

LCQ4: Enhancing knowledge of the legal regime, laws and regulations of the Mainland

Following is a question by the Hon Starry Lee and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 31):

Question:

In the 2022 Policy Address, the Chief Executive announced that the Basic Law Promotion Steering Committee would be renamed the Constitution and the Basic Law Promotion Steering Committee ("CBLPSC"), and put forward further strengthening publicity and education on the Constitution and the Basic Law. There are views that Hong Kong people generally have insufficient knowledge of, and even misconceptions about the National People's Congress which enacts, amends and oversees the enforcement of the Constitution and the Basic Law, as well as the legal regime, laws and regulations of the Mainland. With more and more Hong Kong people going north for further studies, work, doing business and living, it is very important to enhance their knowledge and understanding of the legal regime, laws and regulations of the Mainland, which is also an important foundation for promoting exchanges and cooperation between Hong Kong and the Mainland. In this connection, will the Government inform this Council:

(1) whether it has assessed through surveys or other means the extent of Hong Kong people's knowledge of the legal regime, laws and regulations of the Mainland; if so, of the details; if not, the reasons for that;

(2) whether it will consider, by way of making legal education more accessible, fostering in Hong Kong society a better knowledge of the legal regime, laws and regulations of the Mainland; if so, of the details; if not, the reasons for that; and

(3) whether it will formulate with CBLPSC practicable publicity programmes to foster in Hong Kong society a better knowledge of the legal regime, laws and regulations of the Mainland; if so, of the details; if not, the reasons for that?

Reply:

President,

Having consulted the Department of Justice (DoJ) and the Education Bureau (EDB), the consolidated reply to Hon Starry Lee's question is as follows:

Under the chairmanship of the Chief Secretary for Administration, the Constitution and Basic Law Promotion Steering Committee (CBLPSC) mainly provides advice and steer on the overall strategy and key work plans for promoting the Constitution, the Basic Law and the National Security Law, and monitors, evaluates and reviews promotional programmes undertaken by government departments and non-governmental organisations. The CBLPSC and its five working groups plan and organise various types of activities to promote, in a diversified manner, the Constitution, the Basic Law and the National Security Law to target sectors including teachers and students, civil servants, young people, and members of the local community, as well as the general public, with a view to facilitating all sectors in the community to deepen their understanding and raise their self-awareness of safeguarding the constitutional order of the Hong Kong Special Administrative Region (HKSAR), so as to ensure the full and faithful implementation of the "one country, two systems" principle. Related promotional and publicity measures include organising the Constitution Day Seminar, producing television and radio programmes such as "Root & Origin: The Constitution", "Talk About Basic Law With Photo" and "Basic Law Daily", providing training courses in relation to the Constitution and the Basic Law for teachers and civil servants, staging Constitution and Basic Law themed promotional activities including roving exhibitions and quizzes at districts and schools, etc.

To further strengthen the promotion of rule of law education at the community level, in February 2023, the DoJ established the Steering Committee on Rule of Law Education, chaired by the Secretary for Justice, to co-ordinate and collaborate in the promotion of rule of law education, including the launch of a new "Rule of Law Education Train-the-Trainers Programme" (TTT Programme), to strengthen the rule of law education and training in Hong Kong on all fronts and to promote consistent and correct messages on the rule of law at the community level. The establishment of the Steering Committee and the launch of the TTT Programme are among the key policy initiatives of the DoJ in the 2022 Policy Address.

The DoJ and the Steering Committee on Rule of Law Education are working intensively on the preparation of the TTT Programme. Focusing on the concept of the rule of law, the TTT Programme will develop curricula and teaching materials to introduce, in an easy-to-understand manner, fundamental topics relating to the rule of law and the legal system in Hong Kong under the principle of "one country, two systems", comprising, among others, the Constitution, the Basic Law, the National Security Law, the legal system of the Mainland and the general introduction of the common law system in Hong Kong. The TTT Programme is to train community leaders from different sectors to enhance their ability and effectiveness in disseminating correct messages on the rule of law to others in their diverse community work and capacities, with the aim of promoting rule of law education on all fronts. The DoJ will continue to collect views of the community through various channels, including the Steering Committee, and will assess the effectiveness of the TTT Programme in a timely manner for better promotion of the rule of law.

In addition, in order to enhance Government Counsel and private practitioners' knowledge and understanding of the country's legal and

judicial system, socio-economic situation and development directions, with the support of the Hong Kong and Macao Affairs Office of the State Council (HKMAO), the DoJ and Tsinghua University have jointly organised a total of four series of "The Fundamental Principles of Chinese Law" since 2020. Besides covering specialised legal knowledge on the national judicial system, civil law, criminal law and administration law, etc., the training course also deepens the trainees' understanding of the Basic Law and the National Security Law from the perspective of the Constitution and national security.

Since 2015, the DoJ has been operating the Summer Attachment Programme for Hong Kong Law Students in the Mainland to promote understanding of the Mainland legal system among Hong Kong law students. Under the programme, DoJ's summer interns will be attached to relevant legal, executive or judicial organs or other organisations in the Mainland. These include, for example, the Ministry of Foreign Affairs, the Ministry of Justice, the Supreme People's Court, the Supreme People's Procuratorate, the HKMAO, the China Council for the Promotion of International Trade, the China International Economic and Trade Arbitration Commission, etc. The programme gives an opportunity for Hong Kong law students to enhance their knowledge and understanding of the Mainland legal system, and broaden their horizons through first-hand experience.

Besides, the EDB has been fully supporting schools in planning and promoting national education within and beyond the classroom with curriculum covering the Constitution, the National People's Congress, and the legal system of the Mainland, etc., enabling students to become good citizens who have a sense of belonging to our country, show respect for the rule of law and abide by the law. For instance, the senior secondary Citizenship and Social Development has been implemented starting from the 2021/22 school year. Its curriculum comprises three themes, namely "Hong Kong under 'One Country, Two Systems'", "Our Country since Reform and Opening-up" and "Interconnectedness and Interdependence of the Contemporary World", and the content is closely related to our country's development. This subject enables students to develop a comprehensive and accurate understanding of topics relating to our country's development, the constitutional order established by the Constitution and the Basic Law, and national security, and provides them with Mainland study opportunities to gain a first-hand experience of Chinese history and culture, as well as understanding our country's current situation, geography, development and achievements.

With the HKSAR Government's commitment to promoting further integration into the overall development of the country, more Hong Kong people will go to the Mainland cities for education, employment, doing business and living. To help Hong Kong residents in the Mainland better understand Mainland policies and legislation, the Mainland Offices of the HKSAR (MOs) have been disseminating practical information on Mainland policies, laws and regulations and social situations on a regular basis, and organising trade seminars and business exchange activities etc. to keep Hong Kong's major industry and trade organisations as well as Hong Kong residents and enterprises in the Mainland informed of the latest policies, legislation and measures in the Mainland. Relevant information has been uploaded onto the

websites and social media platforms of respective MO for public browsing. Besides, the Practical Guide for Hong Kong People Living in the Mainland produced by MOs contains useful information on points to note for living in the Mainland and other information including the legal system and services in the Mainland. The Practical Guide has been made available to the public through MOs' websites.

At present, the HKSAR Government has not conducted any research studies on the knowledge of Hong Kong citizens about Mainland legislation. Yet, as mentioned above, the HKSAR Government will further strengthen the promotion of rule of law education in schools and at the community level to enhance public awareness and proper understanding of the rule of law, covering the Constitution, the Basic Law and the Mainland laws and regulations.

Thank you, President.

[CFS announces food safety report for April](#)

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department today (May 31) released the findings of its food safety report for last month. The results of about 3 600 food samples tested were found to be satisfactory except for three unsatisfactory samples which were announced earlier. The overall satisfactory rate was 99.9 per cent.

A CFS spokesman said about 1 500 food samples were collected for microbiological tests, and about 2 100 samples were taken for chemical and radiation level tests.

The microbiological tests covered pathogens and hygiene indicators; the chemical tests included testing for pesticides, preservatives, metallic contaminants, colouring matters, veterinary drug residues and others; and the radiation level tests included testing for radioactive caesium and iodine in samples collected from imported food from different regions.

The samples comprised about 500 samples of vegetables and fruit and their products; about 300 samples of cereals, grains and their products; about 400 samples of meat and poultry and their products; about 1 100 samples of milk, milk products and frozen confections; about 500 samples of aquatic and related products; and about 800 samples of other food commodities (including beverages, bakery products and snacks).

The three unsatisfactory samples comprised a sweet pepper sample with excessive metallic contaminant, a grass carp sample found with malachite green, and a prepackaged frozen confection product sample detected with milk solids other than fat at a level not in compliance with the regulations.

The CFS has taken follow-up actions on the above-mentioned unsatisfactory samples including informing the vendors concerned of the test results, instructing them to stop selling the affected food items and tracing the sources of the food items in question.

The spokesman reminded the food trade to ensure that food is fit for human consumption and meets legal requirements. Consumers should patronise reliable shops when buying food and maintain a balanced diet to minimise food risks.

Appointments to Committee on the Promotion of Racial Harmony

The Secretary for Home and Youth Affairs has appointed a new member to the Committee on the Promotion of Racial Harmony (CPRH), a Government spokesman announced today (May 31). Seven incumbent members have also been reappointed to the Committee in the same appointment exercise. Their term of office will run from June 1, 2023, to May 31, 2025.

The following is a list of the non-official members of the CPRH:

New member:

Mr Deep Singh Vinner

Reappointed incumbent members:

Ms Vivian Kong Man-wai

Mr Zaman Minhas Qamar

Ms Lamia Sreya Rahman

Ms Himeshika Samaradivakara

Ms Yvonne Tsui Hang-on

Mr Wong Ka-chun

Mr Matthew Wong Man-ho

Other incumbent members:

Mr Syed Ekram Elahi

Ms Rita Gurung

Mr Avinash Chandiram Hotchandani

Mr Mohammad Ilyas

Mr Vishal Melwani

Ms Tika Rana

Dr Chura Bahadur Thapa

Mr Yeung Tsz-hei

Mr Eric Yuon Fuk-lung

The CPRH is a non-statutory advisory body set up to advise the Government on matters relating to fostering racial harmony in the community and to enhance mutual understanding among people of different ethnic origins. Chaired by the Deputy Director of Home Affairs, the Committee includes representatives from the Constitutional and Mainland Affairs Bureau, the Education Bureau, the Labour Department and the Information Services Department. The Race Relations Unit of the Home Affairs Department provides secretariat support to the Committee.

Reappointment of Chairman to Independent Police Complaints Council

The Government today (May 31) announced the reappointment of Ms Priscilla Wong Pui-sze as the Chairman of the Independent Police Complaints Council (IPCC) for a term of two years with effect from June 1, 2023.

The appointment is made by the Chief Executive according to section 5 of the Independent Police Complaints Council Ordinance (Cap. 604) (IPCC Ordinance).

The Secretary for Security, Mr Tang Ping-keung, said, "I am most grateful for the invaluable contributions of the IPCC in safeguarding a fair, effective and transparent two-tier police complaints system in Hong Kong. I believe that under the leadership of Ms Wong, the IPCC will continue to fully discharge its statutory functions under the IPCC Ordinance to ensure that complaints from the public are handled fairly and impartially. It will also leverage the experiences from the complaints to make improvement recommendations to the Police with a view to enhancing service quality and professional standard."

Mr Tang said that the Government will continue to render full support to the IPCC to give full play to its independent statutory monitoring functions to uphold a fair and impartial police complaints system accountable to the public in Hong Kong.

The IPCC, established under the IPCC Ordinance, is an independent statutory body responsible for monitoring and reviewing the investigation of complaints against members of the Police Force. The IPCC Ordinance provides a statutory basis for the IPCC's role and power as well as the two-tier police complaints system. It also imposes a statutory duty on the Police to comply with the IPCC's requirements. The IPCC comprises a Chairman, three Vice-chairmen and 15 non-official members.

LCQ6: Combating activities of selling duty-not-paid cigarettes

Following is a question by Dr the Hon Kennedy Wong and a reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (May 31):

Question:

It has been reported that following the proposal in this year's Budget that the tobacco duty be increased starting from February 22 this year, the price of each pack of mainstream cigarettes has risen to \$74. On combating activities of selling duty-not-paid cigarettes (illicit cigarettes), will the Government inform this Council:

(1) as it has been reported that the number of illicit cigarettes seized by the Customs and Excise Department (C&ED) was on the rise in the past five years, and 732 million sticks of illicit cigarettes were seized last year, representing an increase of 12.7 times over the 53.4 million sticks seized in 2018, whether it has gained an understanding of the reasons for that, and set out the number of illicit cigarettes seized by major place of origin;

(2) as it has been reported that recently, some lawbreakers first used a small quantity of "assorted brands cigarettes" from Southeast Asian countries for customs declaration and paid relevant taxes and excise duties to obtain the relevant import permit, and then took advantage of the loophole that no consignment of cigarettes was specified in the relevant permit to smuggle a large quantity of cheap cigarettes with duty not paid (commonly known as "Cheap Whites") into Hong Kong, whether the C&ED has noticed if such operations involved organised crimes, and whether it has plans to plug the loophole concerned; if it has plans, of the details; if not, the reasons for that; and

(3) whether the C&ED will step up its anti-smuggling operations in response to the myriad tactics of smuggling illicit cigarettes and counterfeit cigarettes, and what effective measures are in place to prevent illicit cigarette syndicates from recruiting distribution intermediaries, commonly known as "agents", to peddle illicit cigarettes in the market?

Reply:

President,

Today is the World No Tobacco Day, an apposite occasion to discuss today's topic. Our statistics indicate that the smoking prevalence rate in Hong Kong has dropped continuously from 23.3 per cent in the early 1980s to 9.5 per cent in 2021. Revenue from tobacco duty has nonetheless been on a

rising trend from \$7.05 billion in 2019-20 to \$7.9 billion in 2021-22, which, to a certain extent, reflects the effectiveness of our enforcement work against illicit cigarettes.

Having consulted the Commerce and Economic Development Bureau, our consolidated reply to the question raised by Dr the Hon Wong is set out below:

(1) Tobacco products are dutiable commodities and should be subject to tobacco duty according to the specified rates under the Dutiable Commodities Ordinance (Cap. 109). The Hong Kong Customs and Excise Department (C&ED) is committed to combating smuggling and trading activities of illicit cigarettes, and has stepped up efforts to combat illicit cigarettes on different fronts in order to protect Government revenue. In response to the switch by illicit cigarette syndicates to smuggling large quantities of illicit cigarettes into Hong Kong by sea in recent years, the C&ED has strengthened intelligence analysis and adopted the enforcement strategy of tackling cigarette smuggling at source for appropriate operational deployment. Such enforcement strategies have proved to be effective, and the cigarette syndicates were repeatedly intercepted when they were replenishing their supplies or re-exporting the illicit cigarettes to other overseas regions, resulting in a significant increase in the quantity of illicit cigarettes seized in recent years. In 2022 alone, the C&ED detected a total of 28 large-scale imported cigarette smuggling cases (involving more than 500 000 sticks of cigarettes) and seized about 585 million sticks of illicit cigarettes, which represented an increase of 1.3 times and 2.2 times respectively compared with the corresponding numbers in 2021 (12 cases and 185 million sticks). However, the C&ED does not maintain a breakdown of the figures by origin in respect of the illicit cigarettes seized, hence, we are unable to provide the relevant breakdown.

(2) There is no legal definition of "Cheap Whites". In the industry, "Cheap Whites" generally refer to cigarette brands that are not popularly recognisable in the market. Their packaging is no different from ordinary duty-paid cigarettes, including the health warning markings. Illicit cigarette syndicates may pass off illicit cigarettes for sale at retail level as duty-paid cigarettes which are covered by permits.

The C&ED has been closely monitoring the latest development in the market to strengthen intelligence gathering and investigate into the sale of cigarettes at abnormal prices (even lower than the tobacco duty of \$50.12 per pack of cigarettes). Whenever retailers are found to be selling duty-not-paid cigarettes, the C&ED will take resolute enforcement actions regardless of whether "Cheap Whites" are involved.

In order to step up enforcement action against illicit cigarette activities at retail level, the C&ED has been keeping a close watch on technologies applied by other regions to identify the source and trade flow of cigarettes and to verify their duty status. Field visits to other regions and experience sharing with the Mainland and overseas law enforcement agencies are also arranged with a view to studying the effectiveness of similar measures and policies. The C&ED is actively exploring feasible

options that can be applicable to Hong Kong.

Besides, given that most cigarette smuggling activities involve syndicated operations, the C&ED will continue to strengthen intelligence analysis and co-operate with the Mainland and overseas law enforcement agencies to crack down on related crimes.

(3) Apart from intercepting illicit cigarettes at various entry and exit points, the C&ED is also committed to combating the storage, distribution and peddling (including telephone ordering) of illicit cigarettes. The C&ED will continue to step up risk assessment and intelligence analysis, and adopt a holistic enforcement strategy in combating illicit cigarette activities, namely intercepting smuggling in upper stream, smashing storage in mid-stream, and raiding peddling activities in lower stream.

In view of the increase in tobacco duty announced in the Budget, the C&ED is monitoring the control points and illicit cigarette activities closely, and has strengthened intelligence exchange with the Mainland and overseas law enforcement agencies. At the same time, in response to the potential impact of the increase in tobacco duty on illicit cigarette activities, the C&ED has immediately deployed its internal resources in a flexible manner and mounted territory-wide large-scale special operations against illicit cigarettes.

No counterfeit cigarettes were found by the C&ED in anti-illicit cigarettes operations in recent years. If the C&ED suspects that any cigarettes seized or sold in the market are counterfeits, it will invite the relevant trademark owners to verify and take immediate enforcement action if the C&ED identifies any acts in breach of law.

Apart from proceeding with stringent law enforcement actions, the C&ED will step up publicity and promotion activities with regard to newsstands and small-sized retail outlet operators to prevent them from falling foul of the law inadvertently. Besides, in order to further promote the message against illicit cigarettes across different levels of the community, the C&ED collaborates with government agencies and relevant stakeholders from time to time, and enhances publicity through holding talks and by displaying posters and banners, etc. Besides, the Health Bureau will launch a consultation document on tobacco control strategies, in which certain enforcement arrangements will be reviewed.

Thank you, President.