

## LCQ3: Issues related to news coverage work

Following is a question by the Hon Elizabeth Quat and a reply by the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai, in the Legislative Council today (May 27):

Question:

It has been reported that some people wearing press cards or reflective press vests committed improper or illegal acts (e.g. insulting police officers with coarse and sexual harassment languages during live broadcasts, obstructing police officers in law enforcement, and even attempting to rescue persons who were being arrested) at the scenes of public events. Moreover, a junior secondary school student aged only 12 covered news in the capacity of a student journalist for an online media at the scene of an unforeseen incident. In this connection, will the Government inform this Council:

(1) whether it will enact legislation to regulate online media by expressly specifying the qualifications and minimum ages required for, and the professional conduct to be observed by, their editors and reporters, and set up a monitoring body to monitor the operation of online media;

(2) given that press cards are currently issued by various media organisations or associations on their own, making it difficult for law enforcement officers to ascertain the identity of the cardholder as a journalist, whether the Government will comprehensively review the existing system for issuing press cards (including whether there is a need to designate an authorised organisation to issue such cards, the criteria for issuance and the mechanism to prevent abuse), and consider afresh setting up an official organisation to centralise the issuance of press cards; and

(3) whether it will draw up a code of practice and guidelines on news covering to specify that at the scenes of crimes and large-scale public events, journalists are not allowed to cross the cordon lines set up by the Police, and they should cover news in the press areas set up by the Police, etc.?

Reply:

Acting President,

After consulting the Security Bureau, the Home Affairs Bureau and the Commerce and Economic Development Bureau, our consolidated reply to the Hon Elizabeth Quat's question is as follows:

(1) and (2) Freedom of the press, as expressly guaranteed under Article 27 of the Basic Law of the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China, is a core value of Hong Kong. Under existing legislations, the operation of different media in Hong Kong is subject to

some forms of regulation. For example, television and sound broadcasters are subject to licensing under the Broadcasting Ordinance (Cap. 562) and the Telecommunications Ordinance (Cap. 106) respectively. Printed media, be they newspapers or magazines, are required to be registered under the Registration of Local Newspapers Ordinance (Cap. 268). Besides, they are also subject to the general law such as in respect of publication of obscene or indecent articles, copyright protection, defamation, etc. The HKSAR Government is committed to maintaining a facilitative environment in which the media industry can develop under appropriate regulation, allowing reporters to cover and report news, and fully enabling it to exert its function as the fourth estate. To facilitate media reporting work, the Government currently does not have any plan to conduct central registration of journalists and does not intend to regulate and vet media practitioners' qualifications for reporting. However, as major providers of news and information for the community, media organisations should act responsibly and observe the law in the dissemination of news, irrespective of whether it is through the electronic mode or printed platform.

(3) The HKSAR Government respects the work of reporting by media practitioners, and believes that professional and bona fide journalists would not participate in illegal acts or intentionally obstruct police enforcement while covering events. The Police have a duty to safeguard public safety and public order. This duty is a statutory one which the Police must discharge. During operations and where circumstances permit, the Police will endeavour to facilitate the work of the media on the basis of mutual understanding and respect so that both sides can perform their respective functions. Indeed every possible effort has been made for reporters' convenience provided that police operations will not be affected. The Police have also kept reminding reporters that they should pay attention to police instructions and maintain appropriate distance from the police officers to ensure the safety of both sides.

To enhance communication and explore how to foster the mutual understanding and respect between policing and reporting work, the Commissioner of Police met with representatives of four media associations (Hong Kong Journalists Association, Hong Kong Press Photographers Association, Hong Kong News Executives' Association and Hong Kong Federation of Journalists) on May 21. Concerns of both sides were discussed, including the recent observations about difficulty for law enforcement officers to ascertain the identity of journalists in respect of persons carrying press cards.

Among the 52 recommendations made by the Independent Police Complaints Council (IPCC) in its thematic study released on May 15, two of them cover relevant matters, i.e. (1) to review how to facilitate the work of reporters in major operations without causing undue hindrance to the Police's enforcement actions; and (2) to review the need for engaging media representatives to draw up a Code of Practice allowing the Police and media to fulfill their respective duties and for ensuring the safety of all concerned. The Security Bureau has already set up a task force to follow up with the IPCC's recommendation. The Secretary for Security will personally

supervise the task force.

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## LCQ10: Privacy issues related to virus testing

Following is a question by the Hon Charles Mok and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 27):

Question:

To tackle the coronavirus disease 2019 epidemic, the Department of Health (DH) has collected hundreds of thousands of deep throat saliva samples for virus testing since January this year. Some members of the public are worried that the authorities and relevant organisations may obtain from the saliva samples the DNA sequence information of Hong Kong residents and even establish a database using such information, thereby intruding on the privacy of members of the public. In this connection, will the Government inform this Council:

(1) of the number of samples collected by DH since January this year for testing, with a breakdown by (i) the locations where such samples were collected (e.g. the airport and private clinics) and (ii) whether or not the persons from whom the samples were taken were Hong Kong residents;

(2) of the testing items included in DH's testing service, and in respect of the personal data obtained from such testing service, their (i) categories, (ii) retention period, (iii) storage methods (including whether the data have been anonymised when being processed and stored, as well as the information security measures taken), and (iv) whether such data have been used for purposes other than the purpose of preventing the occurrence or spread of an infectious disease or contamination (e.g. establishing a DNA database and preventing or detecting crimes); if so, of the details;

(3) whether DH has disclosed since January this year, in accordance with the Personal Information Collection Statement issued by it to data subjects, the personal data (including biometric data) collected from the virus testing to any bureaux, other government departments or relevant organisations; if so, of the number of occasions of such disclosure and the number of data subjects involved; and

(4) whether it will amend the Personal Data (Privacy) Ordinance (Cap. 486) to classify certain categories of personal data (including biometric data such as DNA sequences) as "sensitive personal data", and make more stringent provisions for protecting sensitive personal data, so as to prevent the

authorities from using the biometric data collected on a large scale for monitoring and control purposes?

Reply:

President,

In consultation with the Constitutional and Mainland Affairs Bureau, my consolidated reply to the various parts of the question raised by the Hon Charles Mok is as follows:

Enhancing testing for the coronavirus disease 2019 (COVID-19) is a crucial element of the Government's work in prevention and control of the outbreak and can help achieve "early identification, early isolation and early treatment". Following a risk-based approach, the Government has continuously expanded the Enhanced Laboratory Surveillance Programme with a view to identifying COVID-19 infection cases as early as possible. To further prevent imported cases, the Government has mandated all asymptomatic inbound travellers arriving at Hong Kong from overseas and those who have been to Hubei Province in the past 14 days prior to arriving at Hong Kong via land boundary control points (i.e. Shenzhen Bay Port and the Hong Kong-Zhuhai-Macao Bridge Hong Kong Port) to undergo virus testing, with an aim to identifying infected but asymptomatic people as early as possible.

The Department of Health (DH) has set up a Temporary Specimen Collection Centre (TSCC) at the AsiaWorld-Expo to speed up the collection of specimen from asymptomatic inbound travellers arriving at Hong Kong for conducting testing for COVID-19. All asymptomatic inbound travellers arriving at the Hong Kong International Airport are mandated to wait for the test results for COVID-19 at a designated location after collecting their deep throat saliva samples at the TSCC. Depending on the arrival time of flights and taking into consideration factors such as infection control, crowd control and testing time, etc., DH will arrange those asymptomatic people who need to wait for test results overnight to be temporarily accommodated at the Holding Centre for Test Result set up in a hotel. Furthermore, DH has also started to provide relevant persons with an extra specimen collection container and request for their collection of deep throat saliva samples during the home quarantine period for another round of virus testing. After receiving the extra specimen collection container, the relevant persons have to collect their deep throat saliva sample on a designated date before the completion of the 14-day compulsory quarantine at home or at a designated place, and then arrange to deliver the specimen to a collection point on the same morning the specimen was collected by a family member, friend or door-to-door specimen collection service. Specimen collection containers are also provided to asymptomatic inbound travellers who have been to Hubei Province in the past 14 days prior to arriving at Hong Kong via land boundary control points for collection of their deep throat saliva samples at their dwelling places. They need to deliver their deep throat saliva samples via the aforementioned methods for undergoing testing as soon as possible.

From January 1 to May 19, 2020, the Public Health Laboratory Services

Branch (PHLSB) under DH's Centre for Health Protection (CHP) and the Hospital Authority had performed over 202 900 COVID-19 tests, or over 27 000 tests per million population. The statistics on COVID-19 tests have been uploaded to the CHP website at [www.chp.gov.hk/files/pdf/statistics\\_on\\_covid\\_19\\_testing.pdf](http://www.chp.gov.hk/files/pdf/statistics_on_covid_19_testing.pdf) and are updated on a weekly basis.

All samples obtained for conducting tests for COVID-19 are solely used for preventing and controlling the occurrence or spread of infectious disease. Personal information related to virus testing is stored in PHLSB's laboratory information system and can only be accessed by personnel authorised by PHLSB. The relevant information is appropriately stored, processed and protected in accordance with the Personal Data (Privacy) Ordinance (Cap. 486) (PDPO) and DH's established guidelines. So far, DH has not disclosed any sample or personal information obtained for conducting tests for COVID-19 to other bureaux, departments or related organisations.

According to the PDPO, all kinds of personal data are currently protected under the Data Protection Principles (DPPs) of Schedule 1 to and relevant provisions of the PDPO, under which no distinction is made between sensitive personal data and other kinds of personal data. According to DPP 4, data users should take all practicable steps to ensure the personal data they hold are protected against unauthorised or accidental access, processing, erasure, loss or use, having particular regard to "the kind of the data and the harm that could result if any of those events take place". Therefore, data users should adopt stricter data security measures for sensitive personal data.

In the light of advancements in information technology, the Office of the Privacy Commissioner for Personal Data recognises that the collection and use of personal data of a more sensitive nature, such as biometric data and genetic data, will become more common. In this connection, it has published the Guidance on Collection and Use of Biometric Data to put forward a number of measures and recommendations for data users handling sensitive biometric data on minimising the risk with regard to collection of the relevant data. In the course of reviewing the PDPO, the Government will consider whether it is necessary to strengthen the regulation of sensitive personal data.

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## **LCQ18: Management of public toilets**

Following is a question by the Hon Michael Tien and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (May 27):

Question:

Amid the Coronavirus Disease 2019 epidemic, the Government urges members of the public through numerous channels to wash hands frequently and, after using the toilet, put the toilet lid down before flushing to avoid spreading causative agents. However, I have received complaints in recent months alleging that the Heung Che Street Public Toilet in Tsuen Wan, even after the completion of its enhancement works, unexpectedly had no flush water supply, and it was only after I made a referral of such complaints that the problem was resolved. In fact, I lodged a complaint with the Government in as early as 2019 about problems such as insufficient supply of liquid soap and damages to wash hand basins in the Tsuen Wan Multi-storey Car Park Building Public Toilet that had occurred soon after the completion of the refurbishment thereof. There are comments that although the Government has planned to spend about \$600 million for implementing the Enhanced Public Toilet Refurbishment Programme over a five-year period starting from 2019-2020, the Government's monitoring ability is open to doubt, and similar problems may still plague public toilets, making it impossible to achieve the objective of enhancing the hygiene condition of public toilets. In this connection, will the Government inform this Council:

(1) of the respective numbers of (i) routine and (ii) surprise inspections on public toilets conducted by the staff of the Food and Environmental Hygiene Department in each month of last year, and set out in a table, by District Council (DC) district, the average number of inspections conducted on each public toilet;

(2) of the number of complaints about public toilets received by the Government in each of the past three years, with a breakdown by DC district and the major subject matter of the complaints; and

(3) as the Government has indicated that it has taken additional measures in response to the epidemic to enhance cleansing of public toilets, of the effectiveness of such measures?

Reply:

President,

The Government has allocated additional resources for implementing the Enhanced Public Toilet Refurbishment Programme to speed up the refurbishment of public toilets managed by the Food and Environmental Hygiene Department (FEHD).

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

(1) Generally speaking, FEHD staff conduct inspections of public toilets with high usage rate or at tourist spots at least once a day, and on average once a day or every other day for those with lower usage. For public toilets located in remote areas and with low usage, the FEHD will determine an appropriate inspection frequency having regard to the circumstances.

On top of routine inspections, FEHD staff conduct surprise inspections to monitor the contractors' performance of cleansing services against the

standard stipulated in the contracts.

The number of inspections of public toilets conducted by the FEHD last year (January to December 2019) by District Council (DC) district is tabulated in Annex 1. Separate breakdown of the number of routine and surprise inspections is not readily available.

(2) In 2017, 2018 and 2019, the FEHD received 2 913, 2 626 and 2 367 complaints about public toilets respectively, mainly relating to services and management of public toilets as well as odour. A breakdown of these complaints by DC district is tabulated in Annex 2.

(3) In accordance with the health advice issued by the Centre for Health Protection of the Department of Health, the FEHD has taken effective measures for disinfection and cleansing of public toilets by using 1:99 diluted household bleach every two hours for toilets with attendant services and at least twice daily for toilets without attendant services.

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## LCQ9: Relief measures

Following is a question by the Hon Kenneth Leung and a written reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (May 27):

Question:

In February and April this year, the Government injected \$30 billion and \$137.5 billion respectively into the Anti-epidemic Fund for launching two rounds of relief measures. However, quite a number of members of the public, including professionals, whose livelihood has been hit by the Coronavirus Disease 2019 epidemic, have indicated that they have not benefited from the relief measures. In this connection, will the Government inform this Council:

(1) whether it has assessed the impacts of the epidemic on the accounting profession; if so, of the details; if not, the reasons for that;

(2) of the reasons why no targeted measures are in place in the two rounds of relief measures to provide assistance for the business operators and practitioners of the accounting profession; and

(3) whether it has plans to launch a new round of relief measures to provide targeted assistance for those members of the public who have been hit by the epidemic but have not benefited from the first two rounds of relief measures; if so, of the details; if not, the reasons for that?

Reply:

President,

The response to Member's question is as follows:

(1) The Government has been maintaining close liaison with the Hong Kong Institute of Certified Public Accountants and members of the profession in order to assess the impact of the coronavirus disease 2019 (COVID-19) pandemic on the accountancy sector, and introduced targeted measures to provide the sector with the appropriate support over the past few months:

(a) Due to health and safety concern, coupled with travel restrictions, some accounting firms encountered difficulty in conducting audit work for Hong Kong listed companies with Mainland operations. As a result these listed companies might not be able to meet the deadline specified in the listing rules for publishing their results announcements agreed by auditors, which could lead to suspension of trading in their shares. In view of the practical difficulty and pressure faced by the listed companies concerned in fulfilling their financial reporting obligations, the Securities and Futures Commission and the Stock Exchange of Hong Kong Limited issued guidance in February and March 2020 respectively. Listed companies with financial year ending on December 31, which because of the pandemic were unable to publish their preliminary results announcements agreed by auditors on or before March 31, 2020 as originally required, were allowed continual trading in their shares by publishing preliminary results announcements without auditor's agreement or specified material financial information by the deadline. Subsequently, as the pandemic has continued, the relevant temporary measure also applies to listed companies with financial year ending on March 31, which are required to publish their preliminary results announcements with their auditors' agreement on or before June 30, 2020, so as to help allay the practical difficulty reflected to us by the sector.

(b) In order to facilitate members of the accountancy sector to travel to the Mainland to conduct backlogged audit work due to the pandemic for Hong Kong listed companies with Mainland operations, the Chief Secretary for Administration has designated, in accordance with section 4(1)(b) of the Compulsory Quarantine of Certain Persons Arriving at Hong Kong Regulation (Cap. 599C), that certified public accountants (practising) of registered practice units, who are required to travel to the Mainland to conduct audit work for Hong Kong listed companies with Mainland operations to assist those companies to fulfil their obligations under relevant Ordinances or other regulatory instruments, can be exempted from the compulsory quarantine arrangement. The Government will continue to provide the sector with timely assistance to tackle the impacts of the pandemic, having regard to factors such as the development of the pandemic in and outside Hong Kong, the need of the sector and the relevant public health risk, etc.

(2) and (3) In addition to the relief measures in the 2020-21 Budget costing \$120 billion, the Government has rolled out two rounds of Anti-epidemic Fund (AEF) measures, committing in total \$287.5 billion to tackle the unprecedented challenges caused by the pandemic. Apart from supporting the hard-hit sectors including aviation, tourism and others which have been

directly affected by the Government's anti-epidemic measures, many other relief measures have comprehensive coverage to benefit the majority of citizens and enterprises (including the accountancy sector) for the goals of supporting enterprises, safeguarding jobs and at the same time paving the way for post-pandemic economic recovery.

Measures which benefit the accountancy sector include the Employment Support Scheme (ESS) totaling \$81 billion, the enhancement of the SME Financing Guarantee Scheme, the launch of the Distance Business Programme to support enterprises to continue business with technology adoption and related training, and the provision of matching grant for skills upgrading of staff in the public and private sectors, etc.

Accounting practitioners may also benefit from concessionary measures rolled out by the Government and a number of public organisations, including the \$10,000 cash payout to Hong Kong permanent residents aged 18 or above by the Government, deferrals of tax payments, support to the MTR Corporation to provide a fare discount, and relaxation of the Public Transport Fare Subsidy Scheme threshold. These measures, together with others introduced by the Airport Authority Hong Kong, the Hong Kong Monetary Authority and the Insurance Authority, will support businesses and members of the public at large.

In formulating the specific plans under the two rounds of AEF and the Budget initiatives, the Government has strived to balance the interests of various sectors and the general public as far as possible. We hope that these measures can help address the imminent needs of the hard-hit enterprises and people. The Government will continue to closely monitor the pandemic and social situation, and consider further support measures as necessary.

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## **LCQ21: Cancellation of dividend payments by banks**

Following is a question by the Hon Luk Chung-hung and a written reply by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, in the Legislative Council today (May 27):

Question:

Earlier on, the boards of HSBC Holdings plc and Standard Chartered PLC, both of which are incorporated in the United Kingdom (UK) and listed in Hong Kong, announced that on the request of the Prudential Regulation Authority in UK, they had decided to cancel their final dividend payments for 2019 which were already announced, and to suspend any quarterly or interim dividend payments for the coming year. In this connection, will the Government inform

this Council:

(1) of the respective percentages of the stocks of the two banks in the investment portfolios of the Exchange Fund and the Tracker Fund of Hong Kong, and the impacts of the above decisions on the investment returns of the two Funds;

(2) whether it knows the current numbers of Mandatory Provident Fund schemes and occupational retirement schemes whose investment portfolios comprise the stocks of the two banks; whether the authorities have assessed the impacts of the above decisions on the investment returns of such retirement protection schemes; and

(3) as there are comments that the Hong Kong subsidiaries of the two banks (i) have substantial operations in Hong Kong, (ii) contribute the major sources of revenue to the two banks and (iii) are note-issuing banks in Hong Kong, but the aforesaid decisions have caused Hong Kong investors to suffer losses, whether the authorities will review the roles of the two subsidiaries in Hong Kong's financial industry and take measures to attract the two banks to relocate their domiciles back to Hong Kong; if so, of the details; if not, the reasons for that?

Reply:

President,

HSBC Holdings plc (HSBC) and Standard Chartered PLC (SCB) are international banking groups incorporated in the United Kingdom and regulated by the Prudential Regulation Authority (PRA) of the Bank of England. We understand that decisions of dividend cancellation by relevant banks would have impact on shareholders and other stakeholders. The Hong Kong Monetary Authority (HKMA) has requested the Hong Kong branch of HSBC and SCB to reflect the concerns expressed by the shareholders in Hong Kong to the banking groups. The HKMA has also informed the PRA about the concerns expressed by the shareholders in Hong Kong through their regular communications.

Having consulted the HKMA and the Mandatory Provident Fund Schemes Authority (MPFA), our reply to the three parts of the question is as follows:

(1) The Government's fiscal reserves are managed by the HKMA for investment and placed with the Exchange Fund. On this basis, the Government will not disclose the asset allocation in relevant investment portfolio. In general, the investments of the Exchange Fund are diversified into a variety of asset classes and invested in different markets around the world. Therefore, the dividend policy of individual company would not have significant impact on the investment return of the Exchange Fund.

Tracker Fund of Hong Kong (TraHK), an exchange-traded fund, currently invests in 50 constituent stocks of the Hang Seng Index. According to the information published by the TraHK, as of May 20 this year, the investment in

HSBC shares accounted for 7.89 per cent of the portfolio value of TraHK. As at end of April this year, the 1-month and 3-month return of TraHK were 4.4 per cent and -6.4 per cent respectively.

(2) According to the information provided by the Mandatory Provident Fund (MPF) scheme trustees, as at end of March this year, there were 259 MPF funds investing in the shares of HSBC and SCB, amounting to HK \$12.8 billion, or 1.5 per cent of the total MPF assets. In fact, prices of individual MPF funds may be affected by individual events, such as the suspension of dividend payments by companies, resulting in short-term fund price fluctuations. Nevertheless, MPF is a long-term investment, and MPF scheme members are advised to focus on its fund performance in the long term. Since the Occupational Retirement Schemes Ordinance (Cap. 426) does not require administrators of Occupational Retirement Schemes to submit their investment portfolio or performance to the Registrar (i.e. the MPFA), the MPFA does not have the relevant information.

(3) The HKMA has been adopting a risk-based approach in regulating banks in Hong Kong, including the banking subsidiaries of HSBC and SCB incorporated in Hong Kong, to evaluate their safety and soundness, risk-management systems and internal control, with a view to promoting the stability and integrity of the financial system in Hong Kong. Also, note-issuing banks have to fulfill a set of stringent requirements, including those relating to US dollar reserve, banknote storage, distribution and security, etc. The existing arrangement has been operating smoothly and the HKMA does not have plan to make any changes.

Hong Kong is an international banking centre, with over 70 of the largest 100 banks in the world having a presence and over 29 multinational banks having their regional headquarters in Hong Kong. The Government welcomes international financial institutions to incorporate and set up their headquarters in Hong Kong, although whether to set up their global headquarters in Hong Kong or not remains a commercial decision of individual banks.