

West Kowloon Smart Identity Card Replacement Centre closed at 5.30pm

The Immigration Department announced today (November 13) that due to special incidents occurring in Mong Kok, the West Kowloon Smart Identity Card Replacement Centre was closed at 5.30pm.

Hong Kong Customs mounts special operation against unfair trade practices by fitness centres

Hong Kong Customs has mounted a special operation codenamed "Tornado" since the end of last year against unfair trade practices by fitness centres. Customs officers conducted the fourth phase of the enforcement operation from November 4 to today (November 13). Five persons were arrested after being suspected of having engaged in aggressive commercial practices in the course of selling fitness services in contravention of the Trade Descriptions Ordinance (TDO). Around \$130,000 is involved in the service contracts.

Customs officers earlier received information alleging that staff members of a fitness centre in Mong Kok imposed undue influence and used aggressive commercial practices when selling fitness services to customers, forcing them to procure a fitness club membership.

Subsequent to an in-depth investigation, Customs officers took enforcement actions and arrested five men. Aged between 22 and 26, they comprise one director and four salespersons of the fitness centre.

The operation is ongoing.

Up to today, 19 persons have been arrested during the "Tornado" operation after engaging in aggressive commercial practices in the course of selling fitness services in contravention of the TDO. The arrested persons, aged between 21 and 43, comprise four directors and 15 salespersons of the fitness centres. A total of about \$1.9 million is involved in the service contracts.

Customs reminds traders that they must comply with the requirements of the TDO. Consumers are also reminded to procure services from reputable shops.

Under the TDO, any trader commits an offence of engaging in aggressive

commercial practices if harassment, coercion or undue influence is used to impair a consumer's freedom of choice or conduct, causing the consumer to make a transactional decision. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for five years.

Stressing its priority given to consumer rights protection and zero tolerance for unfair trade practices, Hong Kong Customs pledges that it will continue its stringent enforcement actions against such practices by fitness centres.

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Members of the public may report any suspected violations of the TD0 to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).

LCQ5: Application of artificial intelligence and protection of personal data privacy

Following is a question by the Hon Charles Mok and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Patrick Nip, in the Legislative Council today (November 13):

Question:

It has been reported that the Hong Kong Police Force acquired systems with facial recognition function several years ago. Some members of the public are worried that the extensive collection and use of facial images and other biometric data by government departments, together with integration of the data from various databases, will enable the creation of personal data profiles or credit scoring systems. On the other hand, foreign countries have put in place legislation to regulate the application of biometric data to prevent members of the public from being subject to excessive monitoring, so as to protect human rights, including privacy. In this connection, will the Government inform this Council:

(1) whether it has studied if the following acts constitute an infringement upon privacy rights comparable to that of interception of communications and covert surveillance: tracking, monitoring and recording the movement and location of a data subject without his/her consent and profiling of personal data through integrating the big data collected from the public domain; if it has studied and the outcome is in the affirmative, whether the Government will (a) widen the definition of "covert surveillance" under the Interception of Communications and Surveillance Ordinance, thereby subjecting law enforcement agencies, in their applying facial recognition and related

artificial intelligence (AI) technologies, to the requirement of obtaining authorisation and to the oversight of the Commissioner on Interception of Communications and Surveillance, and (b) prohibit law enforcement agencies from applying such technologies before the law is amended; if so, of the details; if not, the reasons for that;

(2) whether, in reviewing the Personal Data (Privacy) Ordinance, it will make reference to the European Union General Data Protection Regulation and introduce regulation on "automated decision making" and personal data profiling, to the effect that a data subject has the right to object to his/her personal data being used in "automated decision making", and the right to demand from public and private organisations an explanation on the criteria adopted for making the relevant decisions, so as to ensure that the application of facial recognition systems and AI is consistent with the principles of transparency, fairness and respect for human rights; if so, of the details; if not, the reasons for that; and

(3) whether, in formulating the Smart City Blueprint for Hong Kong 2.0, it will establish guiding principles relating to the ethical standards and privacy protection in respect of AI and data application, and make it mandatory for the Government to assess the human rights implications and pass through an independent ethical scrutiny in its research and development as well as procurement of data analysis-related technologies (including facial and image recognition), and to explain to the affected persons the operating principles of the relevant technologies before applying them, so as to reduce the adverse impacts as far as possible; if so, of the details; if not, the reasons for that?

Reply:

President,

My reply to the different parts of the question raised by Hon Charles Mok, based on the information provided by the Security Bureau, the Innovation and Technology Bureau (ITB) and the Office of the Privacy Commissioner for Personal Data (PCPD), is as follows:

(1) The Interception of Communications and Surveillance Ordinance (ICSO) provides a stringent statutory framework for regulating the conduct of interception and covert surveillance operations by law enforcement agencies (LEAs). Since its implementation in 2006, the ICSO has all along been effective in supporting the operations of LEAs, while striking a balance between maintaining law and order and protecting the privacy rights of individuals.

As to LEAs, any operation that constitutes a covert surveillance operation under the ICSO must be authorised by a panel judge or a designated authorising officer. All applications for authorisation must meet the stringent conditions as prescribed in the ICSO, i.e. the operation must be for the purpose of "preventing or detecting serious crimes or protecting public security", and must meet the "proportionality" and "necessity" tests. Moreover, each stage of the authorised operation is subject to

stringent control under the ICSO. The Commissioner on Interception of Communications and Surveillance also monitors the implementation of various requirements under the ICSO by the LEAs concerned.

(2) Alongside with the rapid development of information technology, technological advancement in artificial intelligence (AI), machine learning and other fields has made it easier for organisations to replace human decision-making with "automated decision-making" technology. According to the General Data Protection Regulation of the European Union, a data subject shall have the right to opt not to be subject to a decision based solely on "automated processing", including "profiling", which produces legal effects concerning or similarly significantly affects him or her, save for a few exemptions. From the perspective of safeguarding personal data privacy, personal data privacy is one of the factors for consideration in regulating "automated decision-making". Given that the Personal Data (Privacy) Ordinance (PDPO) is a technology-neutral legislation, data users shall comply with the Data Protection Principles (DPPs) under the PDPO, including the principles governing the purpose of data collection, data security and data use, regardless of the type of technology used to process personal data. The use of personal data in "automated decision-making" shall also be bound by these DPPs. For instance, data subjects should be notified of the purpose(s) of data collection, such as processing by "automated decision-making", before or during personal data collection. In the PCPD's practical recommendations for data users regarding Privacy Impact Assessment, data users are encouraged to assess the impact of relevant personal data policies and procedures on personal data privacy, and the scope of the assessment should cover data processing cycle analysis and how to avoid or reduce privacy risks, etc. In light of the development of new technologies, the PCPD has provided specific guidelines for various sectors. For instance, in the information leaflets on Fintech previously issued by the PCPD, organisations are advised to develop transparent privacy policies and practices when using big data analytics to assess individuals' financial standing for the purpose of credit scoring, including to inform data subjects their rights with respect to their personal data (such as the right to be informed of the purpose(s) of data collection, and that of data access and correction).

(3) The Smart City Blueprint for Hong Kong (the Blueprint), published by the ITB in 2017, has set out the vision to build Hong Kong into a world-leading smart city. It has put forward more than 70 initiatives under six smart areas, covering the building of digital infrastructure to promote smart city development, service provision by the Government and public organisations, as well as supporting measures to encourage the participation of public and private sectors in building a smart city. The Blueprint is the strategic document for the overall smart city development in Hong Kong. In the course of formulating and implementing various specific measures in the Blueprint, relevant policy bureaux and departments (B/Ds) have to ensure that the implementation and operational details are in compliance with applicable laws and regulations, including relevant provisions for protecting personal data privacy, and to seek timely advice from the Privacy Commissioner for Personal Data. The dedicated Smart City Portal (www.smartcity.gov.hk) also provides channels for members of the public to voice out their opinions and

suggestions.

The ITB is now conducting relevant review in conjunction with various B/Ds, with a view to releasing the Smart City Blueprint for Hong Kong 2.0 (Blueprint 2.0) in 2020. In formulating the Blueprint 2.0, the Office of the Government Chief Information Officer (OGCIO) will arrange public engagement activities (such as focus groups) and exchanges with the industries in order to gauge views from the industries and the public on various important issues, such as exploring how to enhance information security and protect personal data privacy when adopting different technologies.

With reference to the latest development in other places, the OGCIO has planned to commence a study in 2020 to work out a set of technical guidelines on the application of AI and big data analytics for internal adoption within the Government, including the handling of ethical and privacy issues arising from such application, in order to assist government departments in planning and applying emerging technologies like AI and big data analytics. The OGCIO will liaise closely with the PCPD in the course of the study.

Thank you, President.

LCQ3: Deploying police dogs to assist in handling demonstrations

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

Question:

Since June this year, the Police have deployed on a number of occasions police dogs to assist in the handling of demonstrations. While the police officers all wore gas masks when firing tear gas rounds to disperse demonstrators, the police dogs at the scene had no protective gear. Some members of the public are concerned that tear gas is hazardous to the health of the police dogs. In this connection, will the Government inform this Council:

(1) of the number of in-service police dogs which died of unnatural causes in each of the past three years;

(2) of the number of occasions since June this year on which the Police deployed police dogs for handling demonstrations; among such occasions, the number of those involving the firing of tear gas rounds at the scene of the demonstrations, and the number of police dogs which fell sick after carrying

out duties and were treated by veterinary surgeons; and

(3) whether the Police will consider not to deploy police dogs to carry out duties at demonstrations again; if so, of the details; if not, the reasons for that?

Reply:

President,

Members of the public enjoy the freedom of expression, speech and assembly but they must do so peacefully and lawfully. The Police have been facilitating the conduct of peaceful, orderly and lawful public order events while fulfilling their statutory duty of maintaining public safety and public order. The Police will, after assessing the situation at the scene, make professional judgement and take appropriate actions to maintain law and order and public peace.

Since early June this year, there have been over 700 public demonstrations, processions and assemblies, among which many have ended up in violence. Rioters have committed various unlawful acts, such as blocking roads, setting fire, charging police cordon lines, throwing bricks, hurling petrol bombs, violently assaulting police officers, vandalising MTR and Light Rail facilities as well as traffic lights, damaging shops, assaulting others with different views wantonly and committing arson. The Police must take actions for bringing rioters to justice or dispersing those rioters to control the situation, with a view to restoring public safety and public order as soon as possible.

Tear gas is used to stop violent radicals at the scene from charging police cordon lines or continuing with their other violent acts, creating a safe distance and minimising physical scuffles for avoiding serious injuries. People gathered should leave the scene immediately when tear gas is being used. Generally speaking, people inhaling tear gas would have temporary burning sensation to the skin and eyes and stimulation to the nose and throat. One could recover within a short period of time after leaving the place affected by tear gas.

Similar to other modern police forces overseas, the Police deploy police dogs as appropriate to assist in law enforcement. Police dogs could help police officers handle violent acts, unlawful assemblies, disruption of public order, etc. Specific tasks of police dogs under such circumstances usually include assisting frontline police officers to deal with violent and harassing acts, reinforcing police cordon lines and guarding specific buildings or locations. During police dispersal of unlawfully assembled crowds, police dogs could effectively deter illegal acts by breachers of public peace at the scene.

My reply to the various parts of Hon Kwong's question is as follows:

(1) No in-service police dogs died of unnatural causes in the past three

years.

(2) and (3) As mentioned above, upon risk assessment of a public order event and the situation at the scene, the Police will, as one of their deployment actions, send police dogs to the scene as appropriate to assist frontline officers in law enforcement.

Police dogs are vigorously trained and receive regular health checks to ensure that they have good nutrition and sufficient rest, and are physically fit to perform duties assigned by the Police. In general, police dogs are deployed to work at emergency units and police districts. They work closely with various frontline squads during police operations for maintaining public and social order and handling emergency situations.

The Police do not have the number of occasions since June this year on which the Police deployed police dogs for handling public demonstrations, processions, assemblies, etc. The Police have not received from handlers reports of their dogs falling sick after carrying out duties during operations in recent months.

The Police pay great attention to the health of police dogs and their working environment. Led by dedicated handlers on a one-to-one basis, police dogs are trained to obey orders from their handlers who build a strong bonding with them by attending to all their needs.

Constantly looking after and paying attention to the physical health and needs of police dogs, handlers will arrange immediate check and treatment by veterinary surgeons once their dogs are found felling unwell. In fact, all members of the Police Dog Unit are very concerned about the health condition of their dogs. During and after operations, they will pay immediate attention to the physical reactions of their dogs and give them appropriate care. Members of the Police Dog Unit will also attend to the various physiological needs of the dogs. Apart from arranging veterinary surgeons to follow up on police dogs that are sick, handlers will maintain close contact with the Agriculture, Fisheries and Conservation Department and other relevant departments to ensure the health of police dogs.

Thank you, President.

[Hong Kong and Guangdong sign framework agreement related to co-operation on agricultural matters \(with photo\)](#)

To actively implement the Outline Development Plan for the Guangdong-

Hong Kong-Macao Greater Bay Area, and to strengthen the exchange and co-operation between Guangdong and Hong Kong and promote high quality agricultural development in the Greater Bay Area, the Director of Agriculture, Fisheries and Conservation, Dr Leung Siu-fai, and the Director-General of the Department of Agriculture and Rural Affairs of Guangdong Province, Mr Gu Xingwei, signed a framework agreement on the co-operation in agricultural matters today (November 13).

Under the framework agreement, both sides will co-ordinate their efforts in support of an agricultural project and maintain close contacts with relevant Mainland agricultural authorities on various fronts including actively promoting the development of accredited farms, advancement of the equine industry, sustainable development of fisheries as well as conservation of aquatic resources.

