

## Man convicted of exporting excessive amount of powdered formula

A 32-year-old man was sentenced to two months' imprisonment today (January 16) at Fanling Magistrates' Courts for exporting an excessive amount of powdered formula, in contravention of the Import and Export (General) (Amendment) Regulation 2013 (the Amendment Regulation).

Customs officers inspected an outgoing private car at Man Kam To Control Point yesterday. Twenty-four cans of powdered formula weighing 21.6 kilograms in total with an estimated market value of about \$6,700 were seized on board the vehicle. The male driver of the private car was then arrested.

Under the Amendment Regulation, it is an offence to export powdered formula, including milk powder and soya milk powder, for infants and children under 36 months without a licence. To allow a reasonable quantity for personal use, the prohibition does not apply to powdered formula not exceeding 1.8kg in total net weight that is exported in the accompanied personal baggage of a person leaving Hong Kong. However, the person must be aged 16 or above and must not have left Hong Kong in the last 24 hours. The maximum penalty upon conviction is a fine of \$500,000 and imprisonment for two years.

Customs reminds members of the public and outbound travellers to observe the Amendment Regulation effective since March 1, 2013.

Members of the public may report any unlicensed export of powdered formula to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account ([crimereport@customs.gov.hk](mailto:crimereport@customs.gov.hk)).

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## LCQ2: Stepped-up efforts to handle non-refoulement claims efficiently

Following is a question by the Dr Hon Priscilla Leung and a reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (January 16):

Question:

It has been reported that in recent years, quite a number of people commonly known as "bogus refugees" lodged torture claims or non-refoulement claims (claims) under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment immediately upon their arrival in Hong

Kong. While their claims are being processed by the Immigration Department, they take up illegal employment in Hong Kong, and even engage in criminal activities such as drug trafficking, possession of arms and armed conflicts, which pose a threat to the law and order of Hong Kong. In this connection, will the Government inform this Council:

(1) whether it will step up the law enforcement efforts for combating crimes committed by bogus refugees, including deploying additional police officers to patrol the black spots of crimes committed by them; if so, of the details; if not, the reasons for that;

(2) as the Government has plans to amend the Immigration Ordinance to implement measures to prevent claimants from delaying the screening and repatriation procedure, whether the Government will concurrently make new provisions for removing the incentives for bogus refugees to come to Hong Kong; if so, of the details; if not, the reasons for that; and

(3) whether it will consider converting the defunct Vietnamese boat people detention centres on Tai A Chau and Green Island into transit centres for claimants, as well as immediately repatriating those claimants who have completed their sentence terms for criminal offences to their places of origin; if so, of the details; if not, the reasons for that?

Reply:

President,

The Hong Kong Special Administrative Region (HKSAR) Government has been operating the Unified Screening Mechanism since March 2014 to screen torture claims lodged under the Immigration Ordinance and non-refoulement claims lodged on applicable grounds, including the risk of cruel, inhuman or degrading treatment or punishment as referred to in the Hong Kong Bill of Rights pursuant to the relevant rulings of the Court of Final Appeal (CFA), etc.

The HKSAR Government is very concerned with problems arising from non-refoulement claimants. To solve such problems, the Security Bureau (SB) commenced a comprehensive review in 2016 and has been, via various measures, expediting the screening of claims, combating entry of illegal immigrants and their unlawful stay in Hong Kong, as well as preventing the abuse of the screening mechanism.

Overall speaking, the Immigration Department (ImmD) has achieved very good results in speeding up the screening of claims. As at the end of 2018, only about 540 claims were pending screening by the ImmD, representing a drop of over 90 per cent as compared with the peak. The ImmD anticipates that screening of all pending claims can be completed within the first quarter of this year.

Besides, efforts against the smuggling of illegal immigrants and the online pre-arrival registration requirement for visitors from the major

source country of overstayers have also yielded positive results. The numbers of non-ethnic Chinese (NEC) illegal immigrants and non-refoulement claims have decreased significantly by 80 per cent as compared with the peak.

Next, the HKSAR Government has to ensure that appeals can be processed as soon as practicable, and that claimants whose claims and appeals have both been rejected will be removed to their countries-of-origin at the earliest.

We are also considering legislative amendments to plug the existing loopholes, with a view to improving the screening procedures in the long run, preventing various delay tactics and expediting the completion of every case, while at the same time strengthening the powers of the ImmD in removal, detention and enforcement as appropriate, so as to avoid a rebound in the number of claims and processing time. Plugging the relevant loopholes will help solve the various long-standing social problems (including security risk) caused by non-refoulement claimants.

My reply to the various parts of Dr Hon Priscilla Leung's question is as follows:

(1) The Government has been monitoring the situation of crimes committed by NEC persons (including non-refoulement claimants) and their taking part in triad activities in Hong Kong. The Police have been deploying manpower to step up control according to the crime trends in various districts for prevention and detection of crimes.

To address the related issues in a focused manner, formulate strategies and coordinate enforcement operations, the Police have set up the "Crime Wing Working Group on NEC Involvement in Organized Crime and Triad Activities". Its duties cover monitoring the trend of NEC persons taking part in organized crimes and triad activities; developing strategies for the Police Force; coordinating enforcement operations and enhancing the capability in gathering intelligence.

On combatting crimes at the district level, the Organized Crime and Triad Bureau launched new strategies in 2017 to tackle the problem of NEC persons committing crimes, with emphasis placed on four aspects, namely training, intelligence gathering and sharing, multi-agency cooperation and enhanced enforcement actions.

Besides, the Police have also maintained liaison with local and overseas law enforcement agencies, consulates in Hong Kong and NEC communities, and will take timely actions against any illegal acts, intelligence or trends.

All persons, regardless of their background, nationality or race, shall abide by the law of Hong Kong. The Police will continue to, in accordance with the relevant crime trends and operational needs, formulate effective measures and take targeted actions for maintaining law and order.

(2) It is imperative and important to fundamentally solve the problems relating to non-refoulement claimants through legislative amendments in the

long run. As such, we consulted the Panel on Security in July 2018 and last Tuesday in respect of the proposed amendments under consideration.

Firstly, we have put forward a series of proposals for plugging procedural loopholes and improving the overall screening efficiency, such as requiring claimants to lodge their claims within three months, shortening the statutory time frames for, inter alia, submitting claim forms and filing appeals, and tightening rules on rescheduling requests after absence at interviews or hearings, etc. with a view to minimising the room for claimants to abuse the procedures so that claims can be handled promptly and the rejected claimants can be removed to their countries-of-origin as soon as possible.

In addition, the Government has proposed legislative amendments against unlawful employment, including:

(i) increasing the penalty on overstayers or persons refused landing for taking up unlawful employment by increasing the maximum imprisonment from 2 to 3 years to align with the penalty on illegal immigrants for taking up unlawful employment;

(ii) expanding the coverage of unlawful employment by stipulating that where the employment of illegal worker(s) by a person of a body corporate or a partnership is proved to have been committed with the consent or connivance of, or to be attributable to any negligence on the part of any director, manager, secretary, partner or other similar officer, then that other person commits the like offence;

(iii) increasing the penalty for employing illegal immigrants, overstayers and persons refused landing, etc. by increasing the maximum fine and imprisonment to \$500,000 and 10 years respectively.

It is believed that by expediting screening, plugging procedural loopholes, increasing penalties for taking up unlawful employment and hiring illegal workers, further examining detention strategies which are lawful, feasible and effective, as well as sustaining efforts against smuggling of illegal immigrants and enhancing law enforcement, the incentives for lawbreakers to enter Hong Kong can be effectively eliminated.

(3) We understand the grave concerns in the community over the potential security risk posed by some non-refoulement claimants. As repeatedly emphasized by the Government, we have been actively considering all lawful, feasible and effective measures when dealing with the relevant problems. Regarding the suggestion of setting up reception centres, we will continue to examine the requirements and considerations on detention. Tackling detention-related problems, under the current approach or in other manners, involves a series of elements including land, infrastructure, manpower, resources, management and security, etc. Therefore, a prudent and holistic research has to be conducted before making any decision.

As I explained during the consultation with the Panel on Security last

week, on detention strategies, we are considering legislative amendments to ensure that the ImmD has the lawful and justifiable grounds to detain claimants at different stages of the screening and removal procedures. As such, I hope that the bill to be submitted by the SB will be approved early by the Legislative Council, so as to provide clearer legislation for solving a series of problems that must be addressed, including detention.

Separately, in accordance with the judgment laid down by the CFA in 2012 for the Udamaka case, the Government cannot remove any person, however dangerous or undesirable his conduct is, to another state where he faces a genuine and substantial risk of cruel, inhuman or degrading treatment or punishment. In other words, if a claimant is guilty of any crime or even sentenced to imprisonment, the ImmD still has to complete all the screening procedures (including appeal) before taking removal actions. The SB has already requested the ImmD and the Torture Claims Appeal Board to expedite screening, particularly the screening of claimants with criminal records, so as to complete their screening before the full sentence is served, thus enabling early commencement of repatriation. The ImmD will continue to speed up the removal procedures, including further discussing with governments of major source countries, airlines and other government departments on enhancing the overall removal efficiency, with a view to removing especially the rejected claimants to their countries-of-origin as soon as possible.

Thank you, President.

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## **Tender results of the 10-year Government Bonds under the Institutional Bond Issuance Programme**

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

The Hong Kong Monetary Authority, as representative of the Hong Kong Special Administrative Region Government (HKSAR Government), announces today (January 16) that tender for a 10-year Government Bond (issue number 10GB2901) under the Institutional Bond Issuance Programme was held today.

A total of HK\$1.5 billion 10-year Government Bonds were allocated today. A total of HK\$7.824 billion tender applications were received. The bid-to-cover ratio, i.e. the ratio of bonds applied for to bonds issued, is 5.22. The average price accepted is 98.57, implying an annualised yield of 2.141%.

HKSAR Government Institutional Bond Issuance Programme Government Bond tender results

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Tender results of 10-year Government Bonds under the Institutional Bond Issuance Programme:

Tender Date	: January 16, 2019
Issue Number	: 10GB2901
Stock Code	: 4236 (HKGB 1.97 2901)
Issue and Settlement Date	: January 17, 2019
Tenor	: 10-year
Maturity Date	: January 17, 2029
Coupon Rate	: 1.97%
Amount Applied	: HK\$7.824 billion
Amount Allotted	: HK\$1.5 billion
Bid-to-Cover Ratio*	: 5.22
Average Price Accepted (Yield)	: 98.57 (2.141%)
Lowest Price Accepted (Yield)	: 98.22 (2.181%)
Pro-rata Ratio	: About 23%
Average Tender Price (Yield)	: 97.07 (2.313%)

\*Calculated as the amount of bonds applied for over the amount of bonds issued.

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**LCQ3: Decision on eradicating new**

# types of smoking products

Following is a question by the Hon Shiu Ka-fai and a reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (January 16):

Question:

The Government has decided that it will submit proposed legislative amendments within this legislative session to ban the import, manufacture, sale, distribution and advertisement of new types of smoking products, such as e-cigarettes, heat-not-burn cigarettes. In this connection, will the Government inform this Council:

(1) given that according to an announcement made by Public Health England (PHE) last month, experimental findings have shown that vaping is at least 95 per cent less harmful to the human body than smoking conventional cigarettes, that PHE encourages smokers to switch to e-cigarettes or other quit aids, and that according to a study commissioned by the United Kingdom Government and conducted by the Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment, heat-not-burn cigarettes produce 50 per cent to 90 per cent less substances harmful to the human body as compared with conventional cigarettes, whether the Government has made reference to such experimental and study findings, and whether it conducted similar experiments and studies in the past three years; if it did not conduct such experiments and studies, of the reasons for that;

(2) as an expert study report published by PHE in 2018 has pointed out that there is no evidence that e-cigarettes are acting as a route into smoking for young people, whether the Government commissioned experts in the past three years to conduct similar studies on e-cigarettes and heat-not-burn cigarettes in Hong Kong; and

(3) as the Ministry of Health of New Zealand proposed in 2018 that the policy and legislation on tobacco control of New Zealand be amended by switching from the previous approach of favouring a total ban on the sale of less harmful tobacco products to the approach of protecting children and young people from the harmful effects of tobacco products and concurrently offering smokers the opportunities to switch to less harmful tobacco products (including e-cigarettes and heat-not-burn cigarettes), whether the Government will, by making reference to the policy direction of the New Zealand Government, revise its decision of eradicating through legislation, instead of regulating, new types of smoking products on grounds of protecting public health?

Reply:

President,

To safeguard public health, the Government has made strenuous efforts in tobacco control, and introduced various measures, including the designation and continuous expansion of no-smoking areas, and periodic increases in tobacco duty. With the concerted efforts by the Government and other stakeholders over the years, smoking prevalence among persons aged 15 and above has significantly dropped from over 20 per cent in the 1980s to 10 per cent at present. The Government has also laid down the target of further reducing smoking prevalence to 7.8 per cent by 2025.

In recent years, the emergence of new smoking products such as electronic cigarettes (e-cigarettes) and heat-not-burn (HNB) tobacco products has posed new health risk and challenges. Often packaged as less harmful substitutes with promotion tactics targeted at youngsters and non-smokers, these products open a gateway to the eventual consumption of conventional cigarettes. In fact, these new smoking products are all harmful to health and produce second-hand smoke. There is also a lack of sufficient evidence to prove that they can help quit smoking. The public may underestimate the harmful effects of these products and eventually endorse the smoking image and relevant behaviours once again.

My reply to the various parts of the question raised by Hon Shiu Ka-fai is as follows:

(1) The announcement by Public Health England (PHE) in 2018 that Hon Shiu Ka-fai referred to, that e-cigarettes were less harmful to the human body than conventional tobacco products, was in fact a quotation from a report PHE published in 2015. That conclusion has been criticised time and again by the medical journal *The Lancet*, which pointed out that the research methodology had shortcomings and there might be conflicts of interest. The Committee on Toxicity of Chemicals in Food, Consumer Products and the Environment (COT) of the United Kingdom has meanwhile pointed out in its statement that the aerosol generated by HNB products contains many harmful substances, including carcinogens, and are harmful to the health of anyone using these products. The COT is also concerned that non-smokers using HNB products may get addicted to smoking, and opines that smokers should quit smoking completely rather than switching to these new products.

The Government tested e-cigarettes purchased from the market. The tests detected the presence of formaldehyde, a carcinogen, in the solution and aerosol of many of the samples. The Hong Kong Baptist University also conducted tests in 2015 on the aerosol of e-cigarettes and detected formaldehyde and heavy metals in the tested samples. In 2017, seven samples of HNB products were sent to the Government Laboratory for testing, and nicotine and tar were found in all aerosol samples, and their yields were comparable to some conventional cigarettes available in Hong Kong. All of the test results show that these new smoking products are harmful to health.

According to a large-scale systematic review published by the United States in 2018, there was conclusive evidence that many harmful substances such as carcinogens were contained in e-cigarette aerosol and long-term exposure to these substances could be harmful to health. Several overseas



studies have also found the presence of many other types of harmful substances in e-cigarette aerosol, including heavy metals, carcinogenic tobacco-specific nitrosamines and flavourings.

As HNB products containing real tobacco retain the addictive effect of nicotine, it is believed that such products will be more popular among smokers and persons who want to smoke. Independent or industry-funded studies have found that the aerosol of these products contains harmful substances such as carbon monoxide, tar, nitrosamines and volatile organic compounds. The World Health Organization (WHO) also considers that all forms of tobacco use, including the use of HNB products, are harmful.

Indeed, even though these products may contain less harmful substances than conventional tobacco products, they should not be regarded as less harmful. At present, there is also no safe level of exposure to these harmful substances. Our advice is that members of the public, rather than using these products that are claimed to be less harmful, should quit smoking by using methods that have been proven effective, such as nicotine replacement therapy.

(2) Another study conducted in the United Kingdom in 2018 revealed that there was a strong connection between the use of e-cigarettes and subsequent use of conventional tobacco products. The large-scale systematic review published in the United States in 2018 also pointed out that there was evidence that the use of e-cigarettes would increase the risk of using conventional tobacco products among young people. Studies carried out in other countries, including Sweden, the Netherlands and Canada, also showed evidence of the gateway effect. Therefore, we have to take action before these products become popular in Hong Kong.

(3) As stated in the documents of the Ministry of Health of New Zealand, there are not many independent studies on the impact of these new products on personal health or society. Different countries have different regulatory approaches, and there is no consensus on which approach is the best. As far as Hong Kong is concerned, we must stress that although these new smoking products have been put on the market just for a short period of time, we must avoid what had happened regarding the regulation of conventional tobacco products. The seventh and eighth sessions of the Conference of the Parties to the WHO Framework Convention on Tobacco Control have already proposed that its member countries should regulate (including prohibition or restriction) the manufacture, import, distribution, promotion, sale and use of new types of smoking products in accordance with their national laws for the purpose of providing maximum protection for public health.

Since the Government proposed to legislate for the regulation of new smoking products last year, the medical professions, education sector, parents and many members of the public have expressed concerns, worrying that this will not be adequate to protect public health and will have very negative impact on children and adolescents in particular. There are also more and more studies concluding that these new products are harmful to health. Therefore, with protecting public health as our prime consideration,

the Government will propose legislative amendments to ban the import, manufacture, sale, distribution and advertisement of e-cigarettes and other new smoking products. This will ensure our achievement in tobacco control over the years will not be undermined, and prevent the harm of these new products from taking root.

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## LCQ6: Tackling problems brought about by inbound tour groups to local communities

Following is a question by the Dr Hon Cheng Chung-tai and a reply by the Secretary for Commerce and Economic Development, Mr Edward Yau, in the Legislative Council today (January 16):

Question:

In recent years, a large number of Mainland inbound tour groups have arranged their tour group members to have meals and go shopping in districts such as Tsuen Wan, Tsing Yi, Hung Hom and To Kwa Wan. Some residents in those districts have relayed that visits by tens of thousands of tourists daily have given rise to a number of problems, which include eateries and shops catering for people's daily needs in the districts being replaced by shops dedicated to receiving tourists, traffic obstruction arising from illegal coach parking, as well as environmental hygiene and noise problems caused by tourists littering and yelling on the streets. As a result, the daily lives of the residents have been gravely affected. In this connection, will the Government inform this Council:

(1) of the specific indicators taken into account by the Commerce and Economic Development Bureau in considering whether there is a need to divert the tourists in a certain district to other districts;

(2) as many residents consider that the various government departments have not actively addressed the problem of tourists affecting residents' daily lives, and tackling such problem is not the main duty of the Travel Industry Authority to be set up, of the specific measures the Government has put in place to improve the living environment of the districts concerned so that residents' daily lives can resume to normal; and

(3) given that the Government has, through the system for application for liquor licences, prevent liquor-selling premises from causing problems such as fire safety, environmental hygiene and noise problems, with a view to striking a balance between the commercial interests concerned and peace for the residents, whether the Government will regulate tourism-related shops in

a similar manner?

Reply:

President,

The Government attaches great importance to the sustainable and healthy development of the tourism industry. Whilst ensuring that the industry develops in a stable and orderly manner and brings about benefits to society, we are constantly seeking to minimise as far as possible the impact of tourist activities on the local community. In response to the question raised by the Dr Hon Cheng Chung-tai, my reply is as follows.

(1) On increasing tourist attractions and diverting tourists, one of the strategies in the Development Blueprint for Hong Kong's Tourism Industry published in 2017 is to nurture and develop tourism products and initiatives with local and international characteristics. Our concrete objectives are to unearth the tourism characteristics of different districts to cater for the needs and preferences of different visitor segments, and to divert tourists to different districts for sightseeing and shopping, thereby enhancing economic gains and benefiting various districts.

The Government has been developing new tourist attractions in various districts and taking forward projects under various themes with local characteristics, on cultural and creative tourism, as well as green tourism. Over the past two years, the Government, in collaboration with organisations such as the Hong Kong Tourism Board (HKTB), Hong Kong Design Centre, and Hong Kong Comics and Animation Federation, rolled out the revitalisation of Dr Sun Yat-sen Historical Trail and "Old Town Central" in Central and Western District, as well as the "Design District Hong Kong" project and "Hong Kong Neighbourhoods – Sham Shui Po" campaign in Wan Chai and Sham Shui Po Districts respectively, to promote both tourism and the local cultural characteristics of the districts concerned for energising local economies.

On cultural tourism, a number of facilities in the West Kowloon Cultural District (WKCD) will be completed in phases, including the Xiqu Centre to be officially open on January 20, 2019 and museum facilities in the pipeline. WKCD will be a new integral cluster of tourist attractions. In addition, the annual business event featuring design, culture and art under "Business of Design Week" and Art Basel held in March are new offerings rolled out in recent years to attract tourists. HKTB has been promoting various activities in relation to traditional festivals with local distinctive characteristics, which can also entice tourists to patronise different districts of Hong Kong. On green tourism, in addition to the Hong Kong UNESCO Global Geopark founded earlier, tourist attractions concerning natural ecology and geology in the New Territories East have become places of interest to some tourists.

In respect of theme parks, the Hong Kong Disneyland Resort is taking forward its expansion and development plan, with new attractions to be rolled out in the next few years. The Ocean Park is taking forward its all-weather

water park project, which is expected to be completed by 2021.

(2) The Government has been pragmatic in tackling problems brought about by inbound tour groups to local communities, and maintaining close liaison with the travel trade, Travel Industry Council of Hong Kong (TIC), district personalities and Legislative Council Members to implement various targeted mitigation measures.

The Tourism Commission, together with relevant Government departments and TIC, meet with trade representatives from time to time to keep an eye on their arrangements in receiving inbound tour groups. Before peak periods of Mainland visitor arrivals, including the Chinese New Year and National Day Golden Week, the Tourism Commission convenes inter-departmental meetings to strengthen visitor crowd control measures.

Besides, TIC issues notices and liaises with the trade from time to time to urge them to observe order and use information technology in strengthening control on visitor and vehicular flow, and to encourage coaches to use proper parking spaces. Through on-site inspection, advisory letters, meetings, etc., TIC follows up with the trade members concerned on their arrangements to receive inbound tour groups. TIC is also examining to enhance the "Refund Protection Scheme (Registered Shops) for Inbound Tour Group Shoppers" by requiring registered shops serving inbound tour groups for designated shopping to put forward and implement visitor crowd management measures, with a view to further reducing the inconvenience caused by inbound tour groups to certain districts.

On coach parking, the Government has been providing additional pick-up/drop-off spaces and parking spaces for coaches at appropriate locations, including tourist and shopping hotspots, and letting car parks for coach parking on short-term tenancies. The Police also steps up enforcement action at illegal parking blackspots and deploys more manpower to enhance control.

On crowd management, in case a relatively large number of tourists gather in certain areas causing congestion or noise problems, the Police will, on a need basis, deploy more manpower to maintain order and public safety.

Moreover, the Food and Environmental Hygiene Department will enhance the cleansing of streets and public toilets at popular gathering spots for visitors to keep the cityscape clean, step up inspection at blackspots and strengthen law enforcement.

(3) The Travel Industry Ordinance was passed by the Legislative Council in November 2018 after two years of scrutiny. It provides for the establishment of a statutory body, the Travel Industry Authority (TIA), and empowers TIA to formulate an administrative scheme to regulate shops that inbound tour groups are arranged to patronise.

The Government will recommend TIA to conduct on-site inspection before registering a shop to which inbound tour groups are arranged to patronise,

with a view to ensuring that the premises is suitable for receiving tourists, or that appropriate visitor and vehicular flow control measures have been put in place. The Government will also recommend TIA to deploy more manpower to conduct on-site inspection in affected areas, as well as formulate suitable administrative measures against local receiving travel agents or shops that are unamenable to repeated advice, willfully non-co-operative and fail to manage inbound tour groups' visits to shops. Such agents or shops will be subject to sanction such as disciplinary orders through investigation and disciplinary proceedings. When formulating the administrative scheme, TIA will holistically consider different factors, including industry development, TIC's regulatory experience and stakeholders' views, etc.