teaching strategies, teachers should enable students to acquire relevant knowledge and skills, and

nurture students' positive values and attitudes.

Our reply to the question raised by the Hon Elizabeth Quat is as follows:

(1) From June 2019 to the end of March 2020, the EDB received 192 complaints about possible professional misconduct of teachers related to social incidents. We have substantially completed the investigation of 144 cases, of which 51 were found unsubstantiated. Roughly speaking, the majority of these 192 cases are related to teachers making inappropriate messages, such as hate or malicious messages, while the rest are about the use of extremely indecent or abusive language; use of inappropriate teaching materials; suspected engagement in illegal activities, etc. Most teachers involved are serving in secondary and primary schools, while a few of them are serving in kindergartens and other schools such as tutorial centres and evening schools.

Among these 144 cases, the EDB has taken follow-up actions on 54 of them in which investigation were completed, including issuing reprimand letters to 14 teachers and warning letters to another eight. The EDB may consider cancelling these teachers' registration pursuant to the Education Ordinance if they misconduct themselves again. We have also issued advisory letters to 17 teachers and verbal reminders to another 15, reminding them to refrain from activity that is detrimental to the image of the teaching profession and to show respect for the behavioural norms acceptable to society. For the remaining 39 cases, our initial view is that they are likely to be substantiated. In accordance with the established procedures, we are currently waiting for or considering the responses from the teachers concerned with a view to determining the appropriate follow-up actions.

We have adopted a prudent approach in handling every complaint involving professional misconduct of teachers. We carefully consider and scrutinise the available information and evidence as well as the school's investigation report and representation from the teacher concerned before deciding on whether a complaint is substantiated. Before deciding on the actions to be taken for each case, full consideration will be given to the facts and circumstances of every case, including the background of the case, the incident that led to the complaint, the impact of the incident on the education sector and students as well as past precedents, in accordance with the Education Ordinance and from the perspective of education professionalism. In other words, the decision on every case is made only after comprehensive and thorough considerations. Of the 51 unsubstantiated cases, allegations involved in some cases were confirmed to be unfounded upon investigation, while some were not substantiated due to insufficient evidence. Besides, a few cases are not related to professional conduct of teachers.

(2) The Government and universities are committed to safeguarding the institutional autonomy and academic freedom as protected by the Basic Law, but it has to be pointed out that the teachers and students of universities should not abuse academic freedom by making remarks that are inaccurate, incite hatred or advocate inappropriate behaviour. The EDB expects university staff to uphold professional conduct and carry out teaching with an objective

and impartial standard.

Every university is an independent and autonomous institution. It has autonomy in the management of its internal affairs (including the employment and conduct of staff), and responsibility for properly handling the community's expectations for universities, ensuring that its operations are in the overall interests of students and society. If a complaint is received against a university staff member making remarks that are inaccurate, incite hatred or advocate inappropriate behaviour, the EDB will request the university to handle it in accordance with its established policies and mechanism. The EDB will also continue to maintain communication with universities to ensure that they uphold good governance with public accountability, so that the universities can operate effectively in accordance with their missions and roles, and in the best interests of society.

(3) and (5) LS under the senior secondary curriculum aims at helping students enhance their awareness of personal, social, national and global developments, as well as scientific and technological advancement; broaden their knowledge base; connect knowledge acquired from different subjects; and consider issues from multiple perspectives. It also seeks to develop students' positive values and attitudes towards life so that they can become informed and responsible citizens.

The so-called "textbooks" for senior secondary LS available on the market have not been reviewed by the EDB. The recent social incidents in Hong Kong have caused people's concerns that the teaching materials for senior secondary LS are not comprehensive, objective or impartial enough, and may cause negative impacts on students. The EDB is fully aware of such public concerns. To safeguard the well-being of students, we introduced a special measure to provide a one-off professional consultancy service for publishers of senior secondary LS "textbooks" in September 2019 with a view to enhancing the quality of LS "textbooks" already published.

As at May 2020, personnel responsible for rendering the professional consultancy service have finished reviewing the "textbooks" received in a professional manner in accordance with the aims and objectives of the senior secondary LS curriculum. The EDB has met with the publishers concerned and provided them with professional feedback for improving the quality of the senior secondary LS "textbooks". Publishers that participated in the professional consultancy service undertook to duly follow up the amendments suggested by the EDB and are now revising their "textbooks". It is expected that the publishers will complete the revision as early as possible so that the revised "textbooks" can be ready for schools' adoption in the coming school year. The advice given to the publishers will not be disclosed under a confidentiality agreement reached between the EDB and publishers.

The list of LS "textbooks" and the relevant volumes which have undergone the professional consultancy service will be published on the EDB's webpage in due course for the information of schools and the public. Upon completing the revision, publishers have to duly upload the revised contents to their websites so that the teachers and students using the relevant "textbooks" are

informed. Taking into account the experience of the professional consultancy service, the EDB will consider the quality assurance measures for the subject, including the feasibility of submitting LS "textbooks" for review.

Since the abilities and learning needs of students in different schools vary, teachers should, in the light of the curriculum aims and objectives of LS, exercise their professional judgement in selecting appropriate information for the development of teaching materials that can best suit students' needs. With a view to supporting the learning and teaching of LS, the EDB has developed different types of resources, such as the LS Curriculum Resources Booklet Series covering all the modules of the curriculum, and the LS Web-based Resource Platform (ls.edb.hkedcity.net) with a broad diversity of contents, for use by schools.

The EDB has implemented the senior secondary curriculum under the New Academic Structure since 2009 with Chinese Language, English Language, Mathematics and LS as core subjects. However, as the school curriculum renewal is an ongoing process, the Task Force on Review of School Curriculum is reviewing the primary and secondary curricula (including LS) and will submit its report to the EDB this year. We will carefully consider all recommendations by then.

In general, local post-secondary institutions adopt the Level of "3322" in the four core subjects as the General Entrance Requirements for admission to undergraduate programmes (i.e. Level 3 in Chinese Language and English Language, and Level 2 in Mathematics and LS in the Hong Kong Diploma of Secondary Education Examination (HKDSE)). While upholding the principles of fairness and merit-based selection, these institutions enjoy autonomy in the selection of students and they are accountable for their decisions in the matter.

(4) The EDB has been explaining the requirements and criteria for selecting learning and teaching resources (including textbooks and school-based teaching materials) to schools through various channels such as circular memorandum, seminars for teachers and school visits, emphasising that teachers of various subjects are required to select the teaching resources in a professional and prudent manner. Meanwhile, the EDB has put in place a rigorous and effective textbook review mechanism to provide quality teaching materials for schools. For school-based teaching materials, we will continue to enhance the awareness of school management and professional accountability under the existing quality assurance mechanism for schools, while strengthening the professional training of teachers and enhancing the quality of school-based teaching materials. Apart from the EDB, school management should assume the monitoring responsibility to ensure that its teachers have professional knowledge in selecting teaching materials that are in line with the curriculum aims and objectives. Besides, accuracy of information adopted, completeness of contents as well as objectivity and impartiality should be ensured. Through effective teaching strategies, students should be equipped with relevant and proper knowledge and skills, while developing positive values and attitudes at the same time. Upon receiving a complaint, the EDB would review if the school's school-based materials are arranged in a professional manner with full justifications, and follow up on the school's

monitoring mechanism as well as the teacher's professional conduct. In case negligence is found on the part of the school as regards its management and monitoring of learning and teaching, or if the school has not fulfilled its professional duty properly, the EDB will seriously follow up the case.

(6) Teachers play a vital role in passing on knowledge and nurturing students' character. They should possess not only solid professional knowledge but also high standards of morality. When selecting teaching materials and conducting lessons, teachers should thoroughly consider whether the teaching materials are suitable, and assist students in making analyses from multiple perspectives as well as expressing their opinions in an unbiased and rational manner. Teachers should definitely not allow their personal political stance to affect their teaching, or even mislead students and instill negative values in them.

Upon receiving complaints alleging teachers to have violated professional conduct, the EDB conducts investigation according to the established procedures. Each decision is made after thoroughly considering the facts, evidence and representations from the teacher. If any allegation is found substantiated, the EDB will take appropriate follow-up actions having regard to the gravity of each case. These include issuing an advisory, warning or reprimand letter to remind the teacher concerned of the need to uphold professional conduct for meeting the expectations of parents and the general public for teachers. For serious misconduct cases, we may consider cancelling the registration of the teacher concerned pursuant to the Education Ordinance.

The EDB has all along been committed to maintaining a teaching profession of high quality and with professional conduct in Hong Kong. To encourage teachers and school leaders to demonstrate the professional roles and conduct expected of them, we have embedded the elements of Professional Standards for Principals and Professional Standards for Teachers of Hong Kong (T-standard+) in teacher training programmes as appropriate (including training programmes for aspiring principals and newly-appointed principals, as well as serving teachers and newly-joined teachers). Meanwhile, among the professional misconduct cases of teachers handled by the EDB, some can be adopted for reflection by teachers. In this connection, we will consolidate the contents of some cases to design teaching materials for reflection with the aim of enhancing the ethical standards of teachers.

(7) Over the years, schools have been using textbooks (including Chinese History textbooks) written by publishers. The EDB has established the textbook review mechanism and is playing a gate-keeping role in ensuring textbooks' quality so that the content of textbooks is appropriate for the learning needs of students, in line with the curriculum aims and objectives of the relevant subjects, as well as meeting the needs of students in terms of learning, teaching and assessment. In the process of writing textbooks, publishers are required to make reference to the Subject Curriculum Guides, developed by the Curriculum Development Council, the latest guidelines on textbook printing and review issued by the EDB, as well as the Textbook Writing Guidelines for each subject. Upon the completion of the textbook

review by the EDB, publishers should undertake to duly follow up the suggestions for improvement in the textbook review reports to ensure that the content of the textbooks is accurate and does not deviate from the curriculum aims and learning goals.

The existing textbook review mechanism allows publishers and authors to write textbooks which are varied in terms of levels of difficulty in content, ways of presentation, teaching strategies, and supplementary learning and teaching materials, for teachers' selection, as long as they align with the curriculum aims and objectives. This practice helps ensure the quality of textbooks, maintains the competitiveness of the market and is also conducive to the development of quality textbooks. Moreover, since different textbooks are available to schools, teachers can, based on their students' abilities and learning needs, select the most suitable textbooks to enhance learning and teaching effectiveness. As the EDB is of the view that the existing textbook review mechanism can satisfy the needs of various stakeholders and has been operating smoothly for many years since its implementation, requiring all schools in Hong Kong to use a standardised Chinese History textbook may not be the best way to meet the local needs.

To strengthen Chinese history education, the EDB has implemented Chinese History as an independent compulsory subject at the junior secondary level since the 2018/19 school year. The revised curriculum of Junior Secondary Chinese History will be implemented progressively starting from Secondary 1 in the 2020/21 school year, so as to enable students to learn Chinese history and culture holistically and systematically. The work associated with the vetting of textbooks for the revised Chinese History curriculum has also been completed. As for primary education, the General Studies subject contains a strand titled "National Identity and Chinese Culture". Through the learning of important dynasties and their chronological sequence in Chinese history, and some major historical events that have had significant impacts on society today, all primary students can enhance their understanding of Chinese history and the nation as well as its culture and development, and enrich their knowledge of the country and strengthen their sense of belonging through enquiry learning.

LCQ9: Non-refoulement claims

Following is a question by the Hon Dennis Kwok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 20):

Question:

The Immigration (Amendment) Ordinance 2012, which came into operation in December 2012, provides for a statutory process for making and determining

non-refoulement claims. It also provides that a claimant who is aggrieved by the decision may lodge an appeal, which will be handled by a statutory Torture Claims Appeal Board (TCAB). The Government later introduced a unified screening mechanism (USM), which commenced operation in March 2014, to screen claims made by illegal immigrants refusing to be removed to another country on all applicable grounds (such as the risk of subjecting to torture or persecution). Besides, under the Immigration Ordinance (Cap 115), the Director of Immigration (the Director) may, on an application of a claimant who has a substantiated claim, permit the claimant to take employment. In this connection, will the Government inform this Council:

- (1) of the respective numbers of claimants whose claims were substantiated under USM and by TCAB in each year since 2014;
- (2) of the average time taken for handling each of the claims mentioned in (1);
- (3) of the respective numbers of applications for taking employment received, granted and rejected by the Director in each year since 2014; if there were rejected applications, of the reasons for that;
- (4) of the average handling time, and the conditions imposed on the claimants, in respect of each of the granted applications mentioned in (3);
- (5) whether the Director has plans to shorten the time needed for processing applications for taking employment; if so, of the details (including the specific changes to be made and the timetable); if not, the reasons for that;
- (6) of the number of claimants mentioned in (1) referred to the United Nations High Commissioner for Refugees (UNHCR) for resettlement in another country; among such claimants, the number of those subsequently resettled, and set out, in respect of each of the resettled persons, (i) the year in which the person left Hong Kong, and (ii) the time lapse from substantiation of claim to resettlement;
- (7) of the policy on assisting the claimants referred to UNHCR in preparing for their living after resettlement; and
- (8) of the date on which the Government last reviewed the humanitarian assistance programme for non-refoulement claimants, and whether it has plans to conduct a review shortly; if so, of the details and timetable?

Reply:

President,

The Government implemented the Unified Screening Mechanism (USM) in March 2014 to screen non-refoulement claims on all applicable grounds in one go. The United Nations' Convention Relating to the Status of Refugees and its 1967 Protocol have never applied to Hong Kong, and hence illegal immigrants seeking non-refoulement in Hong Kong will not be treated as "asylum seekers" or "refugees". The Hong Kong Special Administrative Region Government

maintains a firm policy of not granting asylum and not determining or recognising refugee status of any person. Regardless of the outcome of their torture/non-refoulement claims, claimants are not permitted to remain legally in Hong Kong. If their claims are rejected, the Immigration Department (ImmD) will accordingly remove them to their countries of origin.

The Government's reply to the question raised by Hon Dennis Kwok is as follows:

(1) As at end April 2020, ImmD have determined 17 618 non-refoulement claims under USM, among which 179 claims were substantiated (including 97 claims substantiated by the Torture Claims Appeal Board (TCAB) on appeal). The substantiation rate is about one per cent, i.e. about 99 per cent are unsubstantiated. The breakdown by year is tabulated below:

Year	Substantiated non-refoulement claims (Notel)
2014	1 (0)
2015	17 (3)
2016	30 (2)
2017	38 (19)
2018	41 (26)
2019	38 (33)
2020 (as at end April)	14 (14)
Total	179 (97)

Notel: Figures in () are the numbers of non-refoulement claims substantiated by TCAB

(2) As regards the time for handling each claim, ImmD ensures that the screening procedures are highly efficient and achieve high standards of fairness through flexible staff deployment and optimised workflow. ImmD's handling time for each claim has been shortened from about 25 weeks on average at the early implementation of USM to the current average of about 10 weeks.

(3) to (5) Non-refoulement claimants are illegal immigrants, overstayers or persons who were refused entry upon arrival in Hong Kong. They do not have any legal status to remain in Hong Kong. Regardless of the outcome of their claims, they have no right to work in Hong Kong. In February 2014, the Court of Final Appeal upheld in *GA & Ors v. Director of Immigration* [(2014) 17 HKCFAR 60] that substantiated claimants and mandated refugees recognised by the United Nations High Commissioner for Refugees (UNHCR) have no constitutional or other legal rights to work in Hong Kong. Nevertheless, the Director of Immigration may exercise his discretion exceptionally to consider, on a case-by-case basis, an application for permission to take

employment.

The numbers of applications made by the abovementioned persons for taking employment handled by ImmD since 2014 are tabulated below:

Year	Applications received	Applications approved on discretionary basis	Applications rejected	Applications withdrawn or no further action could be taken
2014	21	5	3	10
2015	10	2	2	9
2016	24	14	5	9
2017	36	19	0	10
2018	62	42	0	7
2019	69	84	0	8
2020 (as at end April)	37	38	0	1
Total	259	204	10	54

Note 2: Applications processed in a given year may not be those received in total in the same year. Applications approved, rejected, withdrawn or where no further action could be taken as listed above include those received by ImmD before 2014.

All related applications will be handled by ImmD in accordance with the procedures. The time required to assess and decide on an application depends on the complexity of individual applications and whether applicants have submitted all the required information and supporting documents in a timely manner. Applicants will also be reminded by ImmD that any failure to submit the required information or supporting documents (such as job duties, salaries and working hours, etc.) clearly set out in ImmD's correspondences will lead to longer processing time. There were occasions where applications were eventually rejected as a result of applicants' failure or refusal to provide the required information.

It normally takes about three weeks for ImmD to complete the processing of an application upon receipt of all the required information and documents. If the employment application is approved, the applicants will be allowed to work for their employers in accordance with the jobs prescribed in the contracts within the specified period of time and in the specified venue.

(6) and (7) If a person's claim is substantiated, ImmD will withhold his removal and regularly review the latest situation of his case. Once his claimed risks cease to exist, ImmD will initiate the removal procedures. While withholding removal, ImmD will in parallel refer the person whose non-refoulement claim has been substantiated under USM on grounds of persecution risk to UNHCR for consideration of recognition as "refugee" under its mandate and arrangement of resettlement to a third country.

As at end April 2020, there were 179 claimants whose claims had been substantiated under USM. Among them, according to ImmD's record, no follow-up is required for 26 cases where the claimants already left Hong Kong or because of other reasons (including four resettled in a third country as arranged by UNHCR, and some other claimants who had departed Hong Kong voluntarily). Of the remaining claimants who have been referred to UNHCR, 130 of them are pending consideration and arrangement of resettlement to a third country. ImmD is arranging referral of cases of another 10 claimants to UNHCR.

It is the work of UNHCR to arrange for persons whose refugee status has been recognised under its mandate to resettle to a third country. The Government does not have the relevant statistics.

(8) Since 2006, the Government has been providing humanitarian assistance to non-refoulement claimants to meet their basic needs. At the same time, the Government has to ensure that such humanitarian assistance does not become an incentive which would create a magnet effect in attracting more illegal immigrants to seek unlawful entry into and remain illegally in Hong Kong, in order to avoid serious implications on the long-term sustainability of our current support systems and immigration control. The expenditure on humanitarian assistance to non-refoulement claimants since 2014-15 is tabulated below:

Year	Humanitarian assistance (\$ million)
2014-15	254
2015-16	489
2016-17	729
2017-18	587
2018-19	531
2019-20 (revised estimate)	464
2020-21 (estimate)	706

Such humanitarian assistance has always been provided to eligible claimants by a non-governmental organisation (NGO) commissioned by the Social Welfare Department (SWD). There is a cap imposed by the Government on the amount of assistance received by each claimant under each individual item. The NGO concerned will review the circumstances of claimants every month and decide on the exact assistance items and level based on their actual needs. If individual cases involve special needs, the NGO concerned will decide the amount of additional assistance according to claimants' specific needs and based on their justifications and supporting documents provided.

â€‹The Government has been monitoring the operation of the assistance programme, as well as making reviews and improvements as appropriate, having regard to service needs and stakeholders' views. Examples include paying the rent deposit and property agent fee for claimants, and improving the disbursement arrangement for transport and utilities allowance since 2014; replacing the in-kind food assistance with food coupons in 2015; and introducing food electronic tokens in March 2017, etc. Through the NGO, SWD will keep monitoring whether the level of assistance meets the needs of service users.

Postal services to Russia suspended

Hongkong Post announced today (May 20) that further to the earlier suspension of surface mail to Russia on April 4, airmail services (including Speedpost service) to Russia will also need to be suspended until further notice in view of flight cancellations by airlines.

Manager of unlicensed guesthouse fined

A woman was fined \$6,000 at the Kowloon City Magistrates' Courts today (May 20) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that in October last year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, inspected a suspected unlicensed guesthouse on Changsha Street in Mong Kok. During the inspection, the OLA officers posed as lodgers and successfully rented a room in the guesthouse on a daily basis.

According to the OLA's records, the guesthouse did not possess a licence under the Ordinance on the day of inspection. The woman responsible for managing the premises was charged with contravening section 5(1) of the Ordinance.

A department spokesman stressed that operating or managing an unlicensed guesthouse is a criminal offence and can lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA through the hotline (Tel: 2881 7498), by email (hadlaenq@had.gov.hk), by fax (2504 5805) using the report

form downloaded from the OLA website (www.hadla.gov.hk), or through the mobile application "Hong Kong Licensed Hotels and Guesthouses".

LCQ4: Security measures and arrangements of Police

Following is a question by the Dr Hon Fernando Cheung and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 20):

Question:

In recent months, the Police have placed a large number of mills barriers on certain footpaths, and fenced off government buildings with huge water barriers. Some wheelchair users and visually impaired persons have complained to me, alleging that such objects have caused inconvenience to them, including passageways leading to lifts being obstructed, tactile guide paths being broken up, and iron gates of the water-barrier enclosures being too narrow for wheelchairs to pass. In this connection, will the Government inform this Council:

(1) whether the Police have formulated guidelines stipulating that impacts on the use of barrier-free access facilities by persons with disabilities (PWDs) should be avoided when the aforesaid objects are placed on footpaths; if so, of the details; if not, the reasons for that;

(2) whether, while PWDs are participating in public events or travelling, channels are available for them to seek immediate assistance when their access is obstructed by the objects placed by the Police; if so, of the details; if not, whether such channels will be established; and

(3) whether the Police will immediately examine the impacts of their placing the aforesaid objects on the travelling of PWDs, and remove such objects as early as possible; if so, of the details; if not, the reasons for that?

Reply:

President,

Members of the public may conduct assemblies and processions and express their views, but they must do so in a lawful, peaceful and orderly manner, and should respect other people's rights.

Regarding barrier-free facilities, the Government has formulated policies and objectives to provide a barrier-free environment for persons

with disabilities (PWDs), with a view to enabling them to access premises and make use of community facilities and services on an equal basis with others, thereby helping them live independently, fully take part in various activities and integrate into the community. All government departments have Access Co-ordinators and Access Officers who co-ordinate efforts in enhancing the accessibility of barrier-free access and facilities of government premises under their purview. All Government departments, including the Police, follow these policies and objectives. There is no need for the Police to formulate their own policies and objectives.

The Police all along handle all public order events (POEs) in a fair, just and impartial manner in accordance with the laws of Hong Kong. It has been the established policy of the Police to endeavour to strike a balance between facilitating the smooth conduct of lawful and peaceful public meetings and processions on the one hand, while on the other, minimising the impact of such events on members of the public and road users, as well as maintaining public safety and public order.

During the demonstrations over the past months, the Police remained steadfast in discharging their duties, and handled the provocations of demonstrators with tolerance and restraint. However, not only were the Police not being informed of some protests in advance in accordance with the law, people participating in the protests conducted unlawful assemblies in various places, many of which ended up in violence. The escalating and frequent violence of rioters seriously threatens the lives and properties of the public. The Police have a statutory duty to maintain public order and public safety. In situations where public order and public safety are seriously threatened, the Police must take actions decisively to curb violence and restore public peace.

A consolidated reply to the three parts of Hon Cheung's question is provided below.

Since June last year, there have been over 1 400 demonstrations, processions and public meetings in Hong Kong, many of which developed into serious breach of law and violent incidents. Every now and then during that period, rioters advocated besieging, blocking and vandalising the Central Government Offices, the Legislative Council Complex, police stations in various districts, disciplined services quarters and other buildings. These acts have seriously affected the work and life of people using the above premises, including the emergency services provided to the public by the Police.

Moreover, some rioters threw petrol bombs at police stations and government properties, set fires, attacked police vehicles and police stations, hurled objects and sprayed graffiti at the Police Headquarters, as well as vandalised government facilities, posing serious threat to public safety and public order. After risk assessment and in order to protect these buildings, the Police considered it necessary to enhance the security thereof. Apart from deploying officers to station at these buildings, a number of measures had been implemented to prevent attacks and damage,

including setting up water barriers.

When the Police take relevant security measures, they will communicate with the managers and responsible persons of the property management of the premises concerned. This is to ensure the effective implementation of the security measures on the one hand, and minimise the impact on people using these premises and road users, including PWDs, on the other. When security measures are put into effect, the Police will maintain contact with the responsible persons of the property management concerned for reviewing the security measures and arrangements from time to time.

The Police have contacted different stakeholders, including non-governmental organisations offering support to PWDs, and explained to them the reasons for implementing security measures by the Police. Meanwhile, the Police have also explained to them the Government's barrier-free policy. For access to Government venues or use of relevant facilities therein, PWDs may directly seek help from the Access Officer responsible for the accessibility issues of the relevant Government venues if necessary.

I need to point out that the use of water barriers and the implementation of additional security measures in these Government buildings were necessary counter-measures taken in response to the frequent violence and attack incidents that took place in some Government premises which provided services to the public and police stations over the past few months.

If members of the public conduct POEs in a peaceful, lawful and orderly manner, and do not commit serious violent acts of vandalism and attacks such as those we saw on television, there would be no need for the Police to implement the above security measures.

I hope the public would address the serious damage and undesirable impacts of the rioters' violence on our society. Since June last year, a large number of shops, and even courts including the Court of Final Appeal, the High Court and Magistrates' Courts have been vandalised. About 740 sets of traffic lights across the city have been intentionally vandalised more than 1 600 times, which include cutting of wires, defacing or even burning down. Besides, as at March 11, 2020, the barrier-free facilities, including escalators and lifts, of the MTR Corporation Limited have been vandalised about 120 times and over 80 times respectively. These violent acts of vandalism of the rioters have severely affected the daily lives and access of people from all walks of life, including PWDs, causing inconvenience or even danger to all commuters. If Members care about the accessibility of PWDs, they should care about the facilities for PWDs, and should vehemently condemn the violent acts of rioters that destroyed the facilities for PWDs. The public should firmly reject the violence of rioters. Moreover, Members must not acquiesce to or glorify violent acts of the rioters, and not become accomplices in destroying the tranquility of our society.

Thank you, President.