

LCQ10: First aid trainings for police officers

Following is a question by the Dr Hon Pierre Chan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 18):

Question:

The Secretary for Security has indicated recently that most police officers have received first aid and basic healthcare training. In this connection, will the Government inform this Council:

(1) among the serving police officers belonging to the ranks listed in the table below, of the respective numbers and percentages of those who have completed first aid certificate courses recognised by the Government, and set out in the table below a breakdown of the number of persons by training organisation (i.e. (i) Hong Kong St. John Ambulance, (ii) Hong Kong Red Cross, (iii) Occupational Safety & Health Council, (iv) The Auxiliary Medical Service and (v) other organisations (please specify));

Rank	Officers completing course		A breakdown of the number of persons by training organisation				
	Number	Percentage	(i)	(ii)	(iii)	(iv)	(v)
Probationary Inspector of Police/Inspector of Police or above							
Sergeant/Station Sergeant							
Senior Police Constable							
Police Constable							
Total							

(2) of the number of police officers who completed, in each of the past five years, the first aid certificate courses provided respectively by the aforesaid organisations, and the total number of hours of the relevant training received by them; and

(3) whether the Police will, when some persons at the scene of confrontations between the Police and members of the public have been injured and need treatment, administer first aid treatment for the injured persons on their own, or refer them to the healthcare professionals (including ambulance personnel, nurses and doctors) at the scene for treatment in the first instance; of the criteria adopted by the Police for making such a decision?

Reply:

President,

The Police always attach importance to the professional training and development of police officers, including the provision of appropriate first aid and basic medical training so that police officers may, under different operational circumstances, administer preliminary treatment for injured persons in need. At present, all newly recruited regular police officers have to undergo 40 hours of basic first aid training when they are trained at the Hong Kong Police College. Upon completing such first aid training and passing relevant assessments, they will be awarded first aid certificates. In addition, the Police also arrange the basic first aid training mentioned above or 16 hours of refresher first aid training for serving regular police officers who need to extend the validity period of their first aid certificates. The relevant training programmes are provided by the Auxiliary Medical Service and Hong Kong St. John Ambulance. Police officers may also enrol in other first aid certificate courses on their own initiative.

My reply to Hon Chan's question is as follows:

(1) and (2) As at November 30 this year, about 25 000 serving regular police officers had completed the aforementioned basic or refresher first aid training, or other first aid certificate courses. The details are set out below:

Rank	Number of officers having completed training/course	Percentage
Inspector of Police/ Senior Inspector of Police or above	About 2 000	About 75
Sergeant/Station Sergeant	About 6 000	About 90
Police Constable/ Senior Police Constable	About 17 000	About 90
Total	About 25 000	About 90

The Police do not maintain the breakdown of the number of officers by training organisation.

From 2014/15 to 2018/19, the average numbers of regular police officers

who received basic and refresher first aid training arranged by the Police per year are as follows:

First aid training	Average number of officers who received training per year from 2014/15 to 2018/19
Basic first aid training	About 1 100
Refresher first aid training	About 2 800

(3) There are safety risks in large-scale public order events. The Police always uphold the principle that injured persons should be sent to hospitals for treatment as soon as possible. Depending on the actual circumstances, police officers will administer preliminary treatment for injured persons before ambulance personnel arrive and, where necessary, will not rule out arranging other healthcare professionals at the scene to help the injured persons. If an injured person is an arrestee, the Police will, while administering treatment for the person, take into account his or her safety as well as security considerations. In any event, the Police will facilitate ambulance service in their best endeavours and assist in relief efforts as far as practicable, so that injured persons can receive the needed medical services.

LCQ3: Interdiction of civil servants

Following is a question by the Hon Cheng Chung-tai and a reply by the Secretary for the Civil Service, Mr Joshua Law, in the Legislative Council today (December 18):

Question:

It has been reported that since June this year, a certain number of civil servants have been arrested in public events. In an open letter issued to all civil servants on the 15th of last month, the Secretary for the Civil Service stated that civil servants arrested for suspected involvement in unlawful public events would all be interdicted from duty. However, the Government said in the past that it would not resort to interdiction lightly; before making a decision in respect of interdiction, it would take into account certain factors, including the nature and gravity of the alleged offence or misconduct, and the possibility of the offence or misconduct being committed again. In this connection, will the Government inform this Council:

(1) of the number of civil servants arrested in public events since June this year; among them, the respective numbers of those who have been interdicted from duty and/or are currently under internal investigation; and

(2) whether there is any difference between the current interdiction arrangement and that in the past; if so, whether, before the arrangement was amended, civil servants' associations had been consulted and amendment of the relevant regulations was required, and whether it has assessed if such an arrangement will give rise to the effect of "punishment before conviction", which violates the common law principle of presumption of innocence?

Reply:

President,

The civil service has always been committed to serve the community and strive to maintain stability and prosperity of Hong Kong. Hong Kong has undergone unprecedented impact over the past few months. At this difficult time, civil servants should stand in solidarity and their priority task is to work together to end violence and chaos. To this end, I issued a letter to all civil servants in August this year, encouraging them to cherish the core values of the civil service and discharge their duties wholeheartedly. The Chief Executive also issued a letter to all civil servants in September, expressing her appreciation to colleagues for steadfastly attending to their duties and contributing their best to maintain social order. She encouraged the civil service to stand united to uphold those core values, remain calm in responding to the crisis and continue their efforts to serve the public with integrity and impartiality so as to help Hong Kong overcome the difficult situation. In another letter issued in November, I reminded civil servants to work in concert to support the Government's efforts to end violence and chaos. I also conveyed my sincere gratitude to civil servant colleagues who have been steadfastly discharging their duties and working hard to maintain public order during the difficult times over the past few months. At the same time, I reminded civil servants to continue to do their part and strive to help Hong Kong restore order as soon as possible, and that they must not support or participate in any activity that will disrupt peace in society and the normal operation of public services.

The Government adopts a zero-tolerance attitude towards civil servants who violate the law. We are extremely concerned about the arrest of individual civil servants for their suspected involvement in unlawful public activities. It would be difficult for the community to accept if a civil servant arrested for his suspected participation in illegal activities could still return to work as normal and continue to exercise the powers and functions of his office. In this regard, we would interdict the civil servant concerned in the public interest when he is under inquiry or investigation after arrest.

My consolidated reply to the Hon Cheng Chung-tai's question is as follows:

The Government has always attached great importance to the conduct of

civil servants. Civil servants must be law-abiding, dedicated, impartial and politically neutral. These values are also what the general public expects of the civil service. The Government also has an established mechanism for handling interdiction and disciplinary matters of the civil service. We have all along been handling civil service disciplinary matters in accordance with rules and regulations of the civil service under the established mechanism, with due regard to the principle of fairness and impartiality. Generally speaking, in accordance with the relevant established mechanism, the Government will, having regard to public interest, interdict a civil servant who is under inquiry or investigation for serious misconduct or criminal offence or that judicial or disciplinary proceedings have been or are to be taken against him. In considering whether the civil servant concerned should be interdicted, the relevant authority will consider various factors, including the nature and gravity of the alleged misconduct or criminal offence, possible conflict between the civil servant's misconduct and his official duties, likely harm or risk posed to the general public, public reaction and perception to the officer remaining in office to continue to exercise the powers and functions of his office, etc.

Interdiction is not a disciplinary punishment and there is no presumption of guilt in interdiction. An officer may be interdicted when the relevant authority, having regard to public interest, considers it inappropriate for him to continue to exercise the powers and functions of his public office temporarily. The existing interdiction arrangement for civil servants does not violate the principle of presumption of innocence. A decision to interdict an officer does not imply that there is any prejudgment of his guilt or any prejudice to his fair trial based on the principle of presumption of innocence. Whether an interdicted officer is guilty of an alleged criminal offence or misconduct, it is a matter to be determined by the court or disciplinary authority respectively. Whether an individual officer should be interdicted, the relevant authority will consider the specific circumstances of each individual case. My letter issued to all civil servants in November 2019 aims at reminding civil servant colleagues that under the existing established mechanism, in considering whether a civil servant who has been arrested for his suspected involvement in unlawful activities and under inquiry should be interdicted, the relevant authority will take into account the public reaction and perception to the officer remaining in office to continue to exercise the powers and functions of his office as a consideration factor. Out of the 180 000-strong civil service, there are currently only an extremely small number of civil servants being arrested for their suspected involvement in unlawful activities in the past few months of social events. Overall, the civil service remains to be committed to the rule of law and dedicated. I hope the community would not focus on an extremely small number of civil servants being arrested and a few negative incidents and ignore the longstanding hard work and effort of the 180 000-strong civil service.

Civil servants convicted of criminal offence would not only be penalised under the law, the Government would also take disciplinary action against them in accordance with the established mechanism without toleration. For civil servants convicted of criminal offence, disciplinary action will be

taken against the civil servants concerned upon conclusion of the relevant criminal proceedings. The disciplinary punishment to be imposed could include verbal warning, written warning, reprimand, severe reprimand, reduction in rank, compulsory retirement or dismissal, etc. In determining the level of punishment, the relevant authority will examine the judgement and sentence of the criminal offence and take into account factors including the nature and gravity of the misconduct or criminal offence, the level of punishment for similar misconduct or criminal offence, any mitigating factors, and the rank, service and disciplinary records of the civil servant concerned, etc.

Thank you, President.

Excessive cadmium found in celery sample

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (December 18) announced that a celery sample was detected with cadmium, a metallic contaminant, exceeding the legal limit. The CFS is following up on the incident.

"The CFS collected the celery sample from a stall at the Cheung Sha Wan Wholesale Food Market for testing under its routine Food Surveillance Programme. The test result showed that the sample contained cadmium at a level of 0.17 parts per million (ppm), exceeding the legal limit of 0.1ppm," a CFS spokesman said.

"The CFS has informed the vendor concerned of the irregularity and is tracing the source of the affected product," the spokesman added.

According to the Food Adulteration (Metallic Contamination) Regulations (Cap 132V), any person who sells food with metallic contamination above the legal limits is liable upon conviction to a fine of \$50,000 and imprisonment for six months.

"Based on the level of cadmium detected in the sample, adverse health effects will not be caused under usual consumption," the spokesman said.

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

LCQ13: Redevelopment of factory estates under the Hong Kong Housing Authority

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (December 18):

Question:

The Chief Executive indicated in this year's Policy Address that she would invite the Hong Kong Housing Authority to explore the redevelopment of its six factory estates for public housing use. Such factory estates are located in Kwai Chung/Tsing Yi, Tuen Mun, Sha Tin, Kwun Tong and Sham Shui Po respectively, providing a total of over 8 200 factory units. In this connection, will the Government inform this Council:

- (1) of the expected completion dates for collecting research data, setting out the initial thinking and formulating the implementation timetables for the redevelopment projects; whether it has studied how a conversion option compares with a demolition and redevelopment option in the following two aspects: (i) the various items of expenditure required (e.g. expenditure on enhancing fire service facilities), and (ii) the number of public housing units that may be provided (and the ratio of units, among such units, available for rent to those for sale);
- (2) whether it will, in formulating the estimated expenditures and relocation arrangements for tenants for the redevelopment projects, draw reference from the experience in earlier years of converting factory estates into Un Chau Estate Phase 5 in Cheung Sha Wan or Wah Ha Estate in Chai Wan; if so, of the details; if not, the reasons for that;
- (3) whether it will consider, on the premise of fully utilizing the plot ratios of the sites on which such factory estates are located, demolishing such factory estates and redeveloping them into public rental housing (PRH) estates, so as to shorten the waiting time for PRH as far as possible; if so, of the details; if not, the reasons for that; and
- (4) as it has been reported that the current occupancy rates of such factory estates are 99 per cent, how the Government will, in tandem with increasing public housing supply, properly address the demand of existing factory estate tenants for such kind of units; whether it will consider retaining one factory estate for lease applications by existing tenants who wish to continue their operation; if so, of the details; if not, the reasons for that, as well as the details of the compensation package for the tenants (including the amounts of relocation allowance and compensation) and the estimated expenditures involved?

Reply:

President,

Our consolidated reply to Hon Jimmy Ng's question is as follows:

In response to the Chief Executive's initiative in the 2019 Policy Address, the Hong Kong Housing Authority (HA) is exploring the feasibility of redeveloping individual factory estates for public housing use, particularly to increase the supply of public rental housing (PRH) units, taking into account individual site conditions and arrangements, as appropriate.

As all six factory estates are situated in industrial or industrial-office areas, technical assessments are required to ascertain the feasibility of residential use, including public housing development, at these sites. Rezoning will also be required to change the use of the sites for residential purpose in accordance with the Town Planning Ordinance. The HA has already commenced relevant assessments. Since the assessments are still at preliminary stage, we are unable to provide details on expenses, flat production, etc. Upon completion of the study, the HA will release the findings and recommendations at appropriate time. The HA will take account of the findings and recommendations of the study and views of other stakeholders before deciding whether individual factory estates would be demolished for public housing use. For the individual factory estates that will not be redeveloped, we will study the improvement works required to fulfil the statutory requirements and the related estimated costs after the enactment of the Fire Safety (Industrial Buildings) Ordinance.

In view of the tight supply in housing land, the Government has been actively identifying suitable sites for public housing development in different parts of the territory. We will consider all suitable sites, regardless of their size, for public housing development so as to make the best use of the scarce land resource and optimise the site potential. In the process, the principles of cost-effectiveness and sustainability will be adopted. Based on the above consideration of efficient and optimal use of land, HA's study will focus on the feasibility of the redevelopment option.

Regarding the ratio between PRH and subsidised sale flats (SSFs) upon redevelopment, in accordance with the prevailing practice, the HA will maintain the flexibility among different types of public housing to cater for the demands of PRH, Green Form Subsidised Home Ownership Scheme and other SSFs, and adjust their supply in a timely manner to better respond to the market changes and the housing needs of the community at large. Based on the concept of "inter-changeability", in planning public housing projects, the HA will consider a number of factors including local housing needs and the community aspiration as a whole.

In HA's previous exercises for the clearance of factory estates, an advance notice of 18 months would be given to affected tenants for vacating the premises. Rent increase would be frozen until clearance, and an ex-gratia allowance would be paid to affected tenants to assist them in relocating or

terminating their business. If the HA decides to clear its existing factory estates, it will make reference to previous practices and make appropriate arrangements according to the circumstances.

The HA currently has six factory estates providing a total internal floor area of approximately 200 000 square meters. According to the information of the Rating and Valuation Department, the total stock of private factory premises in the territory was around 16.41 million square meters as at end-2018, including vacant units of around one million square meters.

LCQ22: Non-permanent judges from other common law jurisdictions

Following is a question by the Hon Tony Tse and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (December 18):

Question:

Under the Basic Law, the Hong Kong Court of Final Appeal Ordinance (Cap. 484) and the Judicial Officers Recommendation Commission Ordinance (Cap. 92), the Chief Executive may, on the recommendation of the Judicial Officers Recommendation Commission (JORC) and upon the endorsement of the Legislative Council, appoint judges from the common law jurisdictions outside Hong Kong as non-permanent judges from other common law jurisdictions (other CLJ judges) of the Court of Final Appeal (CFA). The candidates for such judges are generally put forward by the Judiciary for JORC's consideration. Since the reunification of Hong Kong, only judges/retired judges from the United Kingdom (UK), Australia, New Zealand and Canada have been appointed as other CLJ judges, and 10 out of the 15 current other CLJ judges come from UK. In this connection, will the Government inform this Council:

- (1) whether it knows, since the reunification of Hong Kong, the jurisdiction from which each of the appointed other CLJ judges came and the number of CFA cases heard by each of them;
- (2) whether it knows the criteria and procedures based on which the Judiciary identifies the candidates for other CLJ judges;
- (3) whether it knows, since the reunification of Hong Kong, if the Judiciary has put forward candidates from jurisdictions other than UK, Australia, New Zealand and Canada for other CLJ judges; if the Judiciary has not, of the reasons for that;
- (4) whether it knows if JORC may consider candidates for other CLJ judges,

apart from those put forward by the Judiciary, put forward by other persons or those who nominate themselves; if JORC may, whether JORC has considered any candidate of this type since the reunification of Hong Kong; if JORC may not, of the reasons for that; and

(5) whether the Government and the Judiciary conducted any review in the past 10 years of the procedure for identifying and recommending candidates for other CLJ judges; if so, of the review outcome; if not, whether they will conduct such a review shortly?

Reply:

President,

Based on the information provided by the Judiciary, the Government should like to reply to the Question as follows:

(1) The non-permanent Judges from other common law jurisdictions of the Court of Final Appeal (CLNPJs) have come from the United Kingdom, Australia, New Zealand and Canada. Details are at Annex.

The Court of Final Appeal (CFA) has invited a CLNPJ to sit on the Court to hear and determine almost all of the substantive appeals, save for a few exceptions, since July 1, 1997. The Judiciary does not have readily available statistics on the number of CFA cases heard by each CLNPJ.

(2) In accordance with Article 92 of the Basic Law (BL 92), judges of the HKSAR shall be chosen on the basis of their judicial and professional qualities. The Judicial Officers Recommendation Commission (JORC) makes recommendations to the Chief Executive (CE) on all judicial appointments in strict accordance with BL 92.

All CLNPJs are judges or retired judges of the most eminent standing with profound judicial experience who enjoy the highest professional status and reputation, with good track records of judicial services in their respective jurisdictions, all of which are common law jurisdictions with whose legal systems Hong Kong has the closest connection. Many of them were/are retired Chief Justices of their respective jurisdictions.

(3) and (4) The discussions of JORC should be kept strictly confidential and should not be disclosed. According to section 11 of the Judicial Officers Recommendation Commission Ordinance (Cap. 92), if any JORC member or other person, without the CE's permission, publishes or discloses to any unauthorised person the contents of any document, communication or information which has come to his knowledge in the course of his duties under or in connection with the Ordinance, he shall be guilty of an offence.

(5) According to Article 88 of the Basic Law, judges of the courts of the Hong Kong Special Administrative Region (including CLNPJs) shall be appointed by the CE on the recommendation of an independent commission composed of local judges, persons from the legal profession and eminent persons from other sectors. The JORC is the independent commission. The mechanism has been working satisfactorily. The Chief Justice has advised the Government

that there is no need to review the existing mechanism at the moment. The Government agrees with the position of the Chief Justice.