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Panel on Security

**Information note prepared by the Legislative Council Secretariat
for the meeting on 6 June 2017**

Preventing and tackling terrorist activities

According to the Administration, Hong Kong has a strong legal framework and law enforcement capability to prevent and tackle terrorist activities. Specifically, any person who commits a terrorist offence in Hong Kong is punishable under the common law and various local ordinances, such as the Crimes Ordinance (Cap. 200) and the Offences Against the Person Ordinance (Cap. 212). In addition, a number of international conventions against terrorism have been made applicable to Hong Kong through local legislation to combat terrorist activities, such as collection of funds and supply of weapons to terrorists. Under the United Nations (Anti-Terrorism Measures) Ordinance (Cap. 575), the authority may, from time to time, specify terrorists and terrorist bodies in accordance with the latest announcement of the United Nations.

2. Besides, the Police have put in place an established mechanism of assessing the terrorist threat against Hong Kong, which will take into account a wide range of local, regional and international factors, including the currently available intelligence, recent incidents and the trend of international terrorist activities. To strengthen the counter-terrorism work, the Police will provide security advice for critical infrastructural facilities and sensitive premises under potential threat, and deploy sufficient manpower for counter-terrorism patrols. The Police would also conduct training and multi-agency exercises regularly to practise and enhance counter-terrorism contingency plans to enhance emergency response.

3. While the Panel on Security ("the Panel") has not specifically discussed the Administration's efforts in combating terrorist activities, Members were advised at the policy briefing cum meeting of the Panel on 7 February 2017 that at present, the terrorist threat level remained at

"moderate". A total of 259 counter-terrorism and major incident contingency exercises were conducted in the past five years, and most of which were joint exercises by government departments and public organizations. In addition, Members have raised questions on the Administration's counter-terrorism work from time to time at the Council meetings. The relevant questions raised by Members since the Fifth Legislative Council and the Administration's replies are in **Appendices I to IV**.

4. The Administration will brief the Panel on its work in preventing and tackling terrorist activities at the meeting on 6 June 2017.

Council Business Division 2
Legislative Council Secretariat
31 May 2017

Press Releases

LCQ14: Counter-terrorism efforts and public order events

Following is a written reply by the Secretary for Security, Mr Lai Tung-kwok, to a question by Dr Hon Lam Tai-fai in the Legislative Council today (March 26):

Question:

As an international metropolis, Hong Kong is often bustling with various mega sports events as well as cultural, tourism and commercial activities, while members of the public enjoy the rights of procession, assembly and demonstration. There are views that the Government should stay more vigilant on matters relating to public safety, and strengthen its counter-terrorism capability and its ability to handle major security incidents that might be caused by large-scale assemblies or processions (including the "Occupy Central" movement), with a view to safeguarding the personal safety of members of the public and their properties, as well as maintaining social order. In this connection, will the Government inform this Council:

- (1) of the criteria adopted by the authorities for determining the risk level of terrorist attacks for Hong Kong; the current risk level; whether they will re-assess the risk level of terrorist attacks for Hong Kong in light of the recent international situation; if they will, of the details; if not, the reasons for that;
- (2) whether the authorities have regularly assessed if they have sufficient capability, manpower, experience and equipment to cope with potential terrorist attacks (such as bomb explosions or violent incidents at the Central Government Offices, the Hong Kong International Airport, the MTR or other public transport modes); if they have, of the details;
- (3) of the number of drills on handling terrorist attacks and major public safety incidents conducted by the authorities in the past five years, the government departments involved, the number of participants and the effectiveness of such drills;
- (4) whether there were intelligence exchanges between the Police and the mainland public security authorities in the past five years, so as to safeguard Hong Kong from terrorist attacks; if not, of the reasons for that;
- (5) whether the Police exchanged views with the People's Liberation Army Hong Kong Garrison in the past five years, on safeguarding Hong Kong's security and national security; if not, of the reasons for that;
- (6) as it was reported that a Hong Kong deputy to the National People's Congress (NPC) had pointed out during a group discussion session at the 12th NPC that, in light of the terrorist attack that occurred recently in Kunming, it was necessary for Hong Kong to expeditiously enact legislation to implement Article 23 of the Basic Law for the purpose of maintaining the sovereignty and public safety, of the latest stance of the authorities on this issue, and whether they will conduct public consultation in this regard; if they will, when they will do so; if not, of the

reasons for that;

(7) of the respective numbers of public assemblies, demonstrations and public processions held in each of the past five years, the number of participants in such activities, the number of relevant complaints received, the number of cases of assaults on police officers related to these activities and the respective numbers of people arrested, convicted and injured (including police officers, participants of processions and passers-by);

(8) of the circumstances which the Police, in the course of handling the activities mentioned in (7), will take into account when deciding the police manpower required to be deployed and determining whether it is necessary to deploy off-duty police officers and police officers from other police districts; the respective numbers of police officers that can be deployed from various police districts;

(9) whether it has assessed the possibility of the trunk roads in Central being blocked for a prolonged period as a result of one of the actions of the "Occupy Central" movement; if the assessment outcome is that such a situation is very likely, of the expected scale of the action concerned (including the number of people participating in the demonstrations), the police manpower required to be deployed during the course of the action, and whether the Police have already commenced the formulation of the corresponding security arrangements; whether the Police have assessed if they have sufficient capability, manpower, experience and equipment to cope with the emergencies that may occur during the course of the action; if the assessment outcome is in the negative, of the reasons for that; and

(10) whether it has assessed the impact of the trunk roads in Central being blocked for a prolonged period on the economy, traffic, tourism, social order and public safety; if it has, of the details; if not, the reasons for that?

Reply:

President,

The Hong Kong Special Administrative Region (HKSAR) Government has always attached great importance to public safety, public order and safeguarding the life and property of citizens. Regarding the items raised in the question, the Administration's replies are as follows:

(1) The Hong Kong Police Force (the Police) has put in place a well-established mechanism of assessing the terrorist threat against Hong Kong. The assessment takes into account a wide range of local, regional and international factors, including the currently available intelligence, recent incidents and the trend of international terrorist activities. The Police have always maintained close liaison with the law enforcement and intelligence agencies of other places, and have gathered intelligence through various channels for timely risk assessment. At present, the threat level of terrorist attacks against Hong Kong remains "moderate".

(2) Strengthening counter-terrorism efforts is one of the Operational Priorities 2014 of the Commissioner of Police. The Police will continue to adopt preventive measures, including monitoring terrorist trends to ensure the Police readiness, and

providing security advice for and deploying counter-terrorist patrols at critical infrastructure and sensitive premises. Besides, the Police will ensure preparedness by conducting regular training and multi-agency exercises to practise and enhance counter-terrorist contingency plans. To combat terrorism, the Police will deploy counter-terrorist resources strategically to ensure a timely, effective and coordinated response.

(3) To enhance relevant agencies' capabilities in combating terrorism and coping with major incidents, relevant Police formations conduct training, exchange and multi-agency exercises regularly. In the past five years, the Police conducted a total of 142 counter-terrorism and major incident exercises, with participants from relevant government departments and stakeholders.

(4) and (5) The Police have maintained close communication and liaison with law enforcement and intelligence agencies of other places (including mainland agencies), and have gathered intelligence through various channels for timely risk assessment of the terrorist threat against Hong Kong. The Police have also maintained communication with the Hong Kong Garrison of the Chinese's Liberation Army. They have been discharging their duties in accordance with the law respectively. The Hong Kong Police Force is a professional law enforcement agency and will take decisive actions in accordance with the law to resume public order and safety in response to any acts which violate the laws, or jeopardise peace and public order. The details of the liaison between the Police and the above mentioned agencies belong to sensitive information, and therefore should not be disclosed.

(6) The HKSAR is constitutionally obliged under Article 23 of the Basic Law (BL23) to enact laws for national security. However, as the current priorities of the HKSAR Government are social and livelihood issues, we do not have any plans to enact laws in respect of BL23. In case any legislation in relation to BL23 is to be taken forward in the future, the HKSAR Government will fully consult the community for a broad-based consensus on the legislative proposals. Any legislative proposals to be drawn up have to be consistent with Basic Law provisions related to the protection of various rights and freedom, and relevant international conventions.

(7) The number of public order events organised in Hong Kong, the number of people prosecuted and convicted for assaulting police officers during public order events, and the number of reportable complaints in connection with public order events in the past five years (from 2009 to 2013) are listed in the Annex.

(8) The Police will conduct comprehensive risk assessments and examinations, taking into account the purpose, nature and number of participants of individual public order events as well as the strategies and experiences in handling similar events in the past, before deciding on the necessary manpower deployment and appropriate crowd management measures to ensure that such public order events can be conducted in a safe and orderly manner. The number of police officers available for deployment from various police districts belongs to operational information, and therefore could not be disclosed.

(9) and (10) The Administration is very concerned about the "Occupy Central" initiated by some members of the community. We understand that there are concerns from quite a number of

organisations and individuals over the impact of "Occupy Central" on the community, including disruption of social order, damage to the local economy and the business environment, etc. We have to reiterate that when expressing their aspirations, participants of public meetings, demonstrations or processions should abide by the laws of Hong Kong and conduct such events in a peaceful and orderly manner. They should not engage in any behaviour to the detriment of public order or any act of violence. Any occupation of trunk roads in Central, collective paralysis of traffic, or blocking-up of public thoroughfares, etc. will cause grave impact on public safety and public order, and even to the extent of jeopardising provision of emergency services to the public, thereby threatening lives and property of the public.

The Hong Kong Police Force is a professional law enforcement agency with extensive experiences and capabilities in handling large-scale public order events. Similar to their approach in handling other large-scale public order events, the Police will conduct assessments on the so-called "Occupy Central" for formulating contingency plans and overall strategy. They will also flexibly deploy manpower in the light of the prevailing circumstances to ensure public safety, maintain public order and minimise the impact of the event on the public.

As at present, the Police are keeping a close watch of the development. In organising a public order event with the number of participants exceeding the limit prescribed in the law, a person should approach the Police as early as possible for discussion of specific arrangements so that corresponding measures can be formulated and adopted, whereby facilitating the concerned activities to be conducted in a peaceful manner, minimising the impact on members of the public and road users, and ensuring public order and public safety.

Ends/Wednesday, March 26, 2014
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Annex

	Number of Public Order Events	Number of People Prosecuted (Convicted) for Assaulting Police Officers during Public Order Events * #	Number of Reportable Complaints in connection with Public Order Events
2009	4 222	2 (0)	14
2010	5 656	4 (2)	13
2011	6 878	3 (3)	30
2012	7 529	2 (2)	30
2013	6 166	2 (2)	21

Note: Figures as at March 7, 2014

* The figures denote the number of people prosecuted and convicted for assaulting police officers in the respective year when the public order event took place. The year of prosecution and conviction might not be the same as that in which the public order event took place.

There is no breakdown of the number of people injured or arrested for involvement in offences during public order events.

Press Releases

LCQ1:Prevent and tackle terrorism

Following is a question by the Hon Christopher Chung and a written reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (April 22):

Question:

It has been reported that some people have recently distributed flyers to Indonesian domestic helpers (IDHs) at locations where IDHs gather during holidays, recruiting them to join the Islamic State in Iraq and the Levant (ISIL), an international radical organisation, and claiming that after joining the organisation, they will be sent to carry out "missions" in Xinjiang. In this connection, will the Government inform this Council:

(1) whether it has assessed if the following acts are illegal: (i) openly pledging one's allegiance to ISIL, (ii) openly claiming one's membership of that organisation, (iii) propagating that organisation's doctrines and propositions, and (iv) persuading others to join that organisation; if such acts are illegal, of the details of the relevant legal provisions; of the respective numbers of Hong Kong residents, visitors and expatriates living in Hong Kong arrested in the past two years for committing such acts;

(2) whether the authorities will, in response to the aforesaid incident, consider rolling out publicity and education work for the purpose of appealing to IDHs in Hong Kong to refrain from joining ISIL and to report to the Police any person suspected of recruiting members for that organisation;

(3) of the number of visitors entering the territory from ISIL-controlled areas in each of the past three years, and whether it knows the number of Hong Kong residents travelling to those areas in each of the past three years;

(4) given that some Western countries have now implemented departure restrictions prohibiting their nationals from going to ISIL-controlled areas to prevent them from joining that organisation, whether similar departure restrictions are currently imposed in Hong Kong; if so, of the details; if not, whether the authorities will explore the imposition of such restrictions;

(5) as it has been reported that ISIL has become increasingly active around the world, whether the Security Bureau and the Police have formulated corresponding measures to closely monitor and guard against the infiltration of ISIL members into Hong Kong; and

(6) whether it knows the number of terrorist organisations currently carrying out activities in Hong Kong; of the main channels through which the Government gathers intelligence relating to terrorist organisations?

Reply:

President,

Our consolidated reply to various parts of the question is as follows:

Hong Kong has a strong legal framework and law enforcement capacity to prevent and tackle terrorism. Various terrorist acts, as well as the collection of funds, supply of weapons and recruitment of members etc. for terrorists and terrorist bodies are punishable under various ordinances. Among them, the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) (Cap. 575) provides that the authority may, from time to time, specify terrorists and terrorist bodies in accordance with the latest announcement of the United Nations. The Islamic State in Iraq and the Levant has been specified as a terrorist body under the Ordinance. According to section 10 of the Ordinance, a person commits an offence if he becomes a member or recruits another person to become a member of a specified body, and is liable to imprisonment for seven years on conviction. Section 3 of the Ordinance stipulates that such an offence applies to a Hong Kong permanent resident outside Hong Kong. In other words, it is against the law for a Hong Kong citizen to join in any places such terrorist bodies as a member.

Strengthening counter-terrorism work is one of the operational priorities of the Commissioner of Police in 2015. The Hong Kong Police Force (the Police), will continue to monitor trends of terrorist activities to ensure readiness at all times. They will also provide security advice for critical infrastructure and sensitive premises, and arrange counter-terrorism patrols. The Police will also conduct training and multi-agency exercises regularly to practise and enhance counter-terrorism contingency plans to prepare for emergencies.

The Police have been conducting timely assessments of the terrorist threat for Hong Kong, and maintaining close liaison with law enforcement agencies of other regions to exchange intelligence and threat assessments. At present, there is no specific intelligence suggesting that Hong Kong is a potential target of terrorist attack, and the threat of terrorist attacks for Hong Kong remains at the "moderate" level. No one was arrested for terrorist activities during the past two years. If any unlawful acts are identified, the Police will take resolute enforcement actions.

Further, Article 154(2) of the Basic Law stipulates that the Hong Kong Government may apply immigration controls on entry into, stay in and departure from the Hong Kong by persons from foreign states and regions. In handling immigration cases, the Immigration Department (ImmD) will, having regard to the circumstances of the visitor concerned and all relevant factors in each case, decide whether the entry will be allowed in accordance with Hong Kong law and the prevailing immigration policies. If a visitor does not satisfy the immigration requirements, officers of the ImmD may refuse his entry into Hong Kong after examination of the visitor. The ImmD does not maintain statistics mentioned in part (3) of the question.

Ends/Wednesday, April 22, 2015

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Press Releases

LCQ20: Counter-terrorism work

Following is a question by the Hon Chan Hak-kan and a written reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (April 22):

Question:

It has been reported that terrorist forces have been expanding incessantly in recent years and emergent terrorist organisations are actively recruiting members from various countries. As pointed out by the United Nations in a report released last year, around 15 000 people had joined the extremist organisation Islamic State in Iraq and the Levant (ISIL), and its membership had kept growing. It has also been reported that around 300 Chinese have joined ISIL, and such situation has aroused concerns. In order to stop their nationals from leaving the country to participate in terrorist activities abroad, countries such as the United Kingdom and Canada have enacted legislation to empower law enforcement agencies to prohibit their nationals suspected of intending to join terrorist activities abroad from leaving the country, and to refuse those who have engaged in such activities from returning to the country. In this connection, will the Government inform this Council:

(1) whether the authorities will, on the premise of not infringing on the freedom to enter or leave Hong Kong granted to Hong Kong residents by Article 31 of the Basic Law, implement departure restrictions to stop Hong Kong residents intending to join terrorist activities abroad from leaving Hong Kong, and to refuse those who have engaged in such activities from returning to Hong Kong; if they will, of the details; if not, the preventive measures the authorities have in place;

(2) whether the authorities have studied if the existing legislation and measures are sufficient to prevent extremist organisations from recruiting members in Hong Kong; if they have, of the details; if not, whether the authorities will draw up relevant legislation and measures; and

(3) of the details of the authorities' efforts to combat terrorist activities; the outcome of the assessments conducted by the authorities' in the past three years regarding the potential threats of terrorist activities; the respective numbers of persons who were arrested and prosecuted in the past three years for participating in terrorist activities; whether the Hong Kong Government has established channels with overseas law enforcement agencies to exchange intelligence on and conduct joint operations against terrorist activities; if it has, of the details?

Reply:

President,

Our reply to the three parts of the question is as follows:

(1) and (2) Article 31 of the Basic Law protects the freedom of Hong Kong residents to travel and to enter or leave Hong Kong. Nonetheless, Hong Kong all along has a strong legal framework and

law enforcement capacity to prevent and tackle terrorism. Any person who commits a terrorist offence in Hong Kong is punishable under the common law and various local ordinances, such as the Crimes Ordinance (Cap. 200) and the Offences Against the Person Ordinance (Cap. 212). In addition, a number of international conventions against terrorism have been made applicable to Hong Kong through local legislation to combat terrorist activities such as collection for funds and supply of weapons to terrorists. Under the United Nations (Anti-Terrorism Measures) Ordinance (the Ordinance) (Cap. 575), the authority may, from time to time, specify terrorists and terrorist bodies in accordance with the latest announcement of the United Nations. The Islamic State in Iraq and the Levant has been specified as a terrorist body under the Ordinance. According to section 10 of the Ordinance, a person commits an offence if he becomes a member or recruits another person to become a member of a specified body, and is liable to imprisonment for seven years on conviction. Section 3 of the Ordinance stipulates that such an offence applies to a Hong Kong permanent resident outside Hong Kong. In other words, it is against the law for a Hong Kong citizen to join in any places such terrorist bodies as a member.

(3) Strengthening counter-terrorism work is one of the operational priorities of the Commissioner of Police in 2015. The Hong Kong Police Force will continue to monitor trends of terrorist activities to ensure readiness at all times. They will also provide security advice for critical infrastructure and sensitive premises, and arrange counter-terrorism patrols. The Police will also conduct training and multi-agency exercises regularly to practise and enhance counter-terrorism contingency plans to prepare for emergencies.

The Police have been conducting timely assessments of the terrorist threat for Hong Kong and maintaining close liaison with law enforcement agencies (LEAs) of other regions to exchange intelligence and threat assessments. At present, there is no specific intelligence suggesting that Hong Kong is a potential target of terrorist attack. The threat of terrorist attacks for Hong Kong remained at the "moderate" level in the past three years. During the period, no one was arrested or prosecuted for terrorism activities. It is not appropriate for the Police to disclose details of intelligence exchange with overseas LEAs.

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Press Releases

LCQ5: Counter-terrorism work

Following is a question by the Hon Chung Kwok-pan and a reply by the Secretary for Security, Mr Lai Tung-kwok, in the Legislative Council today (January 6):

Question:

It has been reported that a number of incidents of attacks launched by terrorists have occurred recently in various places around the world, and the Mainland and Taiwan are even included in a list of targets for attacks released by an extremist organisation. On the other hand, the Government conducted in November last year a large-scale counter-terrorism exercise codenamed "Windgate", jointly participated by 40 policy bureaux, government departments and related industry stakeholders, to test Hong Kong's capabilities in dealing with terrorist attacks and to enhance the counter-terrorism awareness as well as co-ordination and response capabilities of various government departments. Regarding the measures adopted by the Government against terrorist attacks, will the Government inform this Council:

- (1) whether the authorities will step up security screening on foreigners entering Hong Kong in order to intercept terrorists; if they will, of the details; if not, the reasons for that;
- (2) whether the authorities will strengthen the exchange of intelligence on terrorist activities with other countries or places; given that a number of European cities currently under the threat of terrorist attacks are popular tourist destinations for Hong Kong people, whether the authorities will make use of such intelligence to enhance their efforts in reminding Hong Kong people travelling abroad to watch their personal safety, and review the existing Outbound Travel Alert System; and
- (3) of the number of counter-terrorism and major incident response exercises conducted by the Police in the past three years; whether the various relevant government departments and organisations will conduct more joint counter-terrorism exercises in order to enhance their response and co-ordination capabilities; whether the Police will enhance their mechanism for assessing the risk of terrorist attacks and strengthen their capabilities of collecting intelligence on terrorist activities from the Internet; whether it has assessed the adequacy of the current manpower and equipment for conducting counter-terrorism operations; whether there are plans to increase manpower and purchase additional equipment to cope with the threats of globe-sweeping terrorist activities upon Hong Kong?

Reply:

President,

My consolidated reply to Hon Chung's question is as follows:

Hong Kong has a sound legal framework and strong enforcement capability to guard against and deal with any terrorist activities. The Police have been keeping a close watch on the international trend of terrorist activities and continuously

assessing the terrorist threat to Hong Kong. Also, the Police have been maintaining close liaison with law enforcement agencies of other places to exchange intelligence and threat assessments. There is currently no specific intelligence to suggest that Hong Kong is likely to be a target of terrorist attacks. Our terrorist threat level remains "moderate".

Strengthening counter-terrorism (CT) work is one of the operational priorities of the Commissioner of Police in 2016. The Police will continue to closely monitor the trend of terrorist activities to ensure their CT readiness in various aspects. They will also provide security advice for key infrastructural facilities and premises under potential threat, and deploy sufficient manpower for CT patrols.

The Police will also conduct training and multi-agency exercises regularly to practise and enhance the CT contingency plan as well as ensure emergency preparedness. In the past three years, the Police conducted a total of 146 CT and major incident contingency exercises, mostly joint exercises with other government departments and organisations. The latest major incident contingency exercise was held in November last year. Codenamed "Windgate", this large-scale joint CT exercise was organised by the Security Bureau (SB) and participated by over 40 relevant bureaux, government departments and organisations of the relevant sectors. The exercise comprised two parts, the first part being intelligence development and field deployments, and the second communication practices and tabletop exercises. Simulating a plot by an extremist group to attack Hong Kong, the exercise aimed at testing and enhancing the CT capabilities of the Government, assessing the effectiveness of the relevant contingency plans, and heightening the CT awareness, co-ordination and capabilities of the relevant policy bureaux, departments and organisations. The Government will continue such work for continuous enhancement in the CT capabilities of relevant policy bureaux, departments and organisations.

As regards security measures at the control points, the Customs and Excise Department adopts a risk management approach and takes appropriate control measures at various control points in the light of terrorist threat assessments and actual circumstances, such as tightened interception of suspected persons and inspection of suspected cargoes, postal parcels and conveyances as necessary. The Hong Kong International Airport (HKIA) will put in place enhanced security measures corresponding to the latest trend of terrorist attacks in the international arena. To safeguard the security of HKIA, various stakeholders such as the Police, the Civil Aviation Department, the Airport Authority, the Aviation Security Company Limited and the airlines also meet regularly to exchange the latest intelligence and enhance cooperation.

As regards immigration control, when handling immigration cases, the Immigration Department (ImmD) will, having regard to the circumstances of the visitor concerned and all relevant factors in each case, decide whether or not to approve his entry in accordance with the laws of Hong Kong and the prevailing immigration policies.

As regards outbound travels by Hong Kong residents, the Government has put in place the Outbound Travel Alert (OTA) System, which aims to help Hong Kong residents better understand the possible risks to personal safety in travelling to overseas places that are popular with Hong Kong people. In case of any

incidents that may compromise personal safety of Hong Kong residents, the SB will assess the risks and consider the need to issue an OTA taking into account factors such as the nature, level and duration of the threat. Under the OTA System, the SB closely monitors and assesses the relevant circumstances in places that are popular with Hong Kong people, including the risks of terrorist attacks. If necessary, the SB will disseminate updated information through various means such as the media, the OTA webpage and the mobile apps. We also encourage our residents to register their contact details and itineraries via the Registration of Outbound Travel Information service before departure, so that the ImmD may send them the latest information when necessary.

President, it is one of the Government's priorities to stay vigilant at all times and continuously enhance the CT capability of Hong Kong. We will monitor the situation closely and seek continuous improvement over our work.

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