

# LC: Speech by CS for proposed resolutions under Criminal Procedure Ordinance and Coroners Ordinance

Following is the speech (translated from Chinese) by the Chief Secretary for Administration, Mr Chan Kwok-ki, for the proposed resolutions under the Criminal Procedure Ordinance and the Coroners Ordinance in the Legislative Council today (May 24):

President,

I move that the first Resolution standing in my name on the Agenda be passed to seek the approval of the Legislative Council for the Criminal Procedure (Witnesses' Allowances) (Amendment) Rules 2023 made by the Criminal Procedure Rules Committee under section 9B of the Criminal Procedure Ordinance. I will also shortly be moving the second Resolution standing in my name be passed to seek the approval of the Legislative Council for the Coroners (Witnesses' Allowances) (Amendment) Rules 2023 made by the Chief Justice of the Court of Final Appeal under section 54 of the Coroners Ordinance.

At present, the maximum allowance payable to ordinary witnesses in criminal proceedings and coroners' inquests is \$615 for each day of attendance or \$305 for attendance not exceeding four hours. The maximum allowance for professional and expert witnesses is higher, at \$3,210 for each day of attendance or \$1,600 for attendance not exceeding four hours.

Under the adjustment mechanism approved by the Finance Committee of the Legislative Council, changes to the rate of allowance for ordinary witnesses would be made in accordance with the movements in the overall Median Monthly Employment Earnings of Employees (MMEE) in Hong Kong, while those for professional and expert witnesses would be made in accordance with the changes in the mid-point salary of a Government Medical and Health Officer. The Finance Committee has also delegated the authority to approve the relevant adjustments to the Secretary for Financial Services and the Treasury (SFST).

The existing rates of allowances has been effective since August 2021, set based on the biennial review conducted in 2020. The Judiciary Administration (JA) reviewed the rates of allowances in 2022. Taking into account the movements in the overall MMEE between the third quarter of 2020 and the third quarter of 2022, and the mid-point salary of a Government Medical and Health Officer between April 2020 and April 2022, the JA proposed, and the SFST approved, increases in the maximum rate of allowance for ordinary witnesses from \$615 to \$655 for each day of attendance, and from \$305 to \$325 for attendance not exceeding four hours. For professional and expert witnesses, the maximum rate of allowance would be increased from \$3,210 to \$3,290 for each day of attendance and from \$1,600 to \$1,640 for

attendance not exceeding four hours. These adjustments aim to maintain the real value of the rates of allowances to minimise any financial loss suffered by members of the public testifying as witnesses in courts.

I invite Members to approve the two Resolutions to implement the new rates of allowances. Thank you, President.

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## **Fraudulent websites, internet banking login screens and phishing instant messages related to Hang Seng Bank, Limited**

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

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by Hang Seng Bank, Limited relating to fraudulent websites, internet banking login screens and phishing instant messages, which have been reported to the HKMA. A hyperlink to the press release is available on the [HKMA website](#).

The HKMA wishes to remind the public that banks will not send SMS or emails with embedded hyperlinks which direct them to the banks' websites to carry out transactions. They will not ask customers for sensitive personal information, such as login passwords or one-time password, by phone, email or SMS (including via embedded hyperlinks).

Anyone who has provided his or her personal information, or who has conducted any financial transactions, through or in response to the websites, login screens or instant messages concerned, should contact the bank using the contact information provided in the press release, and report the matter to the Police by contacting the Crime Wing Information Centre of the Hong Kong Police Force at 2860 5012.

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## **LCQ17: Conduct of police officers**

Following is a question by the Hon Paul Tse and a written reply by the Acting Secretary for Security, Mr Michael Cheuk, in the Legislative Council today (May 24):

Question:

According to media reports, the number of cases in which police officers commit crimes has shown a significant upward trend in recent years. Some members of the public have relayed that on one hand, the Police are required to fulfil their duty to stringently combat crimes related to national security, but on the other hand, there have repeatedly been messages about police officers committing crimes; meanwhile, an increasing number of serious crimes have also taken place in society, such as (i) homicide and dismemberment, (ii) robbery with firearms, (iii) burglary, (iv) telephone fraud involving a substantial amount of money, (v) crime involving non-ethnic Chinese persons on recognisance and issued with Form No. 8 (commonly known as going-out passes) and (vi) voyeurism, etc. The ever-increasing number of such cases has inevitably resulted in an unnecessary and biased public perception that the Police "emphasise national security over law and order", thus undermining the confidence of members of the public and even the international society in the Police in respect of upholding the rule of law in Hong Kong, as well as affecting the Hong Kong Police's image of excellence and professionalism. In this connection, will the Government inform this Council:

(1) of the number of aforesaid criminal crimes in (i) to (vi) in the past 12 months; whether there is an upward trend in such figures as compared with those in the previous three years;

(2) of the number of police officers arrested and prosecuted due to suspected involvement in criminal offences in the past 12 months and, among them, the number of persons convicted and sentenced to various penalties, such as fines and imprisonment; of the rates of changes in the relevant figures when compared with those in the past three years;

(3) whether it has assessed and gained an understanding of the reasons for the increasing number of cases of police officers breaking the law, and the negative impacts of the frequent occurrence of the cases of police officers breaking the law on public confidence in the Police's law enforcement and the image of the Police;

(4) of the policies and measures in place to enhance the individual behavioral discipline and professional conduct of police officers on one hand, and restrain police officers from committing crimes on the other hand; and

(5) given that the Police have recently relaxed the entry requirements, such as local academic qualifications, etc., for police officers, of the measures the authorities have in place to ensure that the relevant relaxation will not cause any negative impacts on the newly-recruited police officers in respect of personal conduct, civilised culture, as well as emphasis on law and compliance with regulations?

Reply:

President,

The Police attach great importance to the conduct and behaviour of their officers. Police officers must meet the requirements on behaviour and discipline, and must uphold the Police's values in areas such as impartiality and professionalism. The Police have put in place an Integrated Integrity Management Framework to promote integrity and honesty among Police officers, as well as to monitor their discipline and conduct. Under the established mechanism to regulate Police officers' behaviour and discipline, all cases of breach of the law or discipline will be investigated in a serious manner and handled fairly and impartially.

The reply to the Member's question is as follows:

(1) The numbers of homicide, robbery with firearms/ arms, burglary (in residential premises), telephone deception, voyeurism and related crimes from 2019 to 2022 are shown in the table below:

(No. of cases)	2022	2021	2020	2019
Homicide	30	23	22	24
Robbery with firearms/ arms	0	0	1	1
Burglary (in residential premises)	500	952	1 215	1 332
Telephone deception	2 831	1 140	1 193	648
Voyeurism and related crimes (Note 1)	635	134 (This only reflects the number of cases for around three months)	N/A	N/A

Note 1: The Police started to maintain the relevant number of cases from October 8, 2021 after voyeurism and related crimes were gazetted and implemented. The case numbers include the four offences of "voyeurism", "illegal filming or observation of private parts", "publishing images derived from the above-mentioned crimes" and "publishing or threatening to publish private images without consent".

The number of non-ethnic Chinese arrested for committing criminal offences is as follows:

(pax)	2022	2021	2020	2019
Non-ethnic Chinese persons arrested for criminal offences	2 803	3 251	3 109	2 801

In addition, the numbers of homicide, robbery with firearms/ arms, burglary (in residential premises), telephone deception, voyeurism and related crimes in the first quarter of 2019 to 2023 are shown in the table below:

(No. of cases)	Q1 2023	Q1 2022	Q1 2021	Q1 2020	Q1 2019
Homicide	6	7	4	2	6
Robbery with firearms/ arms	0	0	0	1	0
Burglary (in residential premises)	134	88	205	312	237
Telephone deception	597	339	200	169	127
Voyeurism and related crimes (Note 2)	166	110	N/A	N/A	N/A

Note 2: The Police started to maintain the relevant number of cases from October 8, 2021 after voyeurism and related crimes were gazetted and implemented. The case numbers include the four offences of "voyeurism", "illegal filming or observation of private parts", "publishing images derived from the above-mentioned crimes" and "publishing or threatening to publish private images without consent".

The number of non-ethnic Chinese arrested for committing criminal offences is as follows:

(pax)	Q1 2023	Q1 2022	Q1 2021	Q1 2020	Q1 2019
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Non-ethnic Chinese arrested for criminal offences	776	513	785	693	817
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As seen from the above tables, except for telephone deception, the numbers of related crimes in the first quarter of this year were similar to or have decreased as compared with those in 2019 (before the epidemic). Deception cases have been on the rise in recent years, with major increase in "online shopping fraud", "employment fraud", "investment fraud" and "telephone deception".

The Police will continue to combat deception through all-round measures. Apart from strengthening law enforcement actions and publicity work, the Police will also continue to work with other stakeholders, including the banking, telecommunications, and Internet industry, to combat deception collectively. In particular, in terms of combating telephone deception, the Police have established a dedicated working group with the Office of the Communications Authority and mobile network operators in September last year, and implemented a series of measures to combat telephone deception and Internet deception over the past six months. In addition, the Police's Anti-Deception Coordination Center (ADCC) continues to play its role. In the first quarter of this year, victims of more than 220 deception cases were dissuaded from remitting defrauded funds, and defrauded funds amounted to \$380 million were intercepted. The ADCC will continue to co-ordinate the work of various departments and units of the Police in combating and preventing deception.

(2) Between January to April this year, a total of 11 regular Police officers were arrested, and there were 42, 37, 45 and 24 regular Police officers arrested in the whole year of 2022, 2021, 2020 and 2019 respectively. The Police do not maintain statistical record on other requested figures.

(3) As a professional disciplined force, members of the public have very high expectations towards the conduct and discipline of Police officers. The Police have rigorous discipline and a strict regime to manage the conduct and behaviour of Police officers. While there may be individual officers whose breach of the law or discipline has departed from the values of the Police, the public should not let the extremely small number of isolated cases obliterate the contribution and efforts of the overall Police officers who remain dedicated to their duties. The Police will continue to uphold and reinforce the core values of integrity, fairness, impartiality and professionalism with a view to consistently enhancing the public's confidence and trust in the work of Police officers.

(4) The Police management has been adopting a zero tolerance attitude to all cases of breach of the law or discipline by Police officers resolutely. Supervisors are required to carry out their supervisory responsibilities stringently in order to enhance the public's confidence and trust in the Police.

In fact, Police officers are required to adhere to the rules of conduct and discipline both on and off duty. In this connection, the Police have formulated an integrity management strategy with a four-pronged approach:

- (1) education and integrity culture building;
- (2) governance and control;
- (3) enforcement and deterrence; and
- (4) reintegration and support, in order to consistently enhance the quality and high integrity of Police members.

In addition, in May 2020, the Integrity Audit Action Group (IAAG) was established with a view to making the enforcement work of integrity management more targeted. The objectives of IAAG include:

- (1) to proactively investigate cases of suspected serious breach of regulations or discipline, or even illegal acts of officers;
- (2) to identify work procedures with potential risks for rectification as early as possible; and
- (3) to enhance the monitoring and supervision regime on the behaviour and conduct of officers.

Since its establishment, the IAAG has been proactively examining cases of suspected breach of regulations or discipline involving Police members. Apart from undertaking the Supervisory Accountability Study, the IAAG has also been continuously reviewing the Police's existing workflow and optimising related procedures.

The IAAG is also responsible for implementing various integrity management measures, including the Voluntary Drug Test Scheme, the Financial Screening Scheme and the Financial Declaration to deepen the integrity management culture and prevent misconduct.

- (5) The selection process for recruitment to the Police comprises group interview, final interview, physical fitness test, psychometric test, Basic Law and Hong Kong National Security Law test, medical examination and integrity checks, etc. Candidates will be considered for appointment based on their performance throughout the selection process alongside other relevant factors.

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## **Fraudulent mobile application and phishing instant messages related to Bank of America, National Association**

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

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by Bank of America, National Association relating to a fraudulent mobile application (App) and phishing instant messages, which have been reported to the HKMA. A hyperlink to the press release is available on the [HKMA website](#).

The HKMA wishes to remind the public that banks will not send SMS or emails with embedded hyperlinks which direct them to the banks' websites to carry out transactions. They will not ask customers for sensitive personal information, such as login passwords or one-time password, by phone, email or SMS (including via embedded hyperlinks).

Anyone who has provided his or her personal information, or who has conducted any financial transactions, through or in response to the App or instant messages concerned, should contact the bank using the contact information provided in the press release, and report the matter to the Police by contacting the Crime Wing Information Centre of the Hong Kong Police Force at 2860 5012.

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## **Auctions of traditional vehicle registration marks to be held on June 10 and 11**

The Transport Department (TD) today (May 24) announced that two auctions of traditional vehicle registration marks will be held on June 10 (Saturday) and 11 (Sunday), in Meeting Room S421, L4, Old Wing, Hong Kong Convention and Exhibition Centre, Wan Chai.

"A total of 340 vehicle registration marks will be put up for public sale at each auction. The lists of marks have been uploaded to the department's website, [www.td.gov.hk/en/public\\_services/vehicle\\_registration\\_mark/index.html](http://www.td.gov.hk/en/public_services/vehicle_registration_mark/index.html)," a department spokesman said.

Applicants who have paid a deposit of \$1,000 to reserve a mark for auction should also participate in the bidding (including the first bid at the reserve price of \$1,000). Otherwise, the mark concerned may be sold to another bidder at the reserve price.

People who wish to participate in the bidding at the auction should take note of the following important points:

(1) Successful bidders are required to produce the following documents for completion of registration and payment procedures immediately after the

successful bidding:

(i) the identity document of the successful bidder;  
(ii) the identity document of the purchaser if it is different from the successful bidder;  
(iii) a copy of the Certificate of Incorporation if the purchaser is a body corporate; and  
(iv) a crossed cheque made payable to "The Government of the Hong Kong Special Administrative Region" or "The Government of the HKSAR". (For an auctioned mark paid for by cheque, the first three working days after the date of auction will be required for cheque clearance confirmation before processing of the application for mark assignment can be completed.) Successful bidders can also pay through the Easy Pay System (EPS). Payment by post-dated cheques, cash or other methods will not be accepted.

(2) Purchasers must make payment of the purchase price through EPS or by crossed cheque and complete the Memorandum of Sale of Registration Mark immediately after the bidding. Subsequent alteration of the particulars in the memorandum will not be permitted.

(3) A vehicle registration mark can only be assigned to a motor vehicle which is registered in the name of the purchaser. The Certificate of Incorporation must be produced immediately by the purchaser if a vehicle registration mark purchased is to be registered under the name of a body corporate.

(4) Special registration marks are non-transferable. Where the ownership of a motor vehicle with a special registration mark is transferred, the allocation of the special registration mark shall be cancelled.

(5) The purchaser shall, within 12 months after the date of auction, apply to the Commissioner for Transport for the registration mark to be assigned to a motor vehicle registered in the name of the purchaser. If the purchaser fails to assign the registration mark within 12 months, allocation of the mark will be cancelled and arranged for reallocation in accordance with the statutory provision without prior notice to the purchaser.

For other auction details, please refer to the Guidance Notes – Auction of Traditional Vehicle Registration Marks, which can be downloaded from the department's website, [www.td.gov.hk/en/public\\_services/vehicle\\_registration\\_mark/tvrm\\_auction/index.html](http://www.td.gov.hk/en/public_services/vehicle_registration_mark/tvrm_auction/index.html).