

LCQ18: Opening up the data of District Councils to enhance the transparency of operation

â€‹Following is a question by the Hon Charles Mok and a written reply by the Secretary for Home Affairs, Mr Lau Kong-wah, in the Legislative Council today (December 11):

Question:

Some academics of public policies have pointed out that there have been inconsistencies in the quantities and formats of the information made public by various District Councils (DCs). Most of the data uploaded onto the websites have not adopted machine-readable format, and some important decisions (such as those on funding applications) are not recorded in any minutes of meetings as the decisions have been made by way of circulation of papers. Such situations have made it difficult for them to obtain the data needed for conducting analyses, and also hindered the participation of members of the public in policy discussion and monitoring the Council's operation. On opening up the data of DCs to enhance the transparency of operation and to encourage members of the public to participate in district affairs, will the Government inform this Council:

(1) of the situation concerning DC documents (i.e. (i) agendas, (ii) discussion papers, (iii) minutes of meetings, (iv) records of DC members' speeches, (v) records of voting results, (vi) funding-related information (such as proposals), (vii) records of declaration of interests, (viii) evaluation reports of activities, and (ix) financial reports) being made available to members of the public, including (a) whether the said documents have been made public (if not, of the reasons for that), (b) whether English versions of them are provided, (c) whether English versions of them can be provided upon request, (d) whether they have been uploaded onto the websites of DCs (if so, of the time taken in general), (e) whether the data uploaded onto the websites are in machine-readable format, and (f) whether the data uploaded onto the websites are shown in a visualized manner (set out the information by name of DC and in tables of the same format as the table below);

Name of DC:

Documents	The situation concerning the documents being made available to members of the public					
	(a)	(b)	(c)	(d)	(e)	(f)
(i)						
...						

(2) in respect of each DC, of (i) the percentage of the documents set out in (1) being uploaded onto its website and the average time taken, and (ii) the types of documents not uploaded onto its website and the reasons for that;

(3) whether it will further open up the data of the meetings of DCs and their committees, including the provision of records of voting results in machine-readable format; if so, of the format to be adopted, whether it will provide the original files and data interfaces, and whether it will introduce visualization of data reporting;

(4) whether it will allocate additional resources to the various DC secretariats to facilitate their stepping up efforts in opening up data and co-operating with data developers, so as to ensure that the websites of various DCs provide data in formats that suit users' needs;

(5) whether it will, with the aim of facilitating (i) browsing on mobile phones, (ii) the operation of search engines and (iii) the extraction of data of meetings, design afresh the websites of various DCs, including consolidating DC members' personal files and records of declaration of interests they made in respect of funding applications, as well as providing complete records of DC members' attendance at meetings and speeches (such as providing the relevant records of each DC member at each meeting in CSV format);

(6) whether it will, on the data.gov.hk portal, expand the scope of datasets in opening up data relating to DC members and meetings;

(7) whether it will allocate additional resources or set up funds to assist the various DCs in making good use of technology, so as to enhance the efficiency of policy discussions;

(8) given that the Government will organize the City I&T Grand Challenge next year in which participants will have to offer innovation and technology-based solutions with the objective to improve the public's daily lives or benefit specific communities, whether the Government will invite the various DCs to take part in it, thereby enabling the project to better suit the needs of the public in their daily lives;

(9) as the Government has indicated that it will produce analyses relating to community involvement projects for DCs to facilitate their management of DC funds, whether such analyses will be uploaded onto the websites of DCs; if so, of the details; if not, the reasons for that;

(10) of the number of applications received by each DC in each of the past five years for access to information under the Code on Access to Information, and among them, the respective numbers and percentages of those approved and rejected; if there were rejected applications, of the reasons for that; and

(11) whether it will consider amending the District Councils Ordinance (Cap. 547) to stipulate that DCs must broadcast their meetings live, so as to

enhance the transparency of operation?

Reply:

President,

The Government agrees that enhancing the transparency of operation of District Councils (DCs) and opening up data of DCs help encourage members of the public to participate in district affairs. At present, DC Secretariats (Secretariats) upload documents of DC, committee and working group meetings, including agendas, discussion papers, minutes and audio recordings of meetings, onto the DC websites, except for matters discussed at closed-door meetings (Note) (e.g. those concerning internal administration and sensitive information involving tenders and quotations etc).

â€‹

All along, Secretariats and DCs are committed to enhancing their services in making documents available to the public and uploading documents onto the DC websites. In the past few years, the Home Affairs Department (HAD) has been strengthening its support to Secretariats by increasing the manpower of Secretariats. Since 2017-18, about 80 posts, including Executive Officers and Clerical Grades staff, have been created in District Offices to enhance the effectiveness of the District Administration Scheme. Meanwhile, we allocated additional resources for Secretariats to recruit non-civil service contract staff to expedite the process of uploading of various documents onto the DC websites and to handle opening up of data.

Notwithstanding the above efforts, the volume of documents handled by Secretariats remains huge as there are currently 104 committees and 250 working groups under the 18 DCs and some Secretariats will have to arrange the uploading of documents having regard to the manpower. Secretariats have strived to prioritise different work demands in order to strike a balance. Members of the public may approach the relevant Secretariats for assistance if they wish to view the small number of documents which has not yet been uploaded or other open documents.

My reply to various parts of the question is as follows:

(1) and (2) Details of documents made public by DCs are at Annex 1.

(3) to (7) We understand that the interface and function of the DC websites should be designed for the convenience of the public. In that regard, we modified the design of DC websites in 2017 to facilitate public browsing of DC information on mobile phones. Most documents currently available on the DC websites are in DOC/DOCX format or PDF format produced from the original text documents for easy searching by members of the public via search engines. For example, for the Registration of Members' Interests completed by DC Members, in addition to the scanned version, we started to provide the text version in 2018 for easy browsing and searching by members of the public.

Furthermore, in line with the Government's policy of opening up government data in the 2018 Policy Address, the HAD formulated and published its open data plan in 2018 and uploaded relevant DC datasets, including the

list of DC Members, meeting calendar of DCs and attendance record of DC Members onto the data.gov.hk portal. We have consolidated the above information from 18 DCs and uploaded the information in CSV format, a machine-readable format. DCs have also included records of voting results in minutes of meeting, which are uploaded onto their websites for public access.

We will closely monitor the operational needs of DCs and consider further opening up of data. We will examine the manpower and resources implications and facilitate feasible proposals from the DCs for opening up data, striking a balance between facilitating public access to DC information and the optimal use of resources.

Furthermore, we will conduct timely review on the information uploaded onto the data.gov.hk portal to examine if more suitable DC datasets could be made available on the portal for further opening up the data to facilitate public browsing.

â€‹

(8) The City Innovation and Technology Grand Challenge encourages the general public to use innovation and technology (I&T) to tackle issues that are closely related to our daily lives and at the same time enhances the awareness and importance of I&T in the society. The Government will set a theme for the competition every year for participants to put forward solutions with I&T elements, with the objective of improving the public's daily lives or benefiting specific community groups. The Innovation and Technology Commission will consult relevant government departments and stakeholders during the preparation process.

(9) The HAD has prepared an analysis on the use of DC funding since 2017-18 for DCs' reference. When considering funding allocation for various community involvement projects, they can make reference to that analysis. We will upload the relevant analysis onto the HAD website, and individual Secretariats may arrange for the uploading of the analysis onto the DC websites in accordance with their established practice.

(10) The number of applications for access to information made under the Code on Access to Information handled by DCs from 2015 to 2019 is at Annex 2.

(11) Currently, the operation of DCs is already fairly transparent. Members of the public may obtain various types of information from the DC websites such as agendas, papers, audio recordings and minutes of meeting, and observe these meetings. When important issues are discussed at the DCs, they receive extensive reporting by the media, including television and electronic media.

Details of the arrangement of DC meetings are set out in the District Council Standing Orders (DCSO), instead of the District Councils Ordinance. In fact, according to the model text of the DCSO provided by the HAD for DCs' reference, members of public observing the meeting are not forbidden to broadcast live during the meeting but are only prohibited from disrupting the conduct of meeting. DCs can allow members of the public who observe a meeting to broadcast live provided that the meeting is not disrupted. It is fairly common for members of public observing the meeting to broadcast DC meetings live.

Note: As stipulated in the model text of the District Council Standing Orders issued by the HAD, unless the Chairman of the DC on the advice of members determines otherwise, any meeting of the DC or any part of such a meeting shall be open to the public (including the media).

Appeal for information on missing woman in Tuen Mun (with photo)

Police today (December 11) appealed to the public for information on a woman who went missing in Tuen Mun.

Chan Mei-fong, aged 56, went missing after she left her residence in Sam Shing Estate in the small hours on December 7. Her family made a report to Police on the next day.

She is about 1.65 metres tall, 59 kilograms in weight and of medium build. She has a pointed face with yellow complexion and short curly black hair. She was last seen wearing a blue hat.

Anyone who knows the whereabouts of the missing woman or may have seen her is urged to contact the Regional Missing Person Unit of New Territories North on 3661 3128 or 6273 5787 or email to rmpu-ntn-1@police.gov.hk, or contact any police station.



Fraudulent website related to China CITIC Bank International Limited

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

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by China CITIC Bank International Limited on fraudulent website, which has been reported to the HKMA. Hyperlink to the press release is available on [the HKMA website](#) for ease of reference by members of the public.

Anyone who has provided his or her personal information to the website concerned or has conducted any financial transactions through the website should contact the bank concerned using the contact information provided in the press release, and report to the Police or contact the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force at 2860 5012.

LCQ10: Police combat illegal acts on Internet

Following is a question by the Hon Cheung Kwok-kwan and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (December 11):

Question:

It has been reported that some parents of students have indicated that their children received, while playing online games, invitations from other game participants to participate in demonstrations. Moreover, during the conflicts arising from the demonstrations from June 9 to October 31 this year, the Police arrested 3 001 persons, of whom one-third were students and 430 were minors. Such a situation has aroused concerns. In this connection, will the Government inform this Council:

(1) given that the radicals may, through the instant messaging functions of online games, incite minors to participate in unauthorised/unlawful assemblies, but online games are currently unregulated and difficult to regulate (as their servers are mostly located overseas), of the Government's counter-measures to plug this loophole;

(2) given that some minors, in response to the calls on Internet forums,

made weapons by themselves following online videos and brought such weapons along when participating in unauthorised/unlawful assemblies, whether the Government will conduct in-depth studies and analyses on the role of online and social media information in, and its impacts on, the movement of opposition to the proposed legislative amendments, with a view to formulating corresponding measures;

(3) whether it will step up efforts, through platforms such as the Internet, online games and instant messaging applications, to call upon the minors not to participate in unauthorised/unlawful assemblies;

(4) of the number of minors arrested, or released after having their personal data recorded, in demonstrations since June 9 this year, with a breakdown by the age group to which they belonged, their gender, their educational attainment, the district in which they lived, and the offence(s) allegedly committed by them; if such figures are unavailable, whether it will collect them;

(5) whether it has gained an in-depth understanding of the reasons for the persons mentioned in (4) to participate in unauthorised/unlawful assemblies, including the channels through which they gained access to the relevant information, and whether their teachers or parents had incited or supported their participation in the activities concerned; if it has, of the details; if not, whether it will gain an understanding;

(6) whether it has taken follow-up actions in respect of the persons mentioned in (4), including liaising with their parents and the schools attended by them, so as to facilitate the provision of the required counselling and support services for the parties concerned; and

(7) given that some people have reportedly lured minors, with money or other interests, into participating in unauthorised/unlawful assemblies, whether the Police have commenced investigations and taken arrest actions in this regard?

Reply:

President,

¶¶¶¶¶The Internet is not an unreal world that is beyond the law. Insofar as the existing legislation in Hong Kong is concerned, most of the crime-prevention laws in the real world are applicable to the online world. Therefore, the public should use the Internet lawfully and properly.

¶¶¶¶¶Police officers have the statutory duty to maintain public safety and public order, as well as safeguard people's life and property, and will strictly enforce the law against lawbreakers committing illegal acts through the Internet.

¶¶¶¶¶In view of the potential for information technology, the computer and the Internet to be exploited for carrying out criminal activities, the Law

Reform Commission established in January this year a sub-committee to study the topic of cybercrime and the study of the sub-committee is ongoing. In the course of its study, the sub-committee will identify the challenges arising from such rapid developments, review existing legislation and other relevant measures, examine relevant developments in other jurisdictions, and recommend possible law reforms. We will pay close attention to the sub-committee's recommendations.

My reply to various parts of the question raised by Hon Cheung Kwok-kwan is as follows:

(1) Although online games are not currently regulated by legislation in general, if any action that involves incitement to commit crimes (including participating in unauthorised/unlawful assemblies, or aiding and abetting the participation in the relevant crimes), regardless of whether such acts occurred online or in the real world, existing criminal sanctions are applicable. For example, the following provisions under the Crimes Ordinance (Cap 200) namely criminal intimidation under section 24, destroying or damaging property under section 60, or threats to destroy or damage property under section 61, as well as blackmail under section 23 of the Theft Ordinance (Cap 210) are also applicable to online acts. Furthermore, inappropriate speech published online may also contravene other offences, such as the data protection principles under the Personal Data (Privacy) Ordinance (Cap 486), infringement of copyright, or libel, etc. Publishing information online that might threaten public safety may also infringe the common law offence of incitement to commit public nuisance.

Besides, according to section 89 of the Criminal Procedure Ordinance (Cap 221), any person who aids, abets, counsels or procures the commission by another person of any offence shall be guilty of the like offence. Under common law, inciting others to commit any substantive offence is also itself an offence. In short, any act of inciting others to commit an offence is already an offence.

Therefore, illegal acts on the Internet are not beyond the law. People who commit illegal acts on the Internet and in the real world are both required to bear legal responsibility.

(2) and (5) The Government has been paying close attention to acts of committing or aiding and abetting others to commit online offences and their trends. This includes crimes involving participating in unauthorised/unlawful assemblies, manufacturing or possessing weapons or prohibited items, and aiding and abetting the commitment of relevant acts or activities. Under the existing legal framework, if an act that would be illegal in the real world was committed online, the Police can enforce the law with the relevant legislation. The Police have all along gathered intelligence for crime prevention and detection through various channels, including information and messages on online platforms.

The Police will continue to closely monitor potential criminal activities online, conduct targeted searches professionally on public online

platforms for pertinent criminal information, and take enforcement action. The Government will not tolerate any illegal or violent acts, or acts that prejudice public safety and public order, and will take stringent follow-up actions.

The Government has noted the effects of online information and social media on public order events and the unlawful acts involved in the past six months, including smearing the Police and provoking social conflicts by discussing, advocating, planning, and disseminating messages that prejudice safety, rumours, and fake news, etc. The Government will closely monitor the relevant developments. The Police will also gather intelligence and target on information, persons, and activities that may affect underage persons in committing unlawful acts, with a view to preventing, combatting, and detecting the relevant unlawful acts.

(3) In addition to disseminating relevant messages to the public via Police Magazine and traditional media (television, radio, and newspapers), the Police have also disseminated via online platforms and social media crime prevention information and appeals to the public not to participate in unlawful assemblies and relevant illegal acts. For example, using the Police website, YouTube channel, Facebook page, and Instagram, Twitter, and Weibo accounts, the Police have urged protestors to disperse after processions and not to commit any illegal acts, as well as reminding the public not to defy the law by pointing out the crimes that may be committed through acts of violence and vandalism.

(4) Up to November 28, 2019, 914 persons under the age of 18 were arrested in public order events relating to the amendments of the Fugitive Offenders Ordinance. They have been charged with rioting, unlawful assembly, criminal damage, assault on police officers, possession of offensive weapon, etc. The distribution of the arrested persons by age, sex, and the number of students involved are as follows:

	Male	Female
Under 16	240 (234)	102 (99)
16 to 17	394 (354)	178 (170)

Note: number of students as shown in brackets

As for the incident at the Hong Kong Polytechnic University, about 300 persons under the age of 18 were allowed to leave after having their personal information recorded. The Police do not have the breakdown of these persons' educational attainment or the district in which they lived.

(6) Schools are the places for students to learn and grow. If students are suspected to have participated in unlawful acts or are arrested, generally schools would immediately provide emotional support to them and other students affected by the incident, and integrating the guidance and discipline approaches when following up the relevant cases. These students

need to take responsibility for their own actions, while also distinguishing right from wrong upon self-reflection, so as to rebuild their positive values. To ensure that schools systematically advance the relevant guidance and disciplinary work, the Education Bureau is considering the requirement for schools to submit reports on concrete support proposals and the relevant progress. As the actions involved by the students vary greatly in nature and seriousness, and students' backgrounds such as family backgrounds, personal growth experiences, academic results and past conducts also differ, and specific cases even involve judicial proceedings, the Education Bureau will consider carefully and consult professionals.

As for post-secondary institutions, the Education Bureau understands that institutions have established counselling and support mechanisms to provide suitable assistance and support to students in need. Generally speaking, institutions would attempt to contact students who have been arrested, and based on the actual situation, would provide them with ways to seek legal advice, 24-hour counselling support, temporary accommodation, and other support measures as necessary. Furthermore, institutions would commence the suitable disciplinary procedures as needed, so that the students who have contravened the institutions' regulations or the law could understand and correct their mistakes, and take responsibility for their own actions.

(7) The Police would target the organisation and motives of each unlawful case under investigation. If there is evidence or other indication of persons luring others by money to participate in unlawful acts, the Police will follow up stringently and proceed with charges.

Man fined for managing unlicensed guesthouse

A man was fined \$6,000 at the Kowloon City Magistrates' Courts today (December 11) for contravening the Hotel and Guesthouse Accommodation Ordinance.

The courts heard that in May this year, officers of the Office of the Licensing Authority (OLA), the Home Affairs Department, when searching the Internet for intelligence about unlicensed guesthouse activities, identified a suspected unlicensed guesthouse on Nathan Road in Tsim Sha Tsui. The OLA officers posed as lodgers and successfully rented a room in the guesthouse on a daily basis through an Internet platform.

According to the OLA's records, the guesthouse did not possess a licence under the Ordinance on the day of lodging. The man 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 will lead to a criminal record. Upon conviction, the offender is liable to a maximum fine of \$200,000 and two years' imprisonment. Guesthouse licensees may advertise or offer to provide sleeping accommodation on the Internet. To assist the public and tourists to identify licensed guesthouses, the licensees should indicate clearly "Licensed guesthouse" in all promotional materials or advertisements related to the guesthouse.

The spokesman appealed to anyone with information about suspected unlicensed guesthouses to report it to the OLA by 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".