

LCQ4: Land for petrol filling stations

Following is a question by the Hon Chan Han-pan and a reply by the Secretary for the Environment, Mr Wong Kam Sing, in the Legislative Council today (May 27):

Question:

A report in 2010 pointed out that the land costs of petrol filling station (PFS) sites in Hong Kong were double of those in Tokyo and nearly six times of those in London. Last year, a PFS site was granted at a land premium of \$620 million which, when amortised over a 21-year lease term, amounted to as high as \$80,000 per day or \$316 per square foot per month. There are comments that high land cost is the main cause for the persistently high retail prices of auto-fuels (pump prices), and with Hong Kong's economy having been hard hit by the epidemic in recent months, reduction in pump prices can reduce the operating costs for commercial vehicles and the commuting costs of members of the public. In this connection, will the Government inform this Council

(1) of the criteria adopted by the authorities for determining the locations and the lease terms of PFSs; whether they have considered making available more PFS sites and shortening the lease terms so as to maintain flexibility in land uses and enhance competition in the fuel market; if so, of the details; if not, the reasons for that;

(2) given that since April 2018, the Government has published the tender amounts of unsuccessful tender submissions on an anonymous basis after the completion of the transaction procedures in relation to the successful bid under the Land Sale Programme, whether such arrangement is applicable to PFS sites put up for sale by tender; if not, of the reasons for that; and

(3) given that in early years, the Government granted sites at nil land premium for setting up 12 dedicated auto-liquefied petroleum gas (LPG) filling stations, with a cap placed on LPG retail prices at such filling stations which is set according to a prescribed pricing formula, whether the authorities will consider adopting such approach in granting PFS sites, with a view to reducing pump prices; if so, of the details and timetable; if not, the reasons for that?

Reply:

President, the Environment Bureau (ENB)'s consolidated reply to the three parts of the question is as follows:

In considering whether it is necessary to reserve land for petrol filling station (PFS) in area development, the Government will make reference to the relevant pointers in the Hong Kong Planning Standards and Guidelines, as well as the development plan and traffic volume of that area. In selecting specific locations as PFS sites, factors such as land use compatibility,

traffic, environmental and fire safety, etc. have to be taken into account.

As for the lease term of PFS sites, according to the decision of the Executive Council on July 15, 1997 on land leases and related matters, currently the lease term of land approved for sale by the Government for PFS use is 21 years.

The Competition Commission (the Commission) published a Report on Study into Hong Kong's Auto-fuel Market in May 2017, which sets out recommendations to enhance competition in Hong Kong's auto-fuel market, including putting up more PFS sites. Given that the existing PFSs can meet the current market demand for auto-fuel, and also in view of the land shortage in Hong Kong and the Government's policy to encourage the public to use public transport more and reduce reliance on private cars, we do not see a strong case for providing more land for PFS use at this stage.

Notwithstanding the above, in the light of the Commission's view that there are at present difficulties in converting privately-held land to PFS use, we have introduced facilitative measures to help the private sector convert privately-held land to PFS use, with a view to enhancing competition. In this connection, if the ENB receives a proposal to convert privately-held land to PFS use, we will provide one-stop service, which includes co-ordinating communications between the applicant and the relevant government departments, as well as the provision of technical advice by government departments to the applicant, during the process of planning permission/amendment of plan application (if applicable) and related land procedures. We believe that such an arrangement can save applicants' time in liaising with individual government departments, and help them respond to the views of the relevant departments more effectively.

In addition, where appropriate, the ENB plans to split some of the larger PFS sites into smaller ones, so as to increase the number of PFSs and promote competition. We are studying with relevant departments the feasibility of several PFS sites with potential for splitting, from the perspectives of traffic, fire safety, gas safety and the number of PFS in the vicinity, etc.

In terms of tendering arrangements, PFS sites are largely the same as government land in general. Liquefied petroleum gas (LPG) filling stations adopt a different approach because it is necessary to achieve the policy objective of converting diesel taxis and public light buses to auto-LPG ones as soon as possible in order to improve air quality. Therefore, a pricing formula and "zero-land-premium" are adopted to quickly set up an LPG filling network with a reasonable coverage, and to keep the price of auto-LPG at a competitive level. This special policy background and consideration does not apply to PFSs.

Hong Kong is small and densely populated. In urban areas where development is concentrated, roads are narrow and traffic is particularly heavy. The Government's policy is to encourage the public to use public transport more and reduce reliance on private cars. Although the Government does not use land premium for PFSs as a measure to control the growth of

vehicles, if the price of auto-fuel products is substantially reduced owing to lower than market value or even zero land premium for PFSs at the expense of government revenue, this is in fact using taxpayers' money to subsidise private vehicle owners, and may also indirectly encourage more people to own vehicles and motorists to make more unnecessary trips. This may worsen the traffic congestion problem and undermine the effectiveness of measures to improve roadside air quality. Hence, any proposal to change the existing tendering arrangements must be carefully considered from various policy perspectives such as environment, traffic, tax, land use, etc.

As for publishing the tender amounts of unsuccessful bidders on an anonymous basis after completion of the transaction procedures in relation to successful bid for land sale sites, it is currently applicable only to public tenders for residential, commercial and industrial sites.

President, Hong Kong being a free market economy, the retail prices of auto-fuels have all along been determined by the market itself. The role of the Government is to make its best effort to ensure a stable fuel supply, enhance the transparency of the prices of fuel products, and remove barriers to market entry, thereby promoting competition. We appreciate that the public is concerned about the auto-fuel market, and thank Hon Chan Han-pan for his suggestions. The ENB will study with relevant policy bureaux and departments to see if there is a need to further adjust existing policy measures.

Thank you, President.

[LCQ17: Handling of arrested persons by Police](#)

Following is a question by Dr Hon Kwok Ka-ki and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 27):

Question:

It has been reported that on the 7th of this month, a drunken man suspected of having criminally damaged vehicles put up resistance while being arrested. As such, he was pinned down by police officers who knelt on his neck, back and hands, and beat him with batons. After being subdued, that man was sent to the hospital for treatment and died on the following day. In this connection, will the Government inform this Council:

(1) of the reasons why the Police, before conducting any investigation into the aforesaid incident, claimed in reply to media enquiries on that night that the force used by the police officers was "appropriate force";

(2) whether the Police have embarked on internal and criminal investigations into the incident; if so, whether the investigations have been completed; if so, of the outcome, including whether any police officer has been punished (e.g. interdiction) or transferred; if so, of the ranks and number of the police officers involved, as well as the details of the punishments; if no police officer has been punished, of the reasons for that;

(3) given that the Hong Kong Police Force Procedures Manual sets out the options of force to be used corresponding to six levels of resistance, of the level of resistance to which the force used by the police officers in the aforesaid incident corresponds;

(4) given that the Police guidelines on the use of force stipulate that police officers may use minimum force as appropriate only when (i) such an action is absolutely necessary and (ii) there are no other means to accomplish the lawful duty, whether the Police have assessed if the use of force by the police officers in the aforesaid incident complied with such principles;

(5) given that in 2012, as a taxi driver became agitated and kept struggling when being arrested, he was dragged into a police car by a police officer by means of a chokehold, who thus suffered from a cervical vertebra dislocation and died after one month, and a Coroner's Court handed down a judgement in 2018 that the driver had been "unlawfully killed", whether the Police have, in the light of that incident, (i) improved the relevant codes and guidelines governing police officers' handling of persons who have lost their self-control ability (e.g. that police officers should refrain or be forbidden from pressing the vital parts of the body (such as the neck) of the persons they intend to arrest), and (ii) provided relevant training to police officers, so as to prevent the recurrence of similar incidents; and

(6) whether there are relevant provisions and codes in the existing Police Force Ordinance (Cap 232) and the Police General Orders that (i) instruct police officers on how to handle persons who have lost their self-control ability under the influence of alcohol, and (ii) prohibit police officers from using force in the form of a chokehold (including air choke and blood choke) on any person in the course of making an arrest; if so, of the details?

Reply:

President,

According to section 10 of the Police Force Ordinance (Cap 232), the Police have the responsibility to adopt lawful measures to maintain public safety, public order, as well as safeguard people's life and property. The Police will, in light of the circumstances at the scene, make assessments and exercise professional judgment to take appropriate actions, including using the minimum force as necessary, to ensure public safety and public order.

My reply to various parts of the question is as follows:

(1) to (4) In the afternoon of May 7, uniformed officers of Yau Tsim Police District were being asked for help by pedestrian(s) about an alleged criminal damage by a non-ethnic Chinese male when patrolling along the Nathan Road. The man was later stopped and searched by police officers. During the process, the man resisted and struggled violently, and attacked the police officers. Finally, the police officers, with the help of pedestrians, brought him under control by using appropriate force and carried him to the police car for further search and investigation. The man was arrested on suspected criminal damage, possession of drugs and attack on police officers. As the man was feeling unwell, the police officers called an ambulance and had him sent to the Queen Elizabeth Hospital for treatment. The man was certified dead on May 8.

The case is being investigated by the Regional Crime Unit of Kowloon West. The Police have arranged for a Forensic Pathologist to perform an autopsy on the deceased. Initially, neither fractures nor damages to the internal organs of the deceased were found. The cause of death is subject to further toxicological testing and investigation. The Police will submit the investigation report to the coroner for handling and scrutiny after completing the investigation. The report will include the cause of the deceased's death and the circumstances of the police officers' use of force.

In order not to prejudice the investigation and judicial proceedings in future, it is inappropriate for us to comment on the details of the case.

(5) The jury of a death inquest in 2018 recommended that police officers be trained on the techniques of carrying arrested persons to police cars.

Currently, every newly recruited or serving police officer must undergo rigorous training on the use of force, including how to handle suspects resisting arrest as well as the basic techniques and methods for carrying arrested persons under general circumstances.

(6) The Police have established guidelines on the use of force, including the response to different levels of resistance. Force is used by the Police in response to the prevailing circumstances at the scene, and how it is used depends on the resistance perceived by police officers based on the threat and circumstances at the time.

It is not appropriate to disclose the concrete details of the use of force in order to avoid affecting the effectiveness of the Police's enforcement. However, police officers must comply with the use of force principles when using force, i.e. they may use minimum force as appropriate only when such an action is absolutely necessary and there are no other means to accomplish the lawful duty. Police officers will give verbal warning prior to the use of force as far as circumstances permit, while the person(s) involved will be given every opportunity, where practicable, to obey police orders before force is used.

Every newly recruited or serving police officer has to go through rigorous training on the use of force in order to fully understand how to use different levels of force in a safe and effective manner as a means to

achieve the relevant lawful purposes. Police officers will exercise a high level of restraint at all times and cease to use force once the purpose is achieved.

Protestors obstruct traffic in Central by blocking roads with rubbish bins and miscellaneous objects

Attention duty announcers, radio and TV stations:

Please broadcast the following message as soon as possible and repeat it at suitable intervals:

At around 1pm today (May 27), a crowd of protestors occupied carriageways in the vicinity of Pedder Street, Central. Some protestors blocked roads with rubbish bins, traffic cones and large objects, paralysing the traffic. Both pedestrians and motorists were put in immense danger as they were forced to weave in and out between the obstacles on the roads. During Police's action, some protestors continued to throw miscellaneous objects onto the roads, showing a blatant disregard for road safety.

Police are now taking enforcement action and diverting traffic to prevent traffic accidents. Police will restore road safety and order as soon as possible.

Phishing email related to The Hongkong and Shanghai Banking Corporation 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 The Hongkong and Shanghai Banking Corporation Limited on phishing email, which has been reported to the HKMA. Hyperlink to the press release is available on the [HKMA website](#) for ease of reference by members of the public.

Anyone who has provided his or her personal information to the email concerned or has conducted any financial transactions through the email should contact the bank concerned using the contact information provided in the press release, and report to the Police or contact the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force at 2860 5012.

LCQ15: Smuggling of shark fins

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for the Environment, Mr Wong Kam-sing, in the Legislative Council today (May 27):

Question:

It has been reported that the Customs and Excise Department (C&ED) detected two smuggling cases of shark fins in April and May this year, which involved a total of 26 tonnes of fins from 38 500 sharks of controlled endangered species. Both the weight and value of the seizures have broken the past records, and the weight doubled that for the whole of 2019. In this connection, will the Government inform this Council:

(1) of the number of smuggling cases of shark fins detected by C&ED in each of the past five years, and set out the following information on each case by the date on which it was detected:

- (i) total value of the cargo,
- (ii) cargo weight,
- (iii) shark species involved,
- (iv) mode of trade (i.e. import, export or re-export),
- (v) countries involved in the trade (including the place of origin and destination of the cargo),
- (vi) means of transport,
- (vii) number of persons prosecuted (if any), and
- (viii) penalties imposed on the convicted persons (if any); if it cannot provide such information, of the reasons for that; and

(2) whether it has studied the causes for the substantial increase in the quantity of smuggled shark fins seized in this year as compared with those in previous years; if so, of the details; whether it has reviewed the effectiveness of the measures currently adopted for combating the activities of smuggling shark fins; if so, of the details; if not, the reasons for that?

Reply:

President,

Our reply to the question raised by the Hon Kenneth Leung is as follows:

(1) The number of cases and details of the annual seizures of controlled shark fin products in the past five years (2015-2019) are tabulated below:

Year	2015	2016	2017	2018	2019
Number of Cases	6	4	11	8	28
Estimate of Value (\$ million)	0.38	0.65	1.92	0.52	20.7
Shark Species (Weight/kg)	Oceanic Whitetip Shark (283.5), Controlled Hammerhead Shark (215.4), Whale Shark (12)	Oceanic Whitetip Shark (0.3), Controlled Hammerhead Shark (1 035.4)	Oceanic Whitetip Shark (1 263.1), Controlled Hammerhead Shark (1 382.7)	Oceanic Whitetip Shark (143.3), Controlled Hammerhead Shark (464.4)	Oceanic Whitetip Shark (604.2), Controlled Hammerhead Shark (2 143.2) Silky Shark (2 138) Thresher Shark (1 566.7)
Mode of Trade	Import	Import	Import	Import	Import
Countries Involved (Number of Cases)	Seychelles (1) Panama (1) Nicaragua (1) United Arab Emirates (UAE) (1) Peru (1) Morocco (1)	Madagascar (1) Somalia (1) Panama (1) unknown(1)	India (1) Egypt (1) Kenya (1) Peru (2) Senegal (1) Guatemala (2) Indonesia (1) Somalia (1) UAE (1)	Peru (1) Indonesia (2) UAE (1) Madagascar(1) Kenya (1) Costa Rica (1) Sri Lanka (1)	Morocco (1) Mexico (9) Madagascar (1) Venezuela via Mainland China (1) Sri Lanka (4) Panama (1) Democratic Republic of the Congo (1) UAE (1) Somalia (1) Pakistan (1) Kenya (2) Senegal (1) Suriname (1) Philippines (3)
Mode of Transportation (No. of cases)	air (4), sea (2)	air (2), sea (2)	air (1), sea (10)	air (3), sea (5)	air (15), sea (12), land (1)
Number of Persons Prosecuted	0	0	0	0	5 (Note)
Fine (\$)	Nil	Nil	Nil	Nil	6,000 and 8,000

Note: A total of five cases involving illegal import of controlled shark fins were prosecuted in 2019, two of which have been fined, and the remaining three cases will be tried at the District Court.

(2) The Government is committed to protecting endangered species and implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in Hong Kong through the Protection of Endangered Species of Animals and Plants Ordinance (Cap. 586) (the Ordinance). The Agriculture, Fisheries and Conservation Department has been working closely with the Customs and Excise Department to combat illegal import and export of endangered species, including controlled shark fins. The Government has stepped up efforts to combat smuggling activities in recent years, which resulted in an increase in the number of illegal shark fins seized. In addition, in line with the CITES, Hong Kong has added four shark species (i.e. three species of Thresher Sharks and Silky Shark) commonly seen in the trade for regulation under the Ordinance since November 1, 2018. The new control measures may also lead to more seizures of illegal shark fins in 2019 than in the past. Besides, the import of dried shark fins in Hong Kong has decreased from 2 805 tonnes in 2015 to 2 012 tonnes in 2019, which may partly reflect the effectiveness of conservation measures.