

Special announcement by Education Bureau (2)

In view of the current and anticipated traffic conditions as well as the overall report from schools in the territory, classes of all schools (including kindergartens, primary schools, secondary schools and special schools) will be suspended tomorrow (November 14) for the sake of safety.

A spokesman for the Education Bureau (EDB) said today (November 13) that the safety and well-being of students have always been the bureau's prime considerations. During the class suspension, schools must keep their premises open and arrange for staff, who return to school under safe conditions, to take care of students at school. If parents need to send their children to school, they may continue to do so. They should pay attention to safety on the way and maintain contact with their schools.

The spokesman added that there has been extensive damage to society caused by violent protesters in the last couple of days. Apart from causing dangerous road conditions, there were also malicious damages to school private light buses ("nanny vans") and intimidation against schools of varying degrees. The situation has become outrageous. The EDB strongly condemned those acts which deliberately endanger students' safety and deprive them of their basic right to learn.

The EDB strongly urged protesters to stop all violent acts immediately so that society can return to normal as soon as possible and students can go to school safely. Regarding the education union, which not only failed to condemn the violent protesters but also shifted the blame to the Police, the EDB considered that their attitude was non-compliant with the professional attitude expected of educators.

The EDB called on students again to stay at home and not to wander in the streets. They should stay away from danger and must not participate in any unlawful activities.

The EDB will continue to monitor the latest developments tomorrow and the following days, and provide schools with timely advice and support. The bureau thanked again all educators for their commitment to work.

LCQ21: Death cases handled 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 13):

Question:

Will the Government inform this Council:

(1) of the following information in respect of each of the death cases (including dead body found cases) handled by the Police during the period from June 12 to September 30 this year (set out in a table):

- (i) the date, time and location of receipt of the case by the Police,
- (ii) the gender and age of the deceased,
- (iii) whether the identity of the deceased has been confirmed,
- (iv) whether the Police has notified the family members of the deceased,
- (v) whether the deceased died in official custody,
- (vi) whether the deceased had any record of arrest within three months before death,
- (vii) the category under which the case is classified,
- (viii) whether there were suspicious circumstances surrounding the cause of death, and
- (ix) whether investigation of the cause of death has been completed; and

(2) of the respective numbers of fatal suicide cases and dead body found cases during (i) the aforesaid period and (ii) the same period last year, with a breakdown by the age group (each group covering five years) to which the deceased belonged?

Reply:

In accordance with section 10 of the Police Force Ordinance (Cap 232), the duties of the police force include assisting coroners to discharge their duties and exercise their powers under the Coroners Ordinance (CO) (Cap 504).

In accordance with section 9(1) of CO, a coroner may investigate a reportable death or any other death of a person which the coroner considers should be investigated in the public interest. Section 9(2) specifies that the purpose of such an investigation shall be to investigate the cause of and the circumstances connected with the death of a person.

As prescribed under CO, there are 20 types of reportable deaths including deaths caused by suicide, an accident or injury as well as crime or suspected crime. In accordance with section 4(1) of CO, where a death comes to the knowledge of a person under a duty to report deaths (including a police officer), he shall report it to the coroners as soon as possible.

In accordance with section 14(1) of CO, where a person dies suddenly, by accident or violence or under suspicious circumstances, a coroner shall hold an inquest into the death. According to section 27 of CO, the purpose of the inquest shall be to inquire into the cause of and the circumstances connected with the death. For that purpose, the proceedings and evidence at the inquest shall be directed to ascertaining the following matters in so far as they may be ascertained, which include the identity of the dead person; how, when and

where the person came by his death; and the conclusion of the coroner/jury concerned as to the death.

Our consolidated reply to Hon Hui Chi-fung's questions is as follows:

(1) and (2) In handling every death case, the Police report to the coroner's court in strict compliance with the law and guidelines. The Police will investigate every reportable death and submit to the coroners an initial investigation report together with a post-mortem report prepared by a clinical pathologist or forensic pathologist. Where the coroners consider that further investigation of the death is required, the Police will investigate further and submit a more detailed death investigation report. Upon perusal of the relevant report, and upon considering all the circumstances of the case, the coroner will consider whether to hold an inquest into the death.

The Police maintain their professionalism in investigating each of the death cases and follow it up in a meticulous manner. In fact, as indicated in the Coroners' Report 2018, the Coroners recognised the performance of the police investigators and that their standard of conducting investigation into every incident of death was very high, as was their reports.

Based on Police's initial classification at scene, the number of suicide reports (including person found hanging or felt from height), and dead body found and death before or on arrival to hospitals reports (including cases of uncertain cause of death at scene) received by the Police between June and September 2019, as compared with the same period in the past four years, are listed below:

Between June to September	Suicide (including cases of person found hanging or fallen from height)(Note 1)	Dead body found, death before or on arrival to hospitals (including cases of uncertain cause of death at scene)(Note 2)
2019	256	2 537
2018	222	2 226
2017	250	2 407
2016	235	2 161
2015	216	2 159

Note 1: based on Police's initial classification.

Note 2: cases may be reclassified upon conclusion of the investigation, including reclassifying them as suicide reports.

The above figures do not include reports by persons who have a duty to report deaths to coroners, and the relevant cases are eventually being concluded as suicide cases by the coroners. The Police do not maintain other

breakdown statistics as mentioned in the question.

LCQ9: New measures to support enterprises

Following is a question by the Hon Jimmy Ng and a written reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (November 13):

Question:

In August 2018, the Government rolled out enhancement measures for the "Dedicated Fund on Branding, Upgrading and Domestic Sales" (BUD Fund) and the "SME Export Marketing Fund" (EMF) to help enterprises open up new markets. In August this year, the Government announced the introduction of new support measures, including the injection of funding into the two funds and, at the same time, raising the funding ceilings of such funds for individual enterprises with a view to assisting local enterprises (especially small and medium enterprises (SMEs) in facing up to economic adversities. Quite a number of SME proprietors have expressed concern about the success rate and the time taken for the vetting and approval of the funding applications concerned. In this connection, will the Government inform this Council:

(1) regarding the ASEAN Programme and the Mainland Programme under the BUD Fund respectively, (i) of the numbers of applications received since the launch of the enhancement measures, (ii) among such applications, the respective to-date numbers of those approved, rejected, the vetting and approval of which is still in progress and withdrawn, (iii) the average time taken for the vetting and approval of each approved application, and (iv) the average amount of funds granted to each approved application;

(2) whether it will consider further extending the geographical scope for the subsidy of the Enterprise Support Programme under the BUD Fund to encompass all the countries and regions along the "Belt and Road", or even eliminating the geographical limitation; if so, of the details; if not, the reasons for that;

(3) given that the Trade and Industry Department (TID) has indicated on its website earlier on that as there has been a significant increase in the number of EMF applications received recently, the vetting and approval of some of the applications may not be able to be completed within the target time of 30 working days as set out in its performance pledge, of the number of EMF applications received by TID in each of the past three years, the average time taken for the vetting and approval of each application, and among such applications, the number of those the vetting and approval of

which was completed within the target time;

(4) as some SME proprietors have anticipated that with the launch of the new support measures, the numbers of funding applications received by the two funds will increase, whether the Government will allocate additional resources to correspondingly increase the manpower for the vetting and approval of the applications, so as to avoid the time taken for vetting and approval of the applications from lengthening; if so, of the details; if not, the reasons for that;

(5) as it is currently provided under the two funds that the maximum amount of grant for each item will be 50 per cent of the total approved expenditure incurred by such item, whether the Government will raise that ceiling percentage; if so, of the details; if not, the reasons for that; and

(6) given that the Finance Committee of this Council currently has a backlog of a number of outstanding funding applications for its consideration, whether the Government will re-arrange the agendas of the meetings of the Committee so as to prioritise the funding applications relating to the new support measures for consideration, so that SMEs can benefit from these measures expeditiously?

Reply:

President,

In response to the question raised by the Hon Jimmy Ng, having consulted the Financial Services and the Treasury Bureau, our reply is as follows:

(1) In August 2018, the Government injected \$1.5 billion into the Dedicated Fund on Branding, Upgrading and Domestic Sales (BUD Fund), extended its geographical coverage from the Mainland to also include the Association of Southeast Asian Nations (ASEAN) markets, and increased the cumulative funding ceiling per enterprise from \$500,000 to \$2 million (including \$1 million under the ASEAN Programme and \$1 million under the Mainland Programme).

Since the implementation of the enhancement measures, the number of applications received and the funding amount approved respectively increased by over 120 per cent and 210 per cent year-on-year from the fourth quarter of 2018 to the third quarter of 2019, a testimony to the effectiveness of the measures in supporting enterprises. Detailed figures are as below:

	BUD Fund	
	ASEAN Programme	Mainland Programme
No. of applications received (Note)	525	1 278
Including –		
withdrawn	84	235
being processed	202	405

No. of applications approved (Note)	188	559
No. of applications rejected (Note)	105	280
Total funding amount of approved applications (in \$ million)	113.4	323.2
Average funding amount of each approved application (in \$ million)	0.603	0.578

Note: Applications received may not be processed within the same quarter.

Since 2017, the Trade and Industry Department (TID) has included in its Controlling Officer's Report a target on the time required for processing BUD Fund applications; and has been able to achieve the target for all BUD Fund applications since then, i.e. to complete the initial processing of applications, and where necessary, ask the applicant enterprises to provide supplementary information, within 60 working days after the application deadline of each quarter, for formal submission to the Programme Management Committee (PMC) for vetting.

To expedite the vetting process, starting from the fourth quarter of 2018, the PMC has been approving straightforward cases by circulation. To further shorten the processing time, more applications will be submitted to the PMC for vetting by circulation as far as possible. The TID will also enhance the workflow and process applications as soon as possible instead of by batches on a quarterly basis.

(2) The 2019-20 Budget has proposed injecting another \$1 billion into the BUD Fund and further extending the geographical coverage of the BUD Fund to include all economies with which Hong Kong has signed Free Trade Agreements (FTAs), now and in future, such that Hong Kong enterprises can take full advantage of the FTA network, including enhanced legal certainty and better market access conditions for trade in goods and services, to explore new markets and new business opportunities.

Under the proposed enhancement measures, the geographical coverage of the BUD Fund will be increased from 11 economies currently, i.e. the Mainland and the ASEAN, to a total of 20 economies, including also New Zealand, the European Free Trade Association (comprising Iceland, Liechtenstein, Norway and Switzerland), Chile, Macao, Georgia and Australia, which is a significant expansion compared with the previous coverage. The geographical coverage of the BUD Fund will also be further extended upon Hong Kong's signing of FTAs with more economies in future. The Government will seek funding approval from the Finance Committee (FC) of the Legislative Council (LegCo) with a view to implementing the enhancement measures in the first quarter of 2020.

The Government considers it more practical and prudent to implement the proposed measures, taking into account the implementation progress, responses

of enterprises, etc., before further considering other enhancements or expanding the geographical coverage of the BUD Fund.

Enterprises that wish to explore overseas markets may also make use of the SME Export Marketing Fund (EMF) for export promotion in other markets outside Hong Kong.

(3) In August 2018, the Government injected \$1 billion into the EMF and implemented enhancement measures, including doubling the cumulative funding ceiling per SME to \$400,000 and doubling the funding ceiling per application to \$100,000. Since launching the enhancement measures, the number of applications received under the EMF has increased significantly. In view of this, the TID, through an announcement on the EMF website in June 2019, notified applicant enterprises in advance that some applications may take longer to process.

From 2016 to 2018, the number of applications received under the EMF was 11 387, 10 895 and 11 757 respectively. For 2019, 11 106 applications were received up to end September. During that period, all applications were processed within the performance pledge of 30 working days, provided that the applicant has submitted all the required information at the time of application.

(4) To assist enterprises in embracing the challenges of the external economic environment and enhancing their resilience in the prevailing economic environment, the Government announced in August and September 2019 a series of measures to support the trade, including injecting \$2 billion into the BUD Fund (comprising the above-mentioned enhancement measures announced in the 2019-20 Budget and those by the Financial Secretary in August 2019), so as to extend the geographical coverage of the BUD Fund to all economies with which Hong Kong has signed FTAs, now and in future, and increase substantially the cumulative funding ceiling per enterprise to \$4 million; as well as injecting \$1 billion into the EMF to double the cumulative funding ceiling for each enterprise to \$800,000, etc. The Government will seek funding approval from the FC of LegCo with a view to implementing the enhancement measures in the first quarter of 2020.

The Government envisages that, upon implementing the above proposed enhancement measures, the number of applications received under the two funding schemes will again increase noticeably, and the workload on vetting of applications and monitoring of funded projects will also increase correspondingly. The Hong Kong Productivity Council (HKPC) which operates the BUD Fund for the Government will increase its manpower to handle the anticipated workload upon implementing the enhancement measures. The relevant budget has been reflected in the implementation fees to be disbursed by the Government to HKPC. The TID has also been gradually redeploying its internal resources to cope with the increased workload of the two funding schemes. The TID will continue to closely monitor the implementation progress of the funding schemes and seek additional manpower resources through the established mechanism when necessary.

(5) The BUD Fund and the EMF currently provide funding on a matching basis. The Government will fund a maximum of 50 per cent of the total approved expenditure of individual project and enterprises have to contribute no less than 50 per cent of the total approved project expenditure in cash. The funding is provided on a matching basis to ensure that the funded enterprises have genuine intention and plan, and are willing to devote resources in developing brands, upgrading and restructuring operations and expanding sales markets, as well as undertaking appropriate export promotion activities. This, in turn, will ensure a prudent use of public money and avoid abuse. The Government considers that the current practice strikes an appropriate balance.

In order to reduce the costs of enterprises in using the BUD Fund, the Government has introduced an enhancement measure to fund in full the audit fee of approved projects (capped at \$10,000 per audit and accounted for under the enterprises' funding ceiling). The Government has also further reviewed the operation of the two funding schemes and plan to provide applicants of the BUD Fund and the EMF with up to 75 per cent of the approved government funding as initial payment to alleviate the liquidity burden on enterprises at project launching.

(6) In considering the proposed agenda for the meetings of the FC, the Government will take into account various factors, including the readiness and relative priority of the proposed items, and the progress of deliberation by the FC, etc. In the 2019-20 legislative session, the Government will continue to work closely with the FC, so that the proposed items which are beneficial to people's livelihood can be handled and approved in a timely manner.

LCQ2: Procedural issues of Police's handling of arrestees

Following is a question by the Hon Wu Chi-wai and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (November 13):

Question:

It has been reported that since June this year, the Police have arrested several thousand demonstrators during a number of demonstrations. Some arrestees had been detained for a period longer than 48 hours, the limit prescribed by law, before they were brought before a magistrate or released. Furthermore, a 13-year-old boy was not accompanied by any parent or guardian, nor was he informed of his rights, when he made a statement. Regarding the procedural issues of the Police's handling of such arrestees, will the

Government inform this Council:

(1) of the total number of persons arrested since June this year, with a tabulated breakdown by age group (i.e. under 14 years old, 14 to 15 years old, 16 to 17 years old, 18 to 30 years old, 31 to 50 years old, and above 50 years old) and duration of detention (i.e. less than 12 hours, 12 to 24 hours, 25 to 48 hours, and more than 48 hours);

(2) of the respective numbers of persons arrested for the first time who, at present, have been released unconditionally, released on bail pending further enquiries, released unconditionally after declining to enter into further bail, and charged, as well as are in other situations, with a tabulated breakdown by the aforesaid age groups; and

(3) of the respective numbers of cases in which the arrestees under 16 years old and other arrestees experienced the following situations (set out in a table): not being informed of the reasons for the arrest when the arrest was made, not having been informed of their rights before they were questioned, not having been informed of their right to silence before they made a statement and, for those arrestees under 16 years old, not being accompanied by any parent or guardian when they made a statement?

Reply:

President,

Members of the public enjoy the freedom of expression, speech and assembly but they must do so peacefully and lawfully. If any unlawful act occurs, the Police have a statutory responsibility to take enforcement actions to maintain public safety and public order. Since early June this year, there have been over 700 public demonstrations, processions and public meetings staged in Hong Kong. Many of them have eventually turned into violent illegal activities. In the past five months or more, on many occasions, rioters engaged in serious illegal acts such as blocking the roads, paralysing the traffic, throwing petrol bombs and setting fires at various locations, throwing bricks, vandalising and burning the shops and MTR and Light Rail facilities, etc, which posed serious threats to personal safety, public order and public safety.

Section 50(1) of the Police Force Ordinance (Cap. 232) empowers police officer to apprehend any person who he reasonably believes will be charged with or whom he 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 any person is arrested by the Police, the police officer will, as soon as possible, inform him of the fact that he 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. He will then be handed over to an investigation team for investigation. After the completion of the 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. The arrestee generally will not be detained over 48 hours.

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

(1) and (2) There have been ongoing demonstrations, protests and violent conflicts in Hong Kong since June 9. As at October 31, the Police arrested a total of 3 001 persons, aged between 12 and 83. Among them, one-third are students, 430 persons (or 14.3 per cent) are aged under 18. The offences involved include "taking part in a riot", "unlawful assembly", "wounding", "assault occasioning actual bodily harm", "common assault", "arson", "criminal damage", "assaulting police officer", "obstructing a police officer in the execution of his duty", "in possession of offensive weapons", "the use of facial covering in public meetings", etc. Regarding questions about the age of the arrestees, the number of arrestees being released unconditionally, the number of cases that are still under investigation, and the number of cases that have already entered into legal proceedings, we can see the related statistical figures at Annex 1. The Police do not maintain the statistics on the duration of detention of the arrestees.

(3) The Police have put in place clear guidelines on handling child or juvenile arrestees for ensuring their rights and welfare. According to the Police General Orders, the Police should, when arresting a child or young person, take all reasonable procedures to inform his parents or guardian. The Police will, as far as reasonably practicable, request an "appropriate adult" to accompany the arrested child or young person at the police station when questioning him. An "appropriate adult" refers to:

(i) a relative, guardian or other person responsible for care or custody of the arrestee;

(ii) someone who has experience of handling a person with a particular special need but who is not a police officer nor employed by the Police; or

(iii) failing either of the above, some other responsible adult who is not a police officer nor employed by the Police.

The Police will arrange an "appropriate adult" for the arrestees according to the established procedures and guidelines. The Police do not maintain the information requested in the question.

Every "appropriate adult" will be issued a Notice to "Appropriate Adult" for Person Assisting/Under Police Enquiry/In Police Custody who is Mentally Incapacitated or Aged Under 16 ("Notice to Appropriate Adult"). The Notice to Appropriate Adult will state the roles and responsibilities of an appropriate adult so as to help them understand how they can provide appropriate support to the arrestees.

Before conducting a custody search on a detainee under the age of 16, the Duty Officer will ensure the presence of an "appropriate adult" aged 18 or above and of the same gender as the person being searched. The Police will ensure that male and female arrestees are not detained in the same temporary holding area, while adults should be detained separately from juveniles and children.

The Police always strive to protect the privacy and rights of detainees. The fundamental rights of children and juveniles under detention are the same as other detainees, which include the rights to seek legal assistance, communicate with a relative or friend, receive copies of written record under caution, be provided with food and drink, seek medical attention, etc. The rights of a detainee are clearly stated in the notice issued by the Police to every detainee in police custody or involve in police enquiries.

The Police do not maintain the relevant statistics mentioned in the question.

Thank you, President.

Tender awarded for site in Kai Tak

The Lands Department announced today (November 13) that the tender for a site, New Kowloon Inland Lot No. 6554 at Kai Tak Area 4A Site 2, Kai Tak, Kowloon, has been awarded to the highest tenderer, Ultra Keen Holdings Limited (parent company: China Overseas Land & Investment Limited, Henderson Land Development Company Limited, K. Wah International Holdings Limited and Wharf Development Limited), on a 50-year land grant at a premium of \$15,952,900,000.

The tenderers, other than the successful tenderer, in alphabetical order, with the name of the parent company where provided by the tenderer in brackets, were:

- (1) Citypoint Investment Limited (CK Asset Holdings Limited);
- (2) Dynasty Asia Limited (Sino Land Company Limited, Great Eagle Holdings Limited and Chinese Estates Holdings Limited); and
- (3) Fair Opal Limited (Sun Hung Kai Properties Limited).

New Kowloon Inland Lot No. 6554 has a site area of about 18,353 square metres and is designated for non-industrial (excluding office, godown, hotel and petrol filling station) purposes and Government Accommodation, being a residential care home for the elderly cum day care unit for the elderly, a centre for integrated home care services team, four small group homes, a day care centre for the elderly, a neighbourhood elderly centre, an integrated vocational rehabilitation services centre and a hostel for moderately

mentally handicapped persons. The minimum gross floor area is 67,172 sq m and the maximum gross floor area that may be attained is 111,953 sq m. Both include the gross floor area of Government Accommodation to be constructed by the purchaser.