

# Hong Kong Customs combats unfair trade practices by fitness centre

Hong Kong Customs today (April 27) arrested a staff member of a fitness centre suspected of applying false trade descriptions and engaging in aggressive commercial practices in the course of selling fitness services, in contravention of the Trade Descriptions Ordinance (TDO).

Customs officers earlier received information that a staff member of a fitness centre in Kowloon Bay falsely claimed to a customer that the membership fee could be settled by monthly instalments when selling a permanent fitness membership. However, the customer found that the fitness centre charged the whole membership fee in one go when settling the payment and then made a request to cancel the transaction. Nevertheless, the staff member said the customer could not be able to continue using another membership procured earlier if the transaction was cancelled.

At last, the customer paid around \$12,000 to procure a 40-month fitness membership under the coercion of the staff member, who was suspected of applying a false claim to the payment method as well as imposing undue influence and using aggressive commercial practices to force the customer to procure the fitness service.

After investigation, Customs officers today arrested a 32-year-old woman suspected to be in connection with the case. Investigation is ongoing.

Customs reminds traders to comply with the requirements of the TDO and consumers to procure services at reputable shops. Consumers should firmly refuse to sign any documents if they do not clearly know the content and price of the service to be provided, or have no intention to purchase the service.

Under the TDO, any person who in the course of any trade or business applies a false trade description to any services commits an offence. Any trader also commits an offence of engaging in aggressive commercial practices if harassment, coercion or undue influence is used to impair a consumer's freedom of choice or conduct, causing the consumer to make a transactional decision. The maximum penalty upon conviction for each of the above offences is a fine of \$500,000 and imprisonment for five years.

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

Members of the public may report any suspected violations of the TDO 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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## **Import of poultry meat and products from areas in Canada and US suspended**

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (April 27) that in view of notifications from the Canadian Food Inspection Agency and the World Organisation for Animal Health (OIE) about outbreaks of highly pathogenic H5N1 avian influenza in Rural Municipality of Whitemouth of Province of Manitoba in Canada and Montrose County of the State of Colorado, Polk County of the State of Wisconsin, Yankton County and Deuel County of the State of South Dakota, Dixon County of the State of Nebraska and Blue Earth County of the State of Minnesota in the United States (US), the CFS has instructed the trade to suspend the import of poultry meat and products (including poultry eggs) from the above-mentioned areas with immediate effect to protect public health in Hong Kong.

A CFS spokesman said that according to the Census and Statistics Department, Hong Kong imported about 1 020 tonnes of chilled and frozen poultry meat from Canada and about 260 tonnes of chilled poultry meat, about 17 090 tonnes of frozen poultry meat and about 649.21 million poultry eggs from the US last year.

"The CFS has contacted the Canadian and American authorities over the issues and will closely monitor information issued by the OIE and the relevant authorities on the avian influenza outbreaks. Appropriate action will be taken in response to the development of the situation," the spokesman said.

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## **LCQ14: Statistics on criminal cases**

Following is a question by Dr the Hon Tik Chi-yuen and a written reply by the Secretary for Security, Mr Tang Ping-keung, in the Legislative Council today (April 27):

Question:

In the movement of opposition to the proposed legislative amendments which broke out in 2019, more than 10 000 persons were arrested and over 2 000 prosecuted. In addition, after the implementation of the Hong Kong National Security Law in mid-2020, a number of persons were arrested one after another for suspected violation of the Law, but it has been reported that quite a number of such arrestees have been held on remand pending trial

for more than one year, and the cases concerned are yet to be heard by the courts. In this connection, will the Government inform this Council:

(1) in respect of each of the two types of cases related respectively to (a) the movement of opposition to the proposed legislative amendments and (b) the Hong Kong National Security Law, of the respective up-to-date numbers of persons who have been (i) arrested, (ii) remanded pending trial, (iii) released on bail, (iv) prosecuted and (v) convicted; the respective ratios of the numbers of such arrestees to the numbers of those prosecuted, and the numbers of those prosecuted to the numbers of those convicted; and

(2) in respect of each of the two types of cases mentioned in (1), of the respective up-to-date (i) average and (ii) longest time taken (a) from the persons prosecuted being charged to the commencement of trials of their cases, and (b) from the commencement of trials of their cases to the conclusion of the cases; whether the authorities will take measures to shorten the time for listing for trial of such cases; if so, of the estimated time that can be shortened; if not, the reasons for that; in respect of those arrestees who have been held on remand pending trial for more than one year, whether the authorities will, as far as possible, refrain from objecting to their being released on bail pending trial?

Reply:

President,

Having consulted the Department of Justice (DoJ) and the Judiciary, my reply to the member's question is as follows:

(1) Any law enforcement actions taken by Hong Kong law enforcement agencies are based on evidence, strictly according to the law, and for the acts of the persons or entities concerned.

Moreover, Article 63 of the Basic Law expressly provides that all prosecutions are controlled by the DoJ, free from any interference. Prosecutions would be instituted by the DoJ only if there is sufficient admissible evidence to support a reasonable prospect of conviction and if it is in the public interest to do so.

Regarding the illegal acts relating to the serious violence since 2019, as at February 28, 2022, the Police had arrested 10 277 persons in total, out of which 2 804 persons had been prosecuted (27.3 per cent of the arrested persons), and 1 172 persons had been convicted (41.8 per cent of the prosecuted persons). Court proceedings of 939 persons are underway. The Police do not maintain statistics of persons remanded in custody and those released on bail for illegal acts relating to the serious violence.

Since the implementation of the National Security Law on June 30, 2020, up to March 31, 2022, 175 persons were arrested for committing acts that endanger national security (including those concerning offences under the National Security Law and other offences endangering national security). One hundred and twelve persons out of those arrested (64 per cent of the arrested

persons) and five companies were charged. At present, eight persons were convicted (100 per cent of those with trial concluded), while 78 and 59 persons were remanded in custody and released on bail respectively.

(2) The DoJ has all along handled criminal prosecutions independently, free from any interference in accordance with Article 63 of the Basic Law. For handling cases concerning offences endangering national security, the DoJ also strictly complies with Article 42(1) of the National Security Law, which stipulates that "the law enforcement and judicial authorities of the Region shall ensure that cases concerning offence endangering national security are handled in a fair and timely manner". All prosecutions are carried out in strict accordance with the relevant law.

The time taken between the institution of prosecution and the trial of each case depends on a multitude of factors, such as whether further investigation is required, whether the defendant needs time to obtain legal advice for consideration of his/her plea or whether the defence requires certification of translated documents or exercises rights under the law to make any pre-trial application. To echo the concluding remarks of the Appeal Committee of the Court of Final Appeal in a case in 2021 (Note), it is now incumbent on all parties and the court to process cases concerning offence endangering national security with full co-operation and all possible expedition. We do not maintain the figures from the institution of prosecution to trial as requested in the question.

According to information from the Judiciary, their operational experience shows that cases related to the 2019 "anti-extradition amendment bill incidents" (anti-EAB cases) and the National Security Law (NSL cases) have been posing unprecedented challenges to the Judiciary in terms of resources and operation because many of these cases involve a large number of defendants, legal representatives, media and public viewers, and evidences in the form of large volume of video recordings, which require longer trials of more than 20 to 30 days.

While the court has always proactively accorded priority to the handling of anti-EAB and NSL cases and endeavours to fix an earliest possible date for each of those more complex cases involving a large number of defendants, the processing time of each case from the first hearing date to conclusion depends on a range of factors, many of which are beyond the control of the Judiciary.

Similar to the judicial proceedings of other criminal cases, after the first hearing and before the case is ready for trial, the parties in each case will invariably need time to complete a series of necessary steps and procedures to ensure due administration of justice (including access to a fair trial and safeguarding the rights and interests of all parties). These include investigation, collection of evidence and seeking legal advice from the DoJ by law enforcement agencies, defendants' application for legal aid or arrangement for private legal representatives, obtaining evidence from the prosecution, investigation of such evidence and seeking legal advice, as well as trial preparation by parties. Where necessary, the court may deal with issues on case management, such as the consolidation or severance of cases to

facilitate the conduct of trials.

When a case is largely ready for trial, the court will endeavour to fix an earliest possible date having regard to a number of factors including the diary of the presiding judge, complexity of the case and number of hearing days required, the number of parties (particularly defendants) involved, the availability of parties and/or counsel involved and the time required by parties for case preparation.

Operational experience from some 90 anti-EAB cases concluded at the District Court (DC) over the past two years indicates that the processing time from their date of first appearance at the Magistrates' Courts to the date of conclusion at DC generally ranged from 300 to 400 days or so, which is about 30 per cent longer than other criminal cases. Please see Annex for a more detailed analysis.

In the past two years, the Judiciary has been according high priority to handling anti-EAB and NSL cases as expeditiously as possible while ensuring due administration of justice through a series of multi-pronged measures. These include –

- (a) engagement of additional judicial resources;
- (b) proactive case management by courts such as –
  - (i) fixing practicable timetables after taking into account the actual circumstances of the cases and monitoring the progress of the cases;
  - (ii) encouraging parties to co-ordinate among themselves in ongoing legal proceedings by, for example, directing parties to identify issues in dispute and discuss case management issues in between hearings; and
  - (iii) handling case management issues early, such as directing parties to submit written submissions on consolidation or severance of cases;
- (c) longer court sitting hours and Saturday sittings;
- (d) making the best use of around 135 existing courtrooms suitable for the criminal cases in 11 law court buildings for handling around 60 to 70 hearings of anti-EAB cases each week;
- (e) enlarging the capacity of existing courtrooms to handle cases with a larger number of defendants through renovation and/or broadcasting of hearings;
- (f) re-commissioning the Tsuen Wan Law Courts Building since October 2021; and
- (g) planning to construct a mega courtroom for up to 50 defendants at Wanchai Tower, which is expected to complete in 2023.

With the adoption of the above pragmatic measures to expedite the handling of anti-EAB and NSL cases, as of end February 2022, the Judiciary has already disposed of some 1 700 (i.e. 83 per cent) of some 2 100 anti-EAB cases brought to various levels of court. The vast majority of cases (at 94 per cent) at the Magistrates' Courts have been concluded. The imminent challenge in the coming one to two years is mainly to cope with around 190 outstanding cases being handled by the DC, around 85 per cent of which have been listed for trial in 2022 to 2023.

A total of 85 NSL cases, with many of them being bail-related ones, have

been received at various levels of court. Among them, 64 cases (i.e. 75 per cent) have been concluded.

Note: Case number FAMC32/2021.

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## [AAIA publishes investigation report on accident involving Ozone Alpina 3 paraglider](#)

The Air Accident Investigation Authority (AAIA) today (April 27) published the investigation report (1/2022) on the investigation into an accident involving an Ozone Alpina 3 paraglider with its pilot fatally injured on Lantau Island on July 22, 2018.

At about 1.50pm that day, the pilot took off from South Lantau East Takeoff Site, a paragliding area in the Lantau South Country Park. At 7.34pm, the Police received a report that the pilot was missing. The Fire Services Department immediately launched a search and rescue operation in conjunction with the Police, the Government Flying Service (GFS) and the Civil Aid Service.

The joint departmental search and rescue operation was hindered by adverse weather brought by the Tropical Storm Son-Tinh, in particular continuous conditions of poor visibility and low cloud base, which prevailed from July 23 to 26.

At 11.47am on July 27, the GFS located the pilot and his paraglider on a hill slope of Sunset Peak about 1 kilometre north-east from where he took off. The pilot was immediately conveyed to hospital by a GFS helicopter and was certified dead later.

The investigation was conducted by a team of professional investigators in adherence to international standards established by the International Civil Aviation Organization. The investigation found that this fatal accident was probably caused by loss of effective control of the paraglider under rapidly deteriorated weather conditions, resulting in an impact with the terrain that rendered multiple injuries to the pilot. The investigation team has made three safety recommendations for the Civil Aviation Department and the departments in charge of search and rescue operations for follow-up.

"The investigation report was published by the AAIA with the objective of identifying the circumstances and causes of the accident with a view to preventing recurrence," an AAIA spokesperson said.

Throughout the investigation, all parties concerned were properly consulted on the report. The report is available for download at the AAIA webpage ([www.thb.gov.hk/aaia/eng/investigation\\_reports/index.html](http://www.thb.gov.hk/aaia/eng/investigation_reports/index.html)).

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## **LCQ1: Delivery of transitional housing projects**

Following is a question by the Hon Joephy Chan and a written reply by the Secretary for Transport and Housing, Mr Frank Chan Fan, in the Legislative Council today (April 27):

Question:

It has been reported that the transitional housing project at the junction of Hoi Hing Road and Hoi Kok Street in Tsuen Wan, which is the first of such projects proposed to be built by modular construction using ready-made underground pipes as building materials, is unable to commence works and be completed on schedule because the costs in the tenders received have exceeded the budget. Regarding the delivery of transitional housing projects, will the Government inform this Council:

(1) of the total number of projects which experienced delays in the past two years, and set out, by the type of reasons for the delays, the names, up-to-date time periods of the delays and the latest works progress of the projects concerned;

(2) of the latest design, construction schedule, expected completion date and unit cost of the aforesaid Hoi Hing Road project;

(3) apart from the Hoi Hing Road project, whether there are other projects that will, or are planning to, adopt the same approach of modular construction using pipes; if so, whether the Government will, together with the operating organisations of such projects and professionals, review if such construction approach is suitable for use in Hong Kong in terms of costs and techniques; and

(4) given that the operating organisations of quite a number of projects are non-governmental organisations (NGOs) and they have encountered quite a number of difficulties in delivering the projects, whether the Government will step up its support for such organisations, including engaging organisations which specialise in housing construction to be responsible for the construction of transitional housing units, and then hand over the units to various NGOs for them to operate; if so, of the details; if not, the reasons for that?

Reply:

President,

The Government is making every effort to promote the development of transitional housing by making better use of vacant land and premises for providing short term housing with a view to alleviating the hardship faced by families who are living in inadequate housing and waiting for public rental housing for a long time. The Task Force on Transitional Housing (the Task Force) under the Transport and Housing Bureau has been actively advocating and facilitating non-governmental organisations (NGOs) in implementing transitional housing projects. "The Chief Executive's 2021 Policy Address" proposed to further increase the overall supply of transitional housing from 15 000 to 20 000 units in the coming few years by providing 5 000 additional units.

Currently, we have already identified land for the provision of over 19 000 transitional housing units. Of these, over 2 600 units are in operation; over 4 100 units are under construction and scheduled to complete for operation in 2022; about 11 500 units have been activated with different advance works (such as planning, tendering and/or design review works) and scheduled to complete for operation before the end of 2023; and projects involving about 1 200 units are under in-depth study.

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

(1) As at April 2022, the Funding Scheme to Support Transitional Housing Projects by Non-government Organisations (the Funding Scheme) has approved a total of 35 projects. The progress of these projects is generally smooth. Two large scale projects, namely the Kong Ha Wai project and the United Court project, were completed ahead of the anticipated completion date. For the Former Tsuen Wan Lutheran School project, the works progress has been affected by the earlier severe pandemic situation by about one month as the workers were infected successively, resulting in the shutting down of the construction site for cleaning and disinfection for several times. Notwithstanding the above, the project has already been completed for intake in mid-April 2022. For the remaining 32 activated projects, six of them, including the Yip Shing Street project, the Junction of Hoi Hing Road and Hoi Kok Street project, the Wong Yue Tan Plover Cove Tai Po project, the Yau Ma Hom Road project, the Former Salvation Army Sam Shing Chuen Lau Ng Ying School project, and the Cheung Shun Street Cheung Sha Wan project have been delayed for about one to six months due to the time required for addressing the different views received from local consultation; technical problems encountered during development; longer time than expected for engaging professional consultants and tendering; impact of adverse weather, etc. The Task Force will continue to do its best to assist NGOs in resolving the problems and challenges encountered during project implementation in a timely manner, such that the projects can be completed as soon as possible.

(2) The transitional housing project at the junction of Hoi Hing Road and Hoi Kok Street in Tsuen Wan would have two floors and could provide about 110 to 130 units for one to four persons according to the original preliminary plan. Taking into account the building cost of the returned tenders in the initial

tender exercise, the operating NGO of the project decided to re-tender in March 2022 with the scope of works revised, including a significant reduction of pipe-form residential units to two trial ones, and leaving three pipe-form modules for property management use and residents' communal activities. This can allow more flexibility for the contractors to increase cost efficiency by adopting Modular Integrated Construction modules with different production specifications from different manufacturers. The number of units to be provided by the project has also increased to about 210 by making use of the adjoining land. The project is currently anticipated to commence its works in July 2022 and to complete in June 2023. According to the requirements of the Funding Scheme, the funding ceiling for each transitional housing unit involving erection of temporary structures on vacant land is \$0.55 million. The final cost of this project will depend on the tender result.

(3) Apart from the project at the junction of Hoi Hing Road and Hoi Kok Street in Tsuen Wan, no other transitional housing projects will or are being planned to use pipe-form units as living units.

(4) The Government has been actively spearheading the policy and closely collaborating with NGOs in implementing and providing different types of transitional housing through flexible deployment of public resources. The Task Force has all along been providing one-stop co-ordinated support and flexibly rendering appropriate support and facilitation to the NGOs where necessary, including offering advice and assistance on relevant administrative or statutory procedures (such as funding application, short term tenancy application of government land or other relevant statutory procedures). The Task Force also provides advice and technical support to NGOs on various aspects of the projects (e.g. statutory requirements on building plans, traffic and fire services provisions) and acts as a communication conduit which facilitates the discussions among NGOs and relevant departments (e.g. the Buildings Department, the Lands Department, the Transport Department and the Fire Services Department, etc.), with a view to resolving various problems encountered during project implementation and expediting the process for obtaining the relevant approvals required.

In addition, in implementing the projects, NGOs can apply for funding under the Funding Scheme for employing professional design consultants and approved building contractors, etc. to assist in the design, project management and construction of transitional housing units. As we understand from most of the NGOs involved in the transitional housing projects through daily collaboration and communication, the current arrangement is largely appropriate and satisfactory. There are many different arrangements and ideas for transitional housing and we wish to bring together the community forces, especially allowing different NGOs to unleash their creativity, to provide various types of transitional housing projects. Therefore, the current collaborative model can better enable the NGOs to flexibly provide diversified transitional housing units according to the characteristics of each project and the needs of the target tenants, so as to provide adequate housing for families with imminent housing needs.