

## S for S continues visit to Guangdong-Hong Kong-Macao Greater Bay Area in Zhuhai and Jiangmen (with photos)

The Secretary for Security, Mr Tang Ping-keung, visited Zhuhai and Jiangmen today (June 21) to continue his visit to the Guangdong-Hong Kong-Macao Greater Bay Area (GBA).

Mr Tang, accompanied by the Chief of the Office of the Secretary for Security of Macao, Ms Cheong Ioc-ieng, and the Commissioner of the Public Security Police Force of Macao, Mr Ng Kam-wa, visited Qingmao Port in the morning to learn about the latest clearance mode, so as to actively explore its implementation in Hong Kong. After its opening in September 2021, Qingmao Port has been implementing round-the-clock clearance and it is the third port in Macao adopting "collaborative inspection and joint clearance" following the Zhuhai-Macao Port of the Hong Kong-Zhuhai-Macao Bridge and the Hengqin Port. Visitors only need to queue up, have their documents inspected and have their biometrics collected once to complete the respective inspection of both sides, which is very convenient.

Mr Tang then departed for Zhuhai to call on Vice Mayor of Zhuhai cum Director-General of the Zhuhai Municipal Public Security Bureau, Mr Xie Rensi. In the afternoon, Mr Tang visited Jiangmen to call on Member of the Standing Committee of the CPC Jiangmen Municipal Committee Mr Li Huiwen, and Vice Mayor of Jiangmen cum Director-General of the Jiangmen Municipal Public Security Bureau, Mr Feng Xiaogang. Mr Tang exchanged views with them on issues including combatting cross-border crimes and explored co-operation in different fields. He also introduced in the meeting the new Greater Bay Area Emergency Response Operational Plan formulated by the Hong Kong Special Administrative Region Government to enhance the capability of the GBA cities in handling incidents together. He invited the GBA cities to study the operational plan and hold joint working meetings to take forward the plan.

During his stay in Zhuhai, Mr Tang also visited the headquarters of Gree Electric Appliances Inc. of Zhuhai to learn more about the development of the technology-based household consumer goods and industrial equipment manufacturing group.

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Mr Tang concluded the two-day visit to Macao, Zhuhai and Jiangmen, and returned to Hong Kong in the evening.



## LCQ6: Provision of land in the Northern Metropolis for the pioneering development of enterprises

Following is a question by the Hon Yim Kong and a reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (June 21):

Question:

There are views that with reference to the successful experience in regional industry development on the Mainland and overseas, an effective means for governments to attract strategic enterprises is to provide land for strategic enterprises on concessionary terms within the shortest possible time, so as to facilitate the pioneering development of land by such enterprises and promote the rapid development of the regional economy. Therefore, land supply policy is one of the effective measures for the Government to attract the presence of strategic enterprises. In this connection, will the Government inform this Council:

(1) of the estimated amount of land, including brownfield sites and private land, that can be resumed from the development area of the Northern Metropolis within this year for new planning and development; and

(2) as it is learnt that in the development of the San Tin Technopole, the Government will consider adopting land disposal methods other than open tendering, including direct grant to suitable enterprises, whether it has studied if similar modes of land grant, such as simplifying the land application process in respect of designated land parcels for eligible enterprises or enterprise consortia and granting land to them at concessionary rates, can also be adopted for the development of various regions in the Northern Metropolis, with a view to achieving an effect of spearheading development?

Reply:

President,

The Northern Metropolis comprises a number of development projects, including Kwu Tung North/Fanling North, Hung Shui Kiu/Ha Tsuen and Yuen Long South New Development Areas which are under construction, and San Tin Technopole, New Territories North New Town, as well as expanded areas such as Lau Fau Shan, Tsim Bei Tsui and Pak Nai, Man Kam To/Lo Wu and Ma Tso Lung etc. which are under planning study. These planning studies will be largely completed by 2024, to be followed by detailed design stage for engineering works.

After consultation with the Innovation, Technology and Industry Bureau (ITIB), our reply to the two parts of Hon Yim's question is as follows:

(1) In recent years, the Government has intensified its efforts to invoke the Lands Resumption Ordinance (Cap. 124) and other applicable ordinances to resume private land for Government-led development projects such as New Development Areas, public housing and other public purposes. According to our earlier estimation, we will resume about 500 hectares of private land including brownfield sites for projects with confirmed development areas in five years from 2022-23 to 2026-27, with over 90 per cent in the Northern Metropolis, the total being about four times that of the 120 hectares resumed in the previous five years. The above figure has yet to include San Tin Technopole, Lo Wu/Man Kam To and New Territories North, Lau Fau Shan, Tsim Bei Tsui and Pak Nai, as well as the Ma Tso Lung area, which are under planning study. Once further details of the above projects are available, they will be counted towards the statistics on land to be resumed.

Considering only 2023-24, that is the current financial year, for projects within the Northern Metropolis, we will resume land required under Hung Shui Kiu/Ha Tsuen Second Phase Development, involving about 200 hectares of land.

(2) San Tin Technopole is strategically positioned as the hub for clustered innovation and technology (I&T) development to create synergy with Shenzhen's I&T zone. Within San Tin Technopole, land parcels of various sizes, including some sizable ones, are designed to provide flexibility for land disposals so as to cater for the needs of I&T facilities of different scales (start-ups and leading tech firms, etc.), different I&T fields (life and health technology, artificial intelligence and data science, advanced manufacturing, new-energy technology, etc.), and at different I&T stages (research and development, prototype, test production, mass production, etc.).

The Development Bureau has earlier announced the planning proposal and overall scale for the new land for I&T uses in San Tin Technopole. ITIB will commence later this year a consultancy study on these lands, with a view to providing recommendation for different land parcels on the development of specific I&T uses within the industry chain, the infrastructure and supporting facilities required, operation models, and strategies and measures for attracting enterprises and investment including land disposal approaches etc., to meet the needs of various I&T uses.

Under the conventional land disposal method for commercial and industrial land, the Government adopts open tendering and the land goes to the highest bidder. The Government will, after taking into account industry-specific policies, consider adopting unconventional land disposal methods, such as restricted tendering or direct land grant after negotiation. Regarding the land premium, it can be based on the bidder's premium proposal under open tendering or restricted tendering. The Government can also consider adopting a "two-envelope approach" under which the premium and non-premium proposals of bidders are considered as a whole. In the case of direct land grant, the land premium can be assessed based on the market price for

the proposed use, or at a concessionary premium based on policy considerations. The aforementioned land disposal methods can also apply to land for other industries, subject to the relevant industry-specific policies. The key consideration is whether the adoption of unconventional land disposal methods will be more effective than conventional approaches in contributing to the development of industries, for example, in attracting high-potential and representative strategic enterprises to establish their presence in Hong Kong, as well as bringing in advanced technologies and top talents. The approval mechanism should certainly be subject to internal monitoring and the information should be open and transparent.

Apart from land policies, the Office for Attracting Strategic Enterprises which commenced operation in December last year will formulate attractive special facilitation measures and arrangements for the target enterprises, including premises for setting up their operations in Hong Kong, research and supporting facilities, financial subsidy and grants, recruiting and attracting talents etc., aiming to provide tailor-made proposals for these enterprises.

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## **LCQ3: Enhancing regulation of building works in private buildings**

Following is a question by the Hon Rock Chen and a reply by the Secretary for Development, Ms Bernadette Linn, in the Legislative Council today (June 21):

Question:

It has been reported that part of a structural wall (commonly known as "core wall") in a unit of a private housing court in Tseung Kwan O is suspected to have been removed, and such alteration may affect the structural safety of the building. In this connection, will the Government inform this Council:

(1) given that under the Buildings Ordinance, applications to the Buildings Department (BD) are required for any works involving the removal of core walls in private buildings, of the respective numbers of the relevant applications received, approved and rejected by the BD in the past three years, and the reasons for such applications being rejected; of the respective numbers of persons arrested, prosecuted and convicted for failing to submit applications before carrying out the relevant works;

(2) given that the aforesaid incident was exposed by netizens only after the relevant video had been uploaded onto a property viewing website, and as private buildings are private places, how the authorities detect and combat

illegal building works carried out in private buildings, and whether they will strengthen cyber patrols and enforcement efforts; and

(3) as there are views that Hong Kong does not have a mandatory licensing and registration system for the interior design industry, and hence it cannot guarantee that interior design proposals comply with the building safety requirements, whether the authorities will consider establishing a licensing and registration system for the industry, so as to enhance the safety standard of the relevant works and the professional image of the industry; if so, of the details; if not, the reasons for that?

Reply:

President,

My response to the three parts of the question from the Hon Chen is as follows:

(1) According to the Buildings Ordinance (BO) (Cap. 123), removal or alternation of structure is an alternation and addition (A&A) work which requires prior approval from the Buildings Department (BD). The numbers of applications received for structural A&A works by the BD in 2020 to 2022 ranged from around 1 800 to 2 200. The numbers of applications approved ranged from around 1 500 to 1 900, whereas the numbers of applications rejected ranged from around 40 to 70. Since a single application may involve different and multiple A&A works, the BD does not maintain separate statistics on applications on removal of structural walls. However, in order to endeavour to organise some general information within the short timeframe, the BD checked the cases processed last month, which showed that the BD approved a total of 17 applications for plans involving structural changes and additions to domestic units, one of which involved the removal of structural wall.

Except for exempted works, we regard any A&A works without the prior approval of the BD or not following the streamlined procedures under the Minor Works Control System as unauthorised building works (UBWs). The BD may issue a removal order under the BO requiring the demolition or rectification of the UBWs by the owner. The BD does not maintain separate enforcement statistics in respect of removal of structural walls. For reference, in the three years between 2020 and 2022, the BD issued around 8 200 to 16 300 removal orders yearly; the number of prosecution cases were around 2 800 to 3 600 yearly and there were around 1 600 to 2 100 convictions yearly. The prosecution and conviction figures may not correspond to the removal orders issued in the same year.

(2) Generally, the BD take enforcement action of the BO through large-scale operations or sampling inspections, reports from the public, media reports, as well as referrals by government departments. With recent experience learnt, the BD will also pay close attention to online information, such as videos promoting housing units and fitting-out services on social media. If the BD finds suspected UBWs, investigations will be initiated and appropriate

actions will be taken proactively according to the findings.

Anyone may be subject to criminal prosecution if they breach the BO or its subsidiary regulations. Besides, if building professionals or registered contractors have been convicted by court of an offence relating to building works, or has been negligent or has misconducted themselves in building works, the BD may undertake disciplinary actions, including a reprimand, a fine or suspension from the registers kept by the BD.

(3) Interior design includes space planning, selection of materials and furniture, decoration and display, etc. These tasks per se do not necessarily involve construction works. We think that, regarding whether to enhance enforcement of this sector, we need to adhere to the risk-based principle, take into account effective deployment of enforcement resources, and avoid over-regulating which would hinder the development of that particular sector and even bring inconvenience to users of the public. We consider it more pragmatic to continue to focus on the regulation of works carrying certain risks, and the building professionals or registered contractors who carry out these works. The works I just mentioned are those works that require prior approval by the BD or minor works.

Another pragmatic and very important work is to enhance public education and the law-abiding awareness of the sector. To this end, the BD will arrange talks with professional institutes about the points to note when carrying out interior fitting-out works. The BD will also step up publicity and education targeted at owners' corporations, the property management industry, and the interior design and fitting-out industry. Following this incident, we acknowledge that some members of the public may be concerned whether their homes have illegal A&A works, or that they do not know how to check the plans to determine the location of the structural walls. In this regard, the BD will soon launch a telephone hotline to receive and answer public inquiries on related matters. The BD will also arrange for those in need to visit its Building Information Centre and demonstrate how to obtain relevant building plans and understand relevant basic information therein, including how to distinguish between structural walls and non-structural walls. Talks will be held at the Building Information Centre and online on inspection of building plans.

Owners should consult building professionals before commencing interior fitting-out works to ensure that the works are carried out in accordance with the BO and its subsidiary legislations. Besides, owners and building professionals should check the terms of the deeds of mutual covenant and other relevant documents to see if any restrictions are specified therein, e.g. whether there is need to seek consent from the owners' corporations or property management agencies before they can conduct certain kinds of works.

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# Government welcomes passage of Stamp Duty (Amendment) (No. 2) Bill 2023

The Government welcomes the passage of the Stamp Duty (Amendment) (No. 2) Bill 2023 by the Legislative Council today (June 21), which implements a measure to trawl for talent as announced in the 2022 Policy Address by introducing a refund mechanism under the Buyer's Stamp Duty (BSD) and the New Residential Stamp Duty (NRSD) regimes to attract talent from around the world to stay in Hong Kong for long-term development, thereby enriching the talent pool of Hong Kong.

The Deputy Chief Secretary for Administration, Mr Cheuk Wing-hing, said, "The refund mechanism will bring the overall stamp duty charged on eligible incoming talents on par with that charged on first-time home buyers who are Hong Kong permanent residents (HKPRs), hence reducing the cost of home purchase for those incoming talents who are able and wish to buy residential properties in Hong Kong. We believe that this measure will help incentivise incoming talents to purchase homes and reside in Hong Kong in the long run, which would inject impetus to the growth of Hong Kong."

Under the refund mechanism, for an eligible incoming talent who has entered Hong Kong under a designated talent admission scheme, acquired a residential property in Hong Kong on or after October 19, 2022 (i.e. the date of announcement of the 2022 Policy Address), and subsequently becomes an HKPR, he/she can apply for a refund of the BSD and the NRSD paid for the residential property which, at the time it was purchased, was the applicant's only residential property (save for replacing property) and the applicant still holds on the date of the application for refund. The Ad Valorem Stamp Duty at Scale 2 rates (i.e. the rates applicable to first-time home buyers who are HKPRs) will still be payable.

The amended Ordinance will be published in the Gazette on June 30, 2023, and the Inland Revenue Department will start accepting refund applications from incoming talent upon its gazettal.

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## 11 persons arrested during anti-illegal worker operations (with photos)

The Immigration Department (ImmD) mounted a series of territory-wide anti-illegal worker operations codenamed "Lightshadow" and "Twilight", and

joint operations with the Hong Kong Police Force codenamed "Windsand" for two consecutive days from June 19 to yesterday (June 20). A total of 10 suspected illegal workers and one suspected employer were arrested.

During the anti-illegal worker operations, ImmD Task Force officers raided 40 target locations including car parks, commercial buildings, premises under renovation, a residential building, restaurants and warehouses. Seven suspected illegal workers and one suspected employer were arrested. The arrested suspected illegal workers comprised seven men, aged 22 to 45. Among them, two men were holders of recognisance forms, which prohibit them from taking any employment. One man, aged 32, was suspected of employing the illegal workers and was also arrested.

Furthermore, during the operation "Windsand", three Mainland visitors comprising one man and two women, aged 38 to 45, were arrested for breaching their condition of stay by being involved in suspected illegal parallel trading activities at Po Shek Wu Road and San Wan Road in Sheung Shui district. The goods mainly included daily necessities and health products.

An ImmD spokesman said, "Any person who contravenes a condition of stay in force in respect of him or her shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties."

The spokesman warned, "As stipulated in section 38AA of the Immigration Ordinance, an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land is prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment."

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc, of the company concerned may also bear criminal liability. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence.

According to the court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any reasonable doubt concerning the

lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman would like to remind all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct an initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the ImmD officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threats and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent intervention, medical services, counselling, shelter or temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.

