

Hong Kong Wetland Park introduces birds' parental care (with photos)

The Hong Kong Wetland Park is holding its annual winter highlight event, the Bird Watching Festival, from November 20 until April 20, 2020.

With "Incredible Bird Parents" as the theme this year, the Festival shows how versatile and sophisticated birds are in providing parental care for their offspring. For instance, the Asian koel simply lays eggs in the nest of another host species and then leaves, while the white-breasted waterhen takes care of every aspect for its young, from safety and food to flight learning. The "Incredible Bird Parents" thematic exhibition introduces the above.

Another attraction of the Festival is the display, for the first time, of five unique Lego brick wetland animal models, comprising the celebrity saltwater crocodile Pui Pui, the elegant kingfisher, the relaxed paddy frog, the energetic fiddler crab and the gorgeous common tiger, as well as Lego brick wall art, all co-created by the Hong Kong Wetland Park and Lego Certified Professional Mr Andy Hung, with a view to inspiring kids, and big kids, to contribute to a better nature.

The Festival also has an array of edutainment activities, such as bird watching guided tours, thematic interpretation sessions on birds, bird photography workshops, nesting doll (birds and their chicks) painting workshops, public lectures and a kids reading club, which allow visitors to learn more about birds.

Located next to the Mai Po Inner Deep Bay Ramsar Site, the Wetland Park is an ideal place for bird watching. It has diversified habitats, including mudflats, freshwater marshes, ponds, streams, wet farmlands, reedbeds, mangroves and woodlands, which provide suitable living environments for more than 270 bird species, accounting for almost half of the bird species recorded in Hong Kong.

For details of the Festival, please visit the website of the Wetland Park (www.wetlandpark.gov.hk) and the Facebook page (www.facebook.com/HongKongWetlandPark) of the Park.



[LCQ22: Arms and ammunition used by Police](#)

Following is a question by the Hon Hui Chi-fung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

Regarding the arms and ammunition (including tear gas rounds, rubber

bullets, bean bag rounds and sponge rounds) used by the Hong Kong Police Force, will the Government inform this Council:

(1) of the quantity, name of manufacturer and place of origin of each type of the arms that each operation unit is equipped with (set out in tables);

(2) whether the Police have kept a record of each police officer's use of arms on each occasion and the reason(s) therefor; if so, of the details; if not, the reasons for that;

(3) whether the Police have put in place measures to ensure that all ammunition in stock is within the expiry dates set by the manufacturers; if so, of the details; if not, the reasons for that;

(4) of the Police's considerations for determining the ways to handle the expired ammunition, and whether police officers used any expired ammunition while on duty in the past six months; if so, of the reasons for that;

(5) as some reporters picked up at the scenes of demonstrations some shells of tear gas rounds with the expiry dates scratched off, whether the Police have concealed its continued use of the expired tear gas rounds by scratching off the expiry dates on them; and

(6) as the Commissioner of Police has appointed, under section 40 of the Public Order Ordinance (Cap 245), a batch of officers of the Correctional Services Department as special constables, of the difference between such special constables and police officers in terms of their arms while on duty?

Reply:

President,

It is the Police's statutory duty to maintain public safety and public order. When situations severely threatening public order and public safety occur, such as illegal road blockage, paralysed traffic, unlawful assemblies and violent charging of police cordon lines, the Police must take appropriate actions to maintain law and order and ensure public peace. The Police have stressed that if members of the public could express their views in a peaceful and rational manner, the Police do not have to use any force.

The Police have very stringent rules and guidelines on the use of firearms. In general, police officers may use firearms to protect anyone, including themselves, from the threat of death or serious injury. Police officers will give verbal warning prior to the use of firearms as far as circumstances permit and, where practicable, give the person(s) being warned every opportunity to obey police orders before using firearms.

Every police officer, whether newly recruited or serving, has to go through rigorous training on the use of force in order to fully understand how to use different levels of force in a safe and effective manner, thereby achieving the related lawful purpose.

My reply to the various parts of Hon Hui Chi-fung's question is as follows:

(1) and (2) On the procurement of equipment and ammunitions, the Police have been sourcing globally for safe and suitable equipment and ammunitions in accordance with the established procedures to meet their operational needs. As the procurement details of the equipment used by the Police involve operational deployment, it would be inappropriate to disclose such details as it would affect the Police's operational capability. The Police have in place strict rules and clear guidelines on the use of firearms. Police officers must report to their supervisor after using firearms in their operation. The Police will continue the safe use of firearms in accordance with the manufacturer's guidelines and internal ones.

(3) to (5) The Police have prudent and strict guidelines on the use of force. Police officers will only use appropriate force when it is necessary. The Police use force in response to the prevailing situation; the location and extent of the use of force depend on the acts of the suspected unlawful person(s) and the actual circumstances at the scene.

Regarding the community's concerns about the Police's use of expired tear gas earlier, the Police have contacted the ammunitions manufacturer concerned and received confirmation that the tear gas could still be effectively used in operations after the indicated expiry date. Expired tear gas will only increase the possibility of launch failures but will not pose further harm to the surrounding people and environment. Despite having the confirmation of the ammunitions manufacturer, the Police have clearly indicated at different occasions that in response to public concerns and having regard to the Police's overall operational efficiency, they have ceased to use expired tear gas since August 12, 2019.

(6) The ongoing riots over the past few months, with their massive scale, simultaneous occurrence in various districts and grave severity of violence, make it necessary to strengthen the support for front-line police officers. The Commissioner of Police, authorised by the Chief Executive under section 40 of the Public Order Ordinance (Cap 245), has appointed in writing a batch of Correctional Services Officers (CSD Officers) as Special Constables so as to strengthen the manpower and strength of the Police force. In accordance with the operational needs of the Police, CSD officers appointed as Special Constables on this occasion are mainly responsible for guarding government premises as specified by the Commissioner of Police currently. Their duties include anti-riot operations, handling of emergencies, etc. Special Constables may use appropriate force when necessary. As details of the firearms used by Special Constables involve operational deployment, it would be inappropriate to disclose such details in order not to affect the Police's operational capability.

LCQ2: Risks involved in acquisition of first-hand residential properties

Following is a question by Hon Kwok Wai-keung and a reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (November 27):

Question:

Recently, quite a number of purchasers of first-hand residential properties have failed to complete their property transactions due to various reasons (e.g. changing home purchase decisions or failing to obtain mortgage loans from financial institutions). As a result, they had to bear losses amounting to several hundred thousand dollars at the least. According to the Residential Properties (First-hand Sales) Ordinance, if a purchaser does not execute an agreement for sale and purchase in respect of the property concerned with the vendor within five working days after entering into a preliminary agreement for sale and purchase (the cooling-off period), the transaction is forthwith cancelled and the vendor may forfeit the preliminary deposit which is equivalent to 5% of the purchase price (the deposit rate). In this connection, will the Government inform this Council:

(1) as the Consumer Council recommended in its Study Report on the Sales of First-hand Residential Properties published in 2014 that the cooling-off period be lengthened to between 7 and 14 working days and the deposit rate be lowered to between 1% and 3%, whether the Government has followed up those recommendations, such as conducting studies and public consultations; if so, of the details; if not, the reasons for that;

(2) whether it will introduce legislative amendments to lengthen the cooling-off period and lower the deposit rate; if so, of the implementation timetable; if not, the reasons for that; and

(3) of the new measures to step up its efforts in drawing consumers' attention to the various risks associated with the acquisition of properties?

Reply:

President,

The Residential Properties (First-hand Sales) Ordinance (the Ordinance) aims at enhancing the transparency and fairness in the sales of first-hand residential properties, as well as striking a balance between strengthening consumer protection and providing a level playing field for vendors of first-hand residential properties. Since its implementation, the Ordinance has brought about notable results in achieving the above targets.

My consolidated reply to the Hon Kwok Wai-keung's question is as follows:

The Ordinance stipulates that if a purchaser does not execute the agreement for sale and purchase (ASP) within five working days after signing the preliminary agreement for sale and purchase (PASP), the PASP is terminated and a preliminary deposit equivalent to five percent of the purchase price of the property will be forfeited by the vendor. The vendor, however, does not have any further claim against the purchaser for the failure. Such requirements are laid down in the light of the volatility of the residential property market in Hong Kong as well as the financial loss which a purchaser in the mass market will suffer for not completing a transaction.

Before the Ordinance has come into effect, if a purchaser of a first-hand residential property did not execute the ASP within three working days after signing the PASP, the PASP would be terminated and normally a preliminary deposit equivalent to 10 percent of the purchase price would be forfeited by the vendor. Under the current Ordinance, the amount of preliminary deposit has already been lowered from 10 percent to five percent of the purchase price, whereas the time limit for signing the ASP has been extended from three to five working days.

The Ordinance is the result of a year's discussion in the Steering Committee on the Regulation of the Sale of First-hand Residential Properties by Legislation set up under the Transport and Housing Bureau, a two-month public consultation exercise and thorough discussions in the Legislative Council, during which different stakeholders deliberated on the matter along the spirit of consensus building while respecting differences. The Consumer Council (CC), the trade and relevant stakeholders have actively participated in the discussions. According to the Study on the Sales of First-hand Residential Properties published by the CC in 2014, the CC proposed that the Ordinance should offer a longer "cooling-off period" for purchasers to sign an ASP after signing the PASP and that the amount of preliminary deposit to be forfeited should be lowered in case a purchaser does not execute an ASP. Indeed, relevant recommendations and similar issues have been deliberated fully during the legislative process of the Ordinance.

In addition to the provisions of "cooling-off period" for consumer protection, it is stipulated under the Ordinance that vendors of first-hand residential developments are required to make sales brochures available for collection by the general public free of charge at least seven days before the date of sale of the first-hand residential properties. Besides, vendors are required to make the price lists and information on sale arrangements available for collection by the general public free of charge at least three days before the date of sale. These provisions are set out for the protection of consumers by providing prospective purchasers adequate time and information to make a proper decision.

To safeguard the interests of consumers, the Sales of First-hand Residential Properties Authority (SRPA) has been making efforts in publicity and public education, including the production of a variety of promotional pamphlets, TV and radio Announcements in the Public Interest, video segments and radio dramas, to raise the awareness of prospective purchasers of first-hand residential properties on various points to note on property purchase,

some of which include failure to execute the ASP within five working days will result in the forfeiture of the preliminary deposit; careful calculation of the amount of mortgage loan and miscellaneous expenses should be carried out before purchasing a property; and a home purchase decision should only be made after ascertaining that approval of a mortgage loan plan within their repayment ability by a financial institution or bank could be secured so that prospective purchasers can avoid financial losses from failing to complete the transaction due to not having secured sufficient mortgage loan.

Such information is included in the Notes to Purchasers of First-hand Residential Properties (Notes to Purchasers) published by the SRPA. According to the Ordinance, vendors are required to first set out the Notes to Purchasers in the sales brochures for developments so that prospective purchasers are aware of the steps to take for their own protection before deciding to purchase a residential property.

The SRPA will continue to communicate with various stakeholders for exchange of views on the Ordinance in a bid to achieve the targets of enhancing the transparency and fairness in the sales of first-hand residential properties and strengthening consumer protection.

LCQ10: Law enforcement actions by Police

Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 27):

Question:

It is learnt that on the afternoon of October 20 this year, anti-riot police officers stopped a male passer-by on Jordan Road, and arrested him for the offence of unlawful assembly. While he was being detained, his legal representative had enquired of the Police about the identity of the police officer who made the arrest. However, the Police gave different answers on three occasions. On the first occasion, the answer was that the police officer belonged to the Police Tactical Unit, but details of his identity could not be disclosed owing to the sensitivity of his identity; on the second occasion, the answer was that they had no idea; on the third occasion, the answer was that the police officer belonged to the Commercial Crime Bureau. Furthermore, the Police had continued to detain the man without instituting any prosecution. His legal representative has pointed out that the Police are not empowered to detain members of the public arbitrarily, and must expeditiously and, within 48 hours from the time of arrest, make the decision of either laying charges against or releasing the arrestees. Considering that the Police's actions of arresting and detaining his client

were unlawful, that legal representative made an application to the High Court on October 21 for a writ of habeas corpus, demanding the Police to release his client. The representative of the Department of Justice indicated in the court that the man would not be prosecuted, and the man was then released. In this connection, will the Government inform this Council:

(1) of the reasons why the Police gave three different answers to the enquiry about the identity of the police officer concerned;

(2) whether it has assessed if the reasons mentioned in (1) are appropriate; if it has assessed and the outcome is in the affirmative, of the justifications for that;

(3) of the meaning of the Police's claim that the identity of the aforesaid police officer was sensitive; whether there were similar cases in the past three years in which the Police refused to disclose the identities of police officers on the same grounds; if so, of the number and details of such cases;

(4) whether the Police have reviewed if the police officer concerned had reasonable justifications for arresting the man; if they have reviewed and the outcome is in the affirmative, of the details and the reasons for not instituting any prosecution in the end; if the review outcome is in the negative, whether they have examined if the police officer concerned had abused his power; if they have examined and the outcome is in the affirmative, whether the Police will follow up the matter and refer the case to the Independent Commission Against Corruption for follow-up; if so, of the details; if not, the reasons for that; and

(5) whether the police officer concerned, when stopping the man, forced him to kneel down with his hands laced behind his head; of the legislation based on which the Police may require suspected offenders to kneel down with their hands laced behind their heads, as well as the criteria for or guidelines on invoking the legal provisions concerned; the actions that may be taken by the police officers at the scene when the persons who are stopped refuse to kneel down with their hands laced behind their heads, and whether such persons may be prosecuted as a result; if so, of the charge to be laid against them?

Reply:

President,

On the afternoon of October 20 this year, there were protesters participating in an unauthorised assembly in the vicinity of Tsim Sha Tsui, Kowloon. Subsequently, shops and public utilities were wantonly vandalised by masked rioters in such areas as Mong Kok, Yau Ma Tei, Jordan and Tsim Sha Tsui. As a result, the Police had to disperse the crowd and make arrests, and more than 40 persons were arrested during the operation. One of the arrestees was the male person referred to in the question, and he was suspected to participate in an unlawful assembly. In the afternoon of the next day, the person's legal representative made an application to the High Court for a writ of habeas corpus. At around the same time, the Police completed

preliminary investigation of the person and were about to release him on bail pending further enquiries. The application concerned was adjourned sine die until further notice by the applicant, after the Court had been informed that the relevant person would be released on bail. Since the case is now still under investigation and legal proceedings may be initiated in the future, it is not appropriate for us to make further comments on the details of the case.

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

(1) to (4) Under section 10 of the Police Force Ordinance (PFO) (Cap 232), the Police have statutory duties to take lawful measures for preserving public peace and public order, and preventing and detecting crimes and offences. When public order and public safety are severely threatened by illegal road blocking, paralysed traffic, unlawful assemblies, wounding, arson, criminal damages, violent charging of police cordon lines, etc., the Police must take action to maintain law and order and restore peace in the community.

Section 50(1) of PFO empowers a police officer to apprehend any person who the officer reasonably believes will be charged with or whom the officer reasonably suspects of being guilty of an offence for which a person may (on a first conviction for that offence) be sentenced to imprisonment.

When a person is arrested by the Police, the police officer will, as soon as possible, inform the person of the fact that he or she is under arrest, as well as the factual grounds and the reasons for the arrest. The arrestee will be brought before the Duty Officer as soon as possible to confirm the legality of his custody and arrest. The arrestee will then be handed over to an investigation team for investigation. After completing preliminary investigation, the Police will decide whether it is necessary to detain the arrestee. The Police will, depending on the circumstances of individual cases, consider releasing the arrestee on own-recognition, on bail or unconditionally. An arrestee generally will not be detained over 48 hours.

Under the established mechanism, the Police are responsible for the investigations of criminal cases, while the Department of Justice (DoJ) is responsible for deciding whether or not to initiate prosecution. The DoJ will give legal guidance, including whether prosecution will be made, according to the evidence collected by the Police. Regarding the prosecutorial decision of each case, the DoJ must take into account the available evidence and applicable laws, and act in accordance with the Prosecution Code. In particular, under Chapter 19 of the Prosecution Code, for cases in relation to public order events, prosecutors have to strike a balance between the interest of society in maintaining public order and the right of a person to lawfully and peacefully exercise his or her rights.

During operations, uniformed police officers on duty would display their unique identification numbers or identifiable operational call signs. When plainclothes police officers exercise police powers, they would identify

themselves and produce warrant cards, or display identifiable operational call signs, as long as doing so is not infeasible under the operational circumstances. If members of the public are not content with the Police, they may lodge complaints, and the complaints will be dealt with in a fair and impartial manner. During investigation, police officers could be identified with the information above. The Police would also identify the police officers concerned via various avenues, including manpower deployment, duty records, the time and location of the incident in relation to the complaint, etc. The Police do not maintain the figures requested in part (3) of the question.

(5) When the Police carry out law enforcement actions, they will conduct risk assessments and take appropriate measures according to the situation at the spot. To effectively control a large number of arrestees who engaged in violent acts, and prevent them from escaping or being snatched, and to protect the safety of the arrestees, police officers and other members of the public there, the police officers may, where necessary for the occasion, require some arrestees to crouch, sit, etc. Such arrangement is a general practice for controlling a large number of arrestees in view of the operational need at the scene. If an arrestee resists a police officer in the officer's performance of duties (including the exercise of control measures), the Police may use force to control the arrestee. Resisting arrest and lawful control measures by the Police is in contravention of the law and may breach the Summary Offences Ordinance (Cap 228), with a maximum penalty of a fine of \$1,000 and six months of imprisonment, or the Offences against the Person Ordinance (Cap 212), with a maximum penalty of two years of imprisonment.

Employment agency's application for licence renewal refused

A spokesman for the Labour Department (LD) today (November 27) reminded licensees of employment agencies (EAs) to conduct their business in compliance with the law at all times.

The LD refused to renew the licence of Maid Manor Employment Agency located in Tai Kok Tsui as the licensee of this EA had been convicted under the Theft Ordinance.

Under section 53(1)(c)(ii) of the Employment Ordinance (EO), the Commissioner for Labour may refuse to issue or renew an EA licence if the licensee has, within the preceding five years, been convicted of an offence involving membership of a triad society, fraud, dishonesty or extortion.

"Licensees and operators of EAs are reminded to conduct their business in compliance with the law, including EO, the Employment Agency Regulations,

as well as the Code of Practice for EAs at all times. Otherwise their licences may be revoked or their applications for licence renewal may be refused," the spokesman said.

This is the seventh revocation or refusal of renewal of an EA licence in 2019. In 2018, there were eight cases of revocation or refusal of renewal of EA licences.

For enquiries about matters related to EAs or complaints about their malpractices, please call the Employment Agencies Administration of the LD at 2115 3667, or visit its office at Unit 906, 9/F, One Mong Kok Road Commercial Centre, 1 Mong Kok Road, Kowloon.