

Correctional Services Department's 2020 Annual Review

Following is the 2020 Annual Review issued by the Correctional Services Department (CSD) today (April 28):

The violent incidents arising from the opposition to the Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019 (the Amendment) and the COVID-19 epidemic have had significant impacts on and posed unprecedented challenges to Hong Kong's society. Despite the difficult times, staff of the CSD held fast to their duties and took resolute enforcement action to ensure institutional safety and stability. Various measures were also implemented to prevent the spread of the virus to correctional institutions.

Custodial Work

Number of Admissions and Penal Population

In the first half of 2020, court hearings were affected by the raging COVID-19 epidemic in Hong Kong, which indirectly resulted in a reduction in the annual number of admissions (including remands and convicted persons) in 2020, from 14 224 in 2019 to 11 967 in 2020, representing a decrease of 16 per cent. The average daily penal population at correctional facilities also decreased by 11 per cent from 7 737 persons in 2019 to 6 902 persons in 2020. The average daily occupancy rate was 62 per cent.

Among the 6 902 persons in custody mentioned above:

- (i) 72 per cent were sentenced persons and 28 per cent were remands;
- (ii) 81 per cent were males and 19 per cent were females;
- (iii) 96 per cent were aged 21 or above and 4 per cent were aged under 21; and
- (iv) 71 per cent were locals, 10 per cent were from the Mainland, Taiwan or Macao, and the remaining 19 per cent were from other countries.

It should be noted that as the legal proceedings of the cases in relation to the social disturbances were in progress, there was an increase in the number of remands. The average daily number of remands hit a decade high last year, from 1 436 in 2011 to 1 962 in 2020, representing an increase of 37 per cent. The highest single-day number of remands in 2020 stood at 2 195, representing an increase of 613 persons (39 per cent) when compared with the corresponding figure (1 582 persons) in 2011. The department expects that the relevant figures will remain high and have a further upward trend this year.

Further analysis showed that the average daily number of male remands

aged 21 or above registered the highest rise, from 1 023 in 2011 to 1 521 in 2020, representing an increase of 49 per cent, which is followed by female remands aged 21 or above, from 234 in 2011 to 281 in 2020, representing an increase of 20 per cent. The substantial increase in the number of remands aged 21 or above imposed a heavy burden on Lai Chi Kok Reception Centre and Tai Lam Centre for Women, resulting in the penal population frequently exceeding the admission capacity of both institutions. The department responded immediately and arranged for some remands to transfer in batches to Stanley Prison and Lo Wu Correctional Institution in an orderly manner. The CSD will closely monitor the changes in the penal population and deploy resources flexibly to relieve the burdens of individual reception centres.

In 2020, the number of admissions to correctional institutions for being involved in violent or unlawful acts arising from the opposition to the Amendment stood high at 422, with 181 of them being sentenced persons and the remaining 241 being remands. Among these 422 admissions:

- (i) 269 persons (64 per cent) were aged 21 or above, including 135 sentenced persons and 134 remands; and
- (ii) 153 persons (36 per cent) were aged under 21, including 46 sentenced persons and 107 remands.

Analysed by gender, 92 per cent (388 persons) of the admissions were males while only 8 per cent (34 persons) were female. They were involved in offences such as unlawful assembly, possession of an offensive weapon, arson and taking part in a riot.

Last year, 134 persons with a high security risk (i.e. Category A persons in custody) were admitted, with 55 of them being remands, an increase of 12 persons (28 per cent) as compared with 43 persons in 2019. Among these persons with a high security risk, two sentenced persons and 12 remands awaiting trial were involved in unlawful acts arising from the opposition to the Amendment.

Safe Custody

There has been no successful escape case in Hong Kong for 13 years in a row, from 2008 to 2020. Notwithstanding that there was a decline in the penal population in 2020 as compared with the 2019 figure, no reduction was observed in the number of disciplinary charges against persons in custody.

There were 10 cases of concerted acts of indiscipline in correctional institutions in 2020, representing an increase of three cases over 2019's figure. These acts of indiscipline mainly involved fighting among persons in custody and collective actions against the management measures of correctional institutions. The number of participants involved reached 125 in 2020, representing an increase of 32 per cent over the corresponding figure (95 participants) in 2019. Further analysis revealed that about 70 per cent of persons in custody involved in concerted acts of indiscipline in 2020 had triad backgrounds.

Lai Chi Kok Reception Centre recorded the highest number of cases of concerted acts of indiscipline in 2020, with six cases involving 60 persons in custody. Four of the cases involved fighting among persons in custody or collective actions against the management measures of the institution, while the other two cases were misconduct of remand persons in custody after drinking alcoholic beverages.

Furthermore, the number of disciplinary charges against persons in custody was 4 332, representing an increase of 11 per cent over 3 905 in 2019. The top three charges were "offending good order and discipline", "possession of any unauthorised article" and "disobeying the orders of correctional officers", which accounted for 30 per cent, 28 per cent and 15 per cent of the total number of disciplinary charges respectively. In 2020, there were 2 488 persons in custody subject to disciplinary charges, representing an increase of 85 persons as compared with 2 403 persons in 2019. Among the 2 488 persons in custody subject to disciplinary charges, 412 committed three or more disciplinary offences, involving 1 790 disciplinary charges, which accounted for 41 per cent of the total number of disciplinary charges. One of them was even subject to 22 disciplinary charges.

A total of 423 cases involving violent acts were recorded in 2020, representing an increase of 21 cases (5 per cent) as compared with 402 cases in 2019. These cases mainly involved fighting among persons in custody and assaulting others.

Among the 423 cases, 24 cases of a more serious nature were referred to the Police for follow-up, representing a decrease of seven cases from the 2019 figure. The number of correctional officers who were injured while stopping violent acts was reduced to 11, representing a decrease of nine officers from the number in 2019.

A total of 65 self-harm cases committed by persons in custody were recorded in 2020, representing a substantial increase of 48 per cent (21 cases) as compared with 44 cases in 2019. The increase in the above cases was mainly attributed to cases involving remands, which rose by 14 cases (58 per cent) from 24 cases in 2019 to 38 cases in 2020. Self-harm cases committed by female remands saw the greatest increase, from nine cases in 2019 doubling to 18 cases in 2020. Regarding these 18 cases, three persons in custody had engaged in self-harm behaviours two or more times, constituting nine cases in total. While the vast majority of the above cases were discovered in time and the persons in custody concerned were successfully rescued by correctional officers, two persons in custody died despite rescue efforts in 2020. The cases have been referred to the Police for investigation and subsequent death inquests will be conducted.

Expanding the Establishment of Regional Response Teams (RRTs) and Strengthening Equipment

To enhance the readiness for emergencies, the department has been maintaining high vigilance, expanding the establishment and scale of the

RRTs, and building up their capability to combat riots with a view to maintaining order and security of correctional institutions. The coverage of the RRTs has been expanded from the existing three regions, namely Hong Kong Island, Kowloon and Lantau Island, to include Hei Ling Chau and individual large-scale correctional institutions such as Lai Chi Kok Reception Centre, Stanley Prison, Shek Pik Prison and Lo Wu Correctional Institution.

Being forceful and assertive, the RRTs are able to arrive at the scenes swiftly to quell disturbances and prevent any incidents from deteriorating. In 2020, the RRTs were deployed to take part in 33 cases involving providing support for maintaining institutional security, and 302 cases involving high-risk escort duties.

Stepping Up Law Enforcement in Institutions

The CSD has redeployed resources and strengthened its intelligence network to ensure a safe and secure custodial environment. In 2020, the CSD conducted a total of 9 662 joint search/special search/night raid operations in institutions, covering 16 094 locations, representing increases of 11 per cent and 13 per cent respectively as compared with the corresponding figures in 2019.

The CSD is committed to stopping the smuggling of drugs into correctional institutions. In 2020, there were 14 cases of seized drugs, including seven cases of body-cavity concealment of drugs. The majority of the seized drugs was heroin and the cases mainly involved newly admitted persons in custody.

Escorting Persons in Custody

Despite the reduction in the average daily penal population in 2020, the demand for medical and healthcare treatment from persons in custody and the number of regular follow-up appointments arranged for them at public hospitals have remained high owing to various factors including the ageing population, the prevalence of chronic diseases such as diabetes and hypertension, and a large number of persons in custody with a history of drug abuse. In 2020, the figure in this regard stood at 40 000 man days, similar to that of 2019.

Apart from performing medical escort duties, correctional officers are also required to escort persons in custody to courts for hearings. In 2020, about 32 744 court escorts were performed by correctional officers, and the highest single-day number of court escort cases reached 273, representing a substantial increase of 62 per cent as compared with the highest single-day number of 169 cases in 2019. The increase in the number of escort cases put a great strain on manpower resources and significantly increased the security risk.

United as One to Stop the Violence and Fight the Virus

Hong Kong saw incessant riots in 2019. Apart from staying committed to

maintaining prison order, the department also deployed correctional officers to take up appointment as Special Constables, so that they could contribute to society by assisting the Government in stopping violence and curbing disorder.

In early 2020, the outbreak of the COVID-19 epidemic presented another formidable challenge to the CSD. The special physical settings in prisons make it easier for infectious diseases to be transmitted quickly within institutions, which could lead to grim consequences. Since mid-January 2020, the department has strengthened the cleansing and disinfection work at full scale, and activated the Three-tier Medical Response System to detect, isolate and handle high-risk cases. Innovative technologies have also been introduced to the cleansing and disinfection work in order to enhance personal and environmental hygiene, thereby minimising the risk of spreading the disease inside institutions and cutting the virus transmission chain as soon as possible. In 2020, although some sporadic confirmed cases were recorded in correctional institutions, the further spreading of the virus within the institutions was prevented with front-line staff acting in unison and making swift responses in accordance with the response system.

At the onset of the epidemic, there was a dire shortage of filter masks. Operating the only production line of filter masks in Hong Kong at the time, the department immediately extended its production to round-the-clock production. As correctional staff were keen on supporting the community's fight against the virus, over 2 500 off-duty and retired officers were recruited within a short period of time to work in shifts on a voluntary basis in Lo Wu Correctional Institution for mask production. With the concerted effort of various community stakeholders, mask production was significantly ramped up, which contributed greatly to the Government's battle against the epidemic. Currently, to support the anti-epidemic work of other government departments, the CSD has not only set up additional production lines of filter masks, but also consolidated its existing resources to establish production lines in Lo Wu Correctional Institution and Tai Lam Correctional Institution for manufacturing personal protective equipment (PPE) like disposable isolation gowns, disposable caps and protective face shields. Persons in custody are given the opportunity to contribute to society by participating in the production of PPE.

Moreover, in the first quarter of 2021, the department deployed staff members as required to assist residents within the specified "restricted areas" to undergo compulsory testing. It is hoped that the general public would stand united to help Hong Kong win the battle against the pandemic as soon as possible, thereby bringing lives back to normal.

Rehabilitation

Psychological Services

With a concerted effort of the department's clinical psychologists, breakthroughs were made in various areas of psychological counselling last

year.

Following the establishment of the Psy Gym in Lo Wu Correctional Institution for female persons in custody, the department also set up the Life Gym, the positive living centre for male persons in custody, in Stanley Prison, which marked a new milestone in the department's development of gender-specific psychological treatment. The Life Gym offers the first psychological treatment programme in Asia tailored to meet the characteristics of male persons in custody. Participants include persons in custody who committed violent offences. Through intensive psychological treatments, the participants are able to relieve their anger and resolve disputes through rational communication, which will help them desist from re-offending and develop a positive lifestyle.

Given the social situation in recent years, a large number of young people who were involved in violent or unlawful acts arising from the opposition to the Amendment have been admitted to correctional institutions. Apart from the existing counselling programme named the Offending Behaviour Programme, the CSD is actively planning to establish a Youth Lab to provide a spiritual space for young persons in custody to undergo psychological rehabilitation and rebuilding, adjust their mode of thinking and enhance their law-abiding awareness. The initiative will be put into a trial run in Pik Uk Correctional Institution, and subject to its effectiveness, it will be progressively extended to other correctional institutions.

For adult persons in custody, clinical psychologists have also designed the Violence Prevention Programme for voluntary participation by persons in custody who committed serious violent offences. Through systematic psychological assessment, the programme enables participants to understand the risk of re-offending and learn the skills of anger management, rational communication and conflict resolution. Moreover, clinical psychologists are proactively developing a family psychological treatment programme aiming to rebuild family relationships to help persons in custody cultivate positive living attitudes and reduce their violent thinking. At the same time, to address the youth violence problem arising from the social events in recent years, the CSD and the Hong Kong Police Force have jointly launched the Walk with YOUTH Programme, under which the City University of Hong Kong has been commissioned to conduct a study entitled "Understanding the social cognitive processes in incarcerated youths" with a view to designing more effective rehabilitation programmes for young offenders.

After bringing mindfulness into drug addiction treatment in Nei Kwu Correctional Institution, the department launched the first mindfulness-based psychological drug addiction treatment centre for male persons in custody at Hei Ling Chau Drug Addiction Treatment Centre – Mindfulness Place. Incorporated with the elements of mindfulness, the treatment programme aims to assist persons in custody in early identification of negative emotions and craving, and in enhancing self-control so as to prevent relapses.

Multi-purpose Family and Rehabilitation Service Centre

The CSD is currently operating a counselling centre in Mong Kok to provide psychological and counselling services to discharged persons under supervision, and offer a limited video visit service. To enhance psychological and counselling services and to extend the video visit service of correctional institutions, the department started planning last year for the establishment of four multi-purpose family and rehabilitation service centres on Hong Kong Island and in New Territories North, New Territories West and New Territories East. These centres are expected to start operation by the end of this year. A community-based Change Lab tailored for young people will also be set up in one of these centres. The Change Lab, which will be under the charge of clinical psychologists, will provide specialised psychological counselling service for young people serving a binding-over order to enhance their resilience, and liaise with their parents and families to help them build positive family relationships under family support, with a view to guiding them to lead a positive life throughout their life journey.

Education

The department has launched an educational initiative entitled Understanding History is the Beginning of Knowledge to assist young persons in custody to learn history, enhance their sense of national identity, help them reflect on the meaning of life and guide them back on the right track. Through diversified educational activities including scholar talks, virtual reality history learning activities, learning history through e-sports activities, and history and culture workshops on topics such as Cantonese opera, diabolo tricks and papermaking, young persons in custody can learn about the long history and rich culture of China in an interesting way, so as to arouse their interest in learning history.

With the Education Officers of the Education Unit of the department making their utmost effort to overcome the obstacles, classes for young persons in custody in correctional institutions continued despite the epidemic. In 2020, the overall passing rate of persons in custody in public examinations was 57 per cent and nine adult persons in custody were awarded a bachelor's degree.

Industrial Production

With regard to the work arrangement for persons in custody, the CSD has proactively introduced high-end computerised production facilities to enhance the quality of products, raise production efficiency, and enable persons in custody to acquire up-to-date production skills and common knowledge. In the past year, the department introduced the 3D body scanner and printer to Pak Sha Wan Correctional Institution, the Automatic Robotic Welding and Inspection System to Tai Lam Correctional Institution, and the first vacuum lifter and crane system to Pik Uk Prison. The introduction of these facilities not only enables persons in custody to receive market-oriented training, but also enhances production efficiency and product quality, promotes operational automation and raises the level of occupational safety and health. Currently, the department is actively planning to convert the Carpentry Workshop in Pik Uk Prison into an intelligent automated production

line to produce government office furniture.

Vocational Training

In respect of vocational training, about 40 market-oriented courses with a total of over 1 400 training places are currently provided for adult persons in custody in various correctional facilities. Last year, the CSD collaborated with local training bodies to organise courses on 3D designing and printing skills, and specialty cake making. Virtual reality elements are incorporated into various training courses which include the virtual reality forklift truck operation training offered by the Logistics Management Course, the Course on Virtual Reality Visual Merchandising and Retail Management, and the Course on Virtual Reality Welding. Persons in custody can enrol in these courses on a voluntary basis to acquire up-to-date skills and knowledge, thereby enhancing their employability and facilitating their reintegration into society after release.

The CSD will, in collaboration with various training bodies, continue to regularly review and introduce diversified and market-oriented vocational training courses having regard to the overall situation of the local employment market and labour demand. In addition, the department will proactively introduce innovation and technology courses, such as a course on Virtual Reality Interior Design to be introduced this year. The vocational training courses aim to help rehabilitated persons find jobs and enrol in bridging or progressive courses in future.

Community Education

The CSD expanded the establishment of the uniformed group Rehabilitation Pioneer Leaders (RPL) in 2020 by increasing the number of districts from two (Hong Kong Island, and Kowloon and the New Territories) to three (Hong Kong Island, Kowloon and the New Territories), with the number of target participants being raised from about 100 to about 150. However, the implementation of the project was postponed to 2021 due to the epidemic situation and school suspension.

Although the implementation of community education activities by the CSD was seriously hindered by the COVID-19 epidemic, an innovative initiative, "RPL chit-chat", was launched during school suspension. Crime prevention talks and interviews on life planning were held several times through online platforms and a number of videos were broadcast to enable youngsters to obtain crime prevention and rehabilitation information at home, with a view to keeping up the momentum of community education.

In addition, the department and the Care of Rehabilitated Offenders Association has co-organised a brand-new adventure-based educational programme named "Mission in Prison". Through the active participation of students in the novel experiential activities on correctional work, the messages of "leading a law-abiding and drug-free life as well as supporting offender rehabilitation" can be disseminated to them, and the public

understanding of correctional work can be enhanced.

Recidivism Rate

The recidivism rate (i.e. the percentage of re-admission of local sentenced persons to correctional institutions following conviction for a new offence within two years after discharge) decreased from 24.8 per cent in the discharge year of 2017 to 22.5 per cent in 2018, which was the lowest on record. The department will continue to unite all sectors of the community to create a harmonious social environment conducive to rehabilitated persons' re-integration into society.

Human Resources

In 2019-20, a total of 54 Officers and 309 Assistant Officers II were recruited. It is expected that in 2020-21, around 50 Officers will be recruited, and the year-round recruitment for the post of Assistant Officer II will continue to fill the existing vacancies.

Furthermore, established in August 2019, the Ethnic Minorities Relation Team is committed to implementing Project NOVA, under which life planning workshops, visits to the CSD's Staff Training Institute, physical fitness training classes and career interview workshops have been organised. The project has attracted over 100 non-ethnic Chinese youngsters to apply for CSD vacancies, and four of them (three males and one female) were granted the offer of appointment as Assistant Officer II. They all reported for duty at correctional institutions in the middle and the second half of 2020.

Development of Smart Prison Protocol

The department has been actively developing the Smart Prison protocol since 2018. Various technology projects have been rolled out in several correctional institutions under four major system categories for strategic development, namely "Security and Monitoring System", "Operation and Management System", "Person in Custody Self-management System" and "Staff Capacity Enhancement System", with a view to raising management efficiency, the level of security of correctional institutions and the effectiveness of rehabilitation programmes.

With reference to the experience gained from the trial runs of technology projects over the past two years, the CSD has been making modifications, introducing new elements and conducting system integration so as to convert Tai Tam Gap Correctional Institution into a first-generation smart prison that is expected to come into operation again in mid-2021.

To facilitate the long-term development of the Smart Prison protocol, the department has been actively enhancing the quality of staff training, which includes establishing the e-Staff Training Institute. Through the

introduction of the element of technology, a different mode of teaching and training is adopted under which correctional staff can obtain authentic learning experiences in various simulated institutional settings so as to strengthen colleagues' capability in law enforcement and enhance their self-confidence, as well as encourage trainees to participate actively in the future development of smart prisons.

Correctional Services Department Headquarters Building

The CSD obtained the funding approval from the Finance Committee of the Legislative Council on December 16, 2020, for the construction of the Correctional Services Department Headquarters Building at Shing Tai Road, Chai Wan, to enhance its operational efficiency and facilitate future development. The project has already commenced in the first quarter of 2021 and will be completed in the fourth quarter of 2024.

Redevelopment of Correctional Institutions and Facilities Improvement Works

As the number of adult male remands has been on the increase, Lai Chi Kok Reception Centre with its existing facilities is under tremendous strain and hence overcrowding is prevalent in the centre. The CSD has proposed the in-situ partial redevelopment of the institution to increase its capacity by 410 places and improve its existing correctional facilities. The project has been approved by the Town Planning Board, and the department will seek funding support according to the existing mechanism.

In addition, non-emergency works in correctional institutions were temporarily suspended due to the grim epidemic situation last year, but the overall works progress was unaffected.

100th Anniversary of the CSD

December 31, 2020, marked 100 years since the CSD formally became independent from the Police Force. In 2020, the department joined hands with various sectors of the community to organise a series of celebration and publicity events under the theme of "A Century of Corrections Connecting a Smart Future". Apart from the Kick-off Ceremony of Celebration Events cum Carnival for 100th Anniversary of CSD, the CSD published a series of thematic stories about the department in a magazine to introduce to the public its way forward. Furthermore, the department also held the 100th Anniversary Hundred Kilometer Team Challenge and co-organised blood donation activities with the Hong Kong Red Cross, and more. However, as affected by the COVID-19 epidemic, most of the other activities had to be postponed.

In addition, the CSD and the Hong Kong Police Force have jointly launched the Walk with YOUTH Programme to disseminate law-abiding messages to young persons in custody and instil positive values in them. The programme includes a series of activities to be held inside correctional institutions

with the assistance of volunteers from both departments.

Conclusion

The correctional system in Hong Kong has been evolving to keep pace with the development of society. The department would like to extend its heartfelt gratitude to all correctional officers, community stakeholders and various organisations for their unfailing support over the years. The CSD also calls on the public to continue to support its correctional work and accept rehabilitated persons, thus helping them return to the right track.

LCQ12: Combating illegal smoking

Following is a question by the Hon Wilson Or and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (April 28):

Question:

Under the Smoking (Public Health) Ordinance (Cap. 371), no person shall smoke in a no smoking area, and no smoking areas include the indoor areas of premises such as bars and restaurants. It has been reported that in recent years, quite a number of bars, restaurants and private clubs have provided waterpipes for smoking by customers in order to solicit business, and have not stopped their customers from smoking illegally on their premises. In this connection, will the Government inform this Council:

(1) whether it has compiled statistics on the current number of various types of premises providing waterpipes to their customers; if so, of the details; if not, the reasons for that;

(2) of (i) the number of inspections of bars, restaurants, party rooms and private clubs conducted, and (ii) the number of prosecutions instituted by invoking the provisions on smoking-related offences under Cap. 371, by the Tobacco and Alcohol Control Office (TACO) of the Department of Health in each of the past five years, with a breakdown by the offence involved, type of premises and District Council district;

(3) whether it has taken targeted measures at the premises where illegal smoking is prevalent, e.g. by listing such premises as black spots for smoking offences and stepping up law enforcement efforts there, as well as sending officers there to distribute promotional materials on smoking ban;

(4) given that for the first time, a bar and a staff member of it were convicted of and fined last month for aiding and abetting its/his customers

to smoke a waterpipe in a no smoking area, whether TACO will step up the relevant law enforcement efforts; and

(5) whether it will study amending Cap. 371 to stipulate that the person-in-charge of premises who knowingly does not stop any customer from smoking in a no smoking area of his/her premises commits an offence?

Reply:

President,

My reply to the various parts of the question raised by the Hon Wilson Or is as follows:

(1) The sale, distribution and advertising of tobacco products in Hong Kong are strictly regulated under the Smoking (Public Health) Ordinance (Cap. 371). It is illegal to smoke waterpipe in no smoking areas. Since no specific licence is required for retailers selling tobacco products, we are unable to collate statistics on the number of premises selling waterpipes in Hong Kong. During the enforcement inspections conducted by the Tobacco and Alcohol Control Office (TACO) of the Department of Health, around 80 restaurants/bars were found to be providing waterpipes to customers for consumption at present.

(2) The numbers of Fixed Penalty Notices (FPNs)/summonses issued and inspections conducted by TACO from 2016 to 2020 to restaurants and bars on the offence of prohibition on smoking in no smoking areas under the Smoking (Public Health) Ordinance (Cap. 371) and the Fixed Penalty (Smoking Offences) Ordinance (Cap. 600) are as follows:

	2016	2017	2018	2019	2020
Number of inspections conducted	4 333	5 092	4 199	4 303	4 928
– restaurants	(3 538)	(3 838)	(3 088)	(3 429)	(3 987)
– bars	(795)	(1 254)	(1 111)	(874)	(941)
Number of FPNs issued	904	1 000	712	505	330
– restaurants	(592)	(656)	(537)	(342)	(236)
– bars	(312)	(344)	(175)	(163)	(94)
Number of summonses issued	9	18	9	6	9
– restaurants	(6)	(16)	(5)	(3)	(5)
– bars	(3)	(2)	(4)	(3)	(4)

TACO does not maintain a breakdown of the figures by type of premises, namely party room and private club, as well as by District Council district.

(3) TACO will follow up and investigate every complaint about illegal smoking by, inter alia, conducting inspections and taking enforcement actions in the

venue concerned. To strengthen the deterrent effect, proactive inspections are conducted in venues where illegal smoking is prevalent. TACO also adopts different strategies as appropriate to enhance the effectiveness of law enforcement. These include conducting joint inspections and enforcement actions with other law enforcement agencies, as well as stepping up detection and evidence collection by plain-clothes officers. To address the increasing demand for enforcement duties, a task force with retired disciplined services officers was established in the end of 2017 to strengthen the enforcement actions, especially during night-time or public holidays and in venues where illegal smoking is prevalent. TACO will continue to adjust its enforcement strategies and measures in a timely manner to strengthen its enforcement efforts on tobacco control.

(4) During a covert operation mounted by TACO at a bar in Central on 23 June 2020, the bar and its staff member were found providing waterpipe apparatus and tobacco to customers for consumption in the bar where smoking was prohibited. The two customers who smoked the waterpipe at the time were each fined \$1,500 for the smoking offence. The bar and its staff member, who aided and abetted customers to smoke in a statutory no smoking area, were convicted of an offence contrary to section 89 of the Criminal Procedure Ordinance (Cap. 221) for aiding, abetting, counseling or procuring the commission by another person of any offence, and fined \$2,000 and \$1,500 respectively. This is the first convicted case for aiding and abetting smoking offences prosecuted by TACO. The Liquor Licensing Board was notified of the case and made aware of the contraventions of the law and the smoking offence situation at this bar.

In view of the growing popularity of waterpipe smoking, the TACO sent letters in April 2020, January 2021 and March 2021 to restaurants and bars known to have provided waterpipes to remind their venue managers not to provide waterpipes for consumption in no smoking areas. TACO has also stepped up proactive inspections of such restaurants and bars since June 2020. So far, TACO conducted 566 proactive inspections at this type of restaurants and bars, issued 35 FPNs/summonses to persons smoking waterpipes in no smoking areas, and prosecuted a bar and its staff member for aiding and abetting customers to smoke waterpipes in a statutory no smoking area (i.e. the abovementioned case). TACO will continue to take enforcement actions against any person who aids and abets a smoking offence.

(5) Under the Smoking (Public Health) Ordinance (Cap. 371), venue managers are empowered to require smokers to cease smoking in or leave the statutory no smoking area, and may call for police assistance if necessary. To ensure effective implementation of the smoking ban legislation, TACO has rendered assistance to venue managers in the effective management of no smoking areas, including drawing up implementation guidelines which set out the steps and practical tips for implementing smoke-free policies in different venues to facilitate the implementation of tobacco control legislation and measures by venue managers in charge of statutory no smoking areas; distributing no smoking signs and promotional materials to venue managers for display in no smoking areas; and organising talks as well as providing information during inspections to enable venue managers to understand their authority empowered

by the ordinance.

The Government will review the overall tobacco control strategy and various control measures from time to time. Regarding the proposal to impose legal liability on a venue manager who knowingly failing to stop any customer from smoking in the no smoking area of his/her premises, the Government will need to look into the implementation and effectiveness of the existing smoking ban legislation, the acceptability of various sectors and the public, as well as the feasibility of law enforcement, etc.

Effective Exchange Rate Index

The effective exchange rate index for the Hong Kong dollar on Wednesday, April 28, 2021 is 101.2 (same as yesterday's index).

LCQ21: Extension of land leases

Following is a question by the Hon Tony Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (April 28):

Question:

In reply to a question raised by a Member of this Council on November 27, 2019, the Secretary for Development (SDEV) indicated that the Lands Department (LandsD) was collating information on all the land leases in Hong Kong expiring on or before June 30, 2047, and the collation exercise was expected to be completed by phases from 2021 onwards. The SDEV also indicated that the LandsD would generally begin processing the extension of a land lease three years before its expiry, and the LandsD was exploring whether there would be more streamlined procedures and more convenient means to effect the extension of land leases. Some members of the surveying sector have relayed that whether land leases can be extended in a smooth and timely manner and whether the Government will impose additional conditions on lease extension will have significant impacts on not only the rights and interests of the land owners concerned, but also the development, leasing and sale, redevelopment, as well as repair and maintenance arrangements for the land and properties concerned. They therefore hope that the Government processes the applications for extending the aforesaid land leases as early as possible and streamline the relevant procedures. In this connection, will the Government inform this Council:

(1) of the respective numbers of land leases expiring within the coming (i) five years and (ii) six to 10 years, and the information on the lots involved, such as the user categorisation and number of interests;

(2) of (i) the respective numbers of applications for extending land leases received, approved and rejected by the LandsD, with a breakdown of the number of approved applications by the term of lease extension and the conditions imposed (if any), (ii) the average time taken by the LandsD to process an application, and (iii) the main reasons for the LandsD rejecting some applications (if any), in the past five years;

(3) of the latest progress of the exercise of collating information on land leases, and the respective expected completion dates of the entire exercise and its various phases; whether there have been delays in any phase of the exercise; if so, of the reasons for that;

(4) whether the exploratory work on streamlining lease extension procedures has been completed; if so, of the details; if not, the latest progress, and the reasons why the work, which commenced more than one year ago, has not yet been completed; and

(5) whether the LandsD will consider (i) advancing the date on which it begins processing the extension of a land lease from three years to five years before expiry, and (ii) undertaking that under normal circumstances it will make a decision, within one year after the commencement of processing, on whether or not the lease will be extended so that the land owners concerned may formulate plans in advance for the development, leasing and sale, redevelopment, as well as repair and maintenance arrangements for the land and properties concerned, with a view to optimising the use of precious land resources?

Reply:

President,

The Government has clear and unequivocal policy for handling matters related to the extension of expiring land leases all along.

According to the policy statement promulgated by the Hong Kong Special Administrative Region (HKSAR) Government in July 1997, leases not containing a right of renewal (excluding short term tenancies and special purpose leases) may, upon expiry and at the sole discretion of the Government, be extended for a term of 50 years without payment of an additional premium, but an annual rent shall be charged equivalent to three per cent of the rateable value of the property, adjusted in step with any changes in rateable value thereafter. Under this policy, generally the lease terms of land leases granted since the establishment of the HKSAR Government have been for 50 years and extending beyond 2047.

Since the establishment of the HKSAR, the Lands Department (LandsD) has

been dealing with matters related to the extension of expiring land leases in accordance with the aforementioned policy. Factors to be taken into account when considering lease extension include whether serious breaches are found under the original lease and whether such breaches were purged before the specified period; and if the original lease was granted on certain policy considerations (e.g. promoting the development of an individual industry), whether such policy considerations remain valid. Since the above policy came into effect in July 1997, setting aside leases granted for special purposes on policy considerations, most expiring leases not containing a right of renewal have been extended, with terms largely based on the original lease terms.

My reply to the five-part question is as follows:

(1) Insofar as land leases for general commercial/residential/industrial uses are concerned, on the basis of the information on the Land Registry (LR), no such leases will expire between 2021 and 2024, and the leases of about 50 lots (on sub-divided lot basis) will expire in 2025 and the number of interests involved is about 300 (based on number of sub-divided registers on the LR). In the next five years (i.e. from 2026 to 2030), the land leases of about 320 lots (on sub-divided lot basis) for general commercial/residential/industrial uses will expire and the number of interests involved is about 8 500 (based on number of sub-divided registers on the LR).

(2) In the past five years (2016 to 2020), there was no expiry of land leases of lots for general commercial/residential/industrial uses.

(3) Regarding land leases expiring on or before June 29, 2047, there are leases of about 2 400 lots (on sub-divided lot basis) for general commercial/residential/industrial uses. The collating exercise for these leases has been completed, and the result shows that the number of interests involved is about 66 000 (based on number of sub-divided registers on the LR). As for land leases expiring on June 30, 2047, the LandsD is collating the relevant information, including the number of lots involved, their user categorisation, and the number of interests, etc. Owing to the larger volume of leases involved, the relevant compilation exercise is expected to be completed by phases from this year to end of 2022.

(4) and (5) Under the existing practice, the LandsD will generally begin accepting application for extension from the relevant owner three years before the expiry of the lease. For more complicated cases or those with a large number of owners, the LandsD will consider commencing the internal work and making preparations for extension of the relevant leases earlier, with a view to completing the extension of the land leases in a smooth and timely manner.

Where extension of a land lease is approved, the LandsD will complete the necessary procedures and execute relevant instruments with the owner(s) through appropriate means. For land under single ownership, or multiple ownership with all owners unanimously agreeing to the lease extension arrangement, the LandsD will generally execute a lease extension document

with all owner(s). For land under multiple ownership but owners not unanimously agreeing on or having difficulties in unanimously agreeing on the arrangement for lease extension (e.g. residential buildings with alienated units), after the expiry of the current lease, the Government will grant a new lease to the Financial Secretary Incorporated, which will then assign the undivided shares of the individual premises to their registered owners. This arrangement ensures that even if individual owners do not agree with or cannot execute the lease extension arrangement, the interests of other owners who are ready to accept the lease extension and complete the assignment procedures will not be affected.

The procedures of the abovementioned mechanism are relatively complex (in particular the lots with more multiple ownerships) including the requirement for execution of document(s) by each and every lot owner. The Government is exploring whether there are other suitable arrangements under which the extension of land leases could be effected through streamlined procedures and more convenient means, including exploring the possibility of reducing the formalities needed from the owners through legislation while preserving the legal effect of the relevant lease if approved for extension. Currently, land leases for general commercial/residential/industrial uses will expire in 2025 the earliest. The Government will come up with a proposal and communicate with the stakeholders at an appropriate juncture before then.

[LCQ20: Traffic congestion problems in Kwun Tong](#)

â€‹Following is a question by the Hon Paul Tse and a written reply by the Secretary for Development, Mr Michael Wong, in the Legislative Council today (April 28):

Question:

â€‹It has been reported that the traffic congestion problems in Kwun Tong are acute at the roundabout at the junction of Hoi Yuen Road and Kwun Tong Road, on Kwun Tong Road, and in the Kwun Tong industrial area. It takes nine minutes during non-peak hours but 77 minutes during the evening peak hours for buses to complete a journey of departing from Kwun Tong Ferry Pier and arriving at the bus stop adjacent to Millennium City 5 via King Yip Street and Cha Kwo Ling Road, which is merely 1.7 kilometres in length, reflecting that the traffic along the aforesaid roads is almost paralysed during peak hours. In addition, there have been views that the Energizing Kowloon East Office (EKEO) has been focusing solely on the development of commercial land lots, to the neglect of the fact that a number of roads in the district have long reached their maximum capacity, resulting in the traffic congestion problems being aggravated. In this connection, will the

Government inform this Council:

(1) given that the Government had spent 13 years and more than \$92 million to study the proposal of constructing an Environmentally Friendly Linkage System for Kowloon East (which comprised an elevated monorail), which disappeared into obscurity, and that the Government announced in November last year its decision to abandon the construction of the monorail and provide, instead, additional bus/green minibus routes in the district, whether the Government has studied if that decision will make the situation even worse and further aggravate the traffic congestion problems on the aforesaid roads;

(2) whether it will reverse the direction of traffic along Hing Yip Street and Hung To Road where the vehicular flow is relatively low, so as to reduce the number of vehicles turning from Shing Yip Street into Hoi Yuen Road, thereby alleviating the traffic congestion problems on Hoi Yuen Road;

(3) whether it will step up prosecution efforts against vehicles illegally parked on roads in the Kwun Tong industrial area (covering Hing Yip Street, How Ming Street and Shing Yip Street), including the commissioning of the illegal parking monitoring system at smart lampposts expeditiously, and instructing the Police to take law enforcement actions round-the-clock; and

(4) apart from the proposals mentioned in (2) and (3) for alleviating the traffic congestion in the district, of the practicable policies that the EKEO and the relevant government departments have put in place to resolve the traffic congestion problems in the district?

Reply:

President,

The Government has all along been concerned about the traffic condition in the Kwun Tong Business Area (KTBA). Relevant bureaux/departments have continuously been striving hard to improve the pedestrian environment and traffic condition in the area and have proposed an overall improvement framework with recommendations for various short, medium and long-term improvement schemes. Most of the short-term measures have been accomplished whilst the implementation of some other measures are in progress. In response to the question raised by the Hon Paul Tse and in consultation with relevant bureaux/departments, a consolidated reply is provided as follows:

(1) The Government has proposed the implementation of a "multi-modal" environmentally friendly linkage system to complement the increasingly comprehensive road and railway infrastructure, and the efficient public transport services in Kowloon East (KE). The proposed "multi-modal" initiatives comprise a package of green measures that are complementary to the connectivity enhancement functions, which include among others deploying electric vehicles to run new bus/green minibus (GMB) routes in the area. As for the bus/GMB services in the area, having regard to the district developments, demographic changes, completion of transport facilities, existing and planned public transport services in the districts concerned,

etc., the Transport Department (TD) will continuously enhance the existing bus/GMB service network to cater for the travelling needs of the public. As such, the TD will review the arrangements of bus/GMB routes in the relevant areas as appropriate while considering whether there is a need to introduce new bus/GMB services or enhance existing services, and consult the relevant councils.

(2) Relevant bureaux/departments will further consider the idea of reversing the direction of traffic along Hing Yip Street and Hung To Road.

(3) Since September 2020, the Police Force has implemented different traffic management measures at the KTBA during weekdays which include deploying police officers to direct traffic at the dominant entrances and exits of the KTBA (viz. Hoi Yuen Road roundabout, Lai Yip Street/Wai Yip Street junction and Chong Yip Street/How Ming Street junction) and to advise/warn the drivers not to violate traffic regulations. In November 2020, Kwun Tong Police District set up the District Traffic Enforcement Team dedicated to handling of traffic complaints and scenes of traffic accidents. Regarding the enforcement against illegal parking, the Police Force is conducting enforcement actions against illegally parked vehicles at irregular hours on a daily basis to enhance the deterrent effect. The relevant Police District has also made use of technologies such as electronic ticketing and mobile video recording to enhance the enforcement efficiency. For illegal parking that causes obstruction to the traffic or endangers other road users, the Police will step up deterrent actions, such as issuing multiple tickets and towing away the vehicles in question. The Police Force will continue to flexibly deploy resources and take stringent enforcement actions during busy hours, with a view to changing the illegal parking behaviour of drivers.

(4) Under the feasibility study on improving pedestrian environment in the KTBA, we have introduced an overall improvement framework and have proposed 16 short-term traffic improvement schemes of which 13 have been completed, including provision of more kerbside loading and unloading bays where appropriate and amendment of no-stopping restriction zones and signages. We will implement enhancement measures such as improvement works at the How Ming Street/Tsun Yip Street junction to increase its design capacity. In addition, taking the opportunity arising from the development of the former bus depot at KTIL 240, we plan to improve the junction layout of How Ming Street/Chong Yip Street by adding a left-turn traffic lane from How Ming Street, and changing the section of How Ming Street between Chong Yip Street and Hung To Road to two-way traffic so as to relieve traffic at Chong Yip Street towards Kwun Tong Road.

The Government also takes the opportunity of developing the two Action Areas in KE to improve traffic conditions. In association with the Kwun Tong Action Area, we have proposed to form a new through road to divert traffic away from the Wai Yip Street/Hoi Yuen Road roundabout, and convert the roundabout into a signal-controlled junction to rationalise traffic flows. In relation to the Kowloon Bay Action Area, we are considering the feasibility of widening Sheung Yee Road and improving the Hoi Bun Road/Cheung Yip Street junction to enhance the reserve capacity.

By means of the "My Kowloon East" (MyKE) mobile app, we disseminate real-time data in KE including parking vacancy data and location, shortest driving route leading to the entrance of the car park, etc., helping drivers to locate available parking spaces easily without excessive circulation that may cause traffic congestion. Provision of real-time parking vacancy information has been stipulated as a requirement, where appropriate, for new land sale sites in KE since November 2016.

In the long term, the Government is taking forward the Route 6 project comprising the Tseung Kwan O-Lam Tin Tunnel, the Central Kowloon Route, Trunk Road T2 and the Cha Kwo Ling Tunnel. It will provide an east-west express link between Tseung Kwan O and West Kowloon and is anticipated to commission in 2026. By then, the traffic demand on the existing major road links in KE will be relieved.

As for railway, apart from the Kwun Tong Line, the Tuen Ma Line Phase 1 was commissioned in mid-February 2020, extending railway service to the Kai Tak Development Area. Upon the planned commissioning of the entire Tuen Ma Line in the third quarter of this year, a more convenient and efficient railway service between KE, New Territories East and New Territories West will be available to the public, enhancing the transport connectivity and accessibility of KE.

Upon completion of the improvement schemes and the major infrastructure projects, we envisage that the transport network in the area would be able to cater for the future traffic flow.