

# 立法會

## *Legislative Council*

LC Paper No. CB(3) 94/14-15

### **Paper for the House Committee meeting of 31 October 2014**

### **Questions scheduled for the Legislative Council meeting of 5 November 2014**

Questions by:

- |      |   |                                |
|------|---|--------------------------------|
| (1)  | Hon Paul TSE<br><i>(Replacing his previous question)</i>          | (Oral reply) (New question)    |
| (2)  | Hon Martin LIAO   | (Oral reply)                   |
| (3)  | Prof Hon Joseph LEE   | (Oral reply)                   |
| (4)  | Hon Charles Peter MOK   | (Oral reply)                   |
| (5)  | Dr Hon Elizabeth QUAT<br><i>(Replacing her previous question)</i> | (Oral reply) (New question)    |
| (6)  | Dr Hon Kenneth CHAN   | (Oral reply)                   |
| (7)  | Dr Hon LAM Tai-fai<br><i>(Replacing his previous question)</i>    | (Written reply) (New question) |
| (8)  | Hon KWOK Wai-keung  | (Written reply)                |
| (9)  | Dr Hon Elizabeth QUAT   | (Written reply)                |
| (10) | Hon WU Chi-wai  | (Written reply)                |
| (11) | Hon MA Fung-kwok  | (Written reply)                |
| (12) | Hon Christopher CHEUNG  | (Written reply)                |
| (13) | Hon WONG Yuk-man  | (Written reply)                |
| (14) | Hon WONG Kwok-hing  | (Written reply)                |
| (15) | Dr Hon Helena WONG  | (Written reply)                |
| (16) | Hon CHAN Hak-kan  | (Written reply)                |
| (17) | Hon James TO  | (Written reply)                |
| (18) | Hon Kenneth LEUNG   | (Written reply)                |
| (19) | Prof Hon Joseph LEE   | (Written reply)                |
| (20) | Hon LEUNG Che-cheung  | (Written reply)                |
| (21) | Hon NG Leung-sing   | (Written reply) (New question) |
| (22) | Hon Emily LAU   | (Written reply) (New question) |

註 :

NOTE :

# 議員將採用這種語言提出質詢

# Member will ask the question in this language

## Withstanding the onslaught of the perfect storm

# (1) Hon Paul TSE (Oral reply)

It has been reported that New York City had its first confirmed case of Ebola virus disease (“EVD”) infection on the 23rd of last month. Since the patient had patronized restaurants and a bowling alley and had travelled on subway lines during the incubation period of the virus, the authorities concerned had to embark on a large-scale exercise to track down people who might have been infected. With the risk of an EVD outbreak continuing to increase, the media have pointed out that a “perfect storm” is brewing amid the impending EVD outbreak, emerging impacts of the Occupy Central movement, sky-high property prices which refuse to go down and gloomy global economic outlook, etc., which may inflict a severe onslaught on Hong Kong’s economy and people’s livelihood. In this connection, will the Government inform this Council:

- (1) given that the arrival screenings at New York City have failed to stop the spread of EVD to the United States, whether the Government has assessed if the arrival screenings in Hong Kong are able to prevent the importation of EVD into the territory; if such assessment has been made, of the details; whether it will consider taking more stringent preventive measures;
- (2) under the situation that some EVD patients are found to have travelled on modes of public transportation such as MTR, buses and trams, etc. in Hong Kong and/or roamed areas with a heavy flow of people, what contingency measures the authorities have in place to track down or even quarantine a large number of people who may have been infected without causing any public panic; and
- (3) what contingency policies are available to withstand the severe onslaught of the aforesaid perfect storm on Hong Kong’s economy and people’s livelihood?

Public Order Events section in the Prosecution Code of  
the Department of Justice

# (5) Dr Hon Elizabeth QUAT (Oral reply)

The Department of Justice (“DoJ”) added a Public Order Events section to its newly revised Prosecution Code (“the new Code”) released in September last year to provide guidelines and pointers to prosecutors. The section states that as there are provisions in the Basic Law guaranteeing Hong Kong residents freedoms in respect of speech, association, assembly, procession and demonstration, etc., “[o]ffences alleged to have been committed in conjunction with the exercise of these constitutionally guaranteed freedoms may give rise to special considerations” (“special considerations”). I have learnt that regarding this type of cases, the Police need to await DoJ’s consent before they may institute prosecutions even if they have got sufficient evidence. In this connection, will the Government inform this Council:

- (1) whether DoJ has issued to the prosecutors specific working guidelines on how they should make the special considerations, and what measures it has put in place to ensure that making the special considerations will not complicate and lengthen the prosecution procedures;
- (2) of the total number of cases involving public order events handled by DoJ since the issuance of the new Code and, among such cases, the respective numbers of those for which prosecutions have been and have yet to be instituted; the average time taken by the authorities for making prosecution decisions for such cases, and how it compares with the time taken for other cases in which the Police may institute prosecutions directly; and
- (3) given comments that despite a number of people having been arrested at the assembly venues of the recent occupation movement for alleged breaches of the law, the authorities have not, after a long time, instituted prosecutions against such people because the Police have to gather substantial evidence for such cases to enable prosecutors to make the special considerations, resulting in the public misunderstanding that persons breaching the law at the assembly venues will neither be prosecuted nor incur criminal liabilities, of DoJ’s remedial measures to clear such public misunderstanding?

## Assemblies triggered by the Occupy Central movement

# (7) Dr Hon LAM Tai-fai (Written Reply)

The Chief Executive (“CE”) indicated earlier that external forces were involved in the Occupy Central movement, and that Hong Kong, being a part of China and a highly open city, was caught in a complicated international environment. When asked about whether he would disclose related evidence, CE indicated that he would duly consider the matter at appropriate time. In addition, during the period when the assemblies triggered by the Occupy Central movement (“Occupy Central assemblies”) were being held, physical confrontations occurred from time to time among assembly participants, people opposing the assemblies and police officers, causing injuries to many people of various sides. It was even reported that such confrontations involved triad members. In this connection, will the Government inform this Council:

- (1) whether it has assessed if the fact that the evidence relating to the involvement of external forces in Hong Kong’s affairs is not disclosed immediately will adversely affect national security and the stability of Hong Kong society; how the authorities will guard against the involvement of external forces in Hong Kong’s affairs;
- (2) whether it knows if persons advocating independence of Xinjiang, Xizang and Taiwan as well as Falun Gong have participated in the Occupy Central movement and are involved in Hong Kong’s internal affairs; if it knows, of the details;
- (3) as it has been reported that the National Endowment for Democracy (“NED”) of the United States has provided funds for pan-democratic organizations in Hong Kong in recent years for promoting the development of democracy in Hong Kong, whether it has taken the initiative to find out or investigate if NED has participated in the Occupy Central movement; if investigation has been conducted and the outcome is in the affirmative, of the details, including the political parties or organizations in Hong Kong which have received such funds and the amount of funds involved; if investigation has not been conducted, the reasons for that;
- (4) whether it knows if triad members have participated in activities of organizing, planning, commanding and funding assemblies in support of and opposing the Occupy Central assemblies; if the triad members have done so, of the details; the number of related triad members arrested by the Police so far, and whether prosecution will be instituted against them;
- (5) whether it knows if personnel from the Ministry of State Security have participated in organizing, planning, commanding and funding actions to charge at the participants of the Occupy Central assemblies by people opposing such assemblies; if such personnel have done so, of the details;
- (6) since the occurrence of the Occupy Central assemblies, of the police manpower deployed by the Police for maintaining public order at

assembly venues, and how the numbers of crimes such as robbery, theft, indecent assault, etc. in each District Council district compare with the corresponding numbers in the same period of the year before;

- (7) since the occurrence of the Occupy Central assemblies, of the number of police officers who received psychological counselling due to excessive pressure, tendered resignation or refused to perform duty at areas where the assemblies were held;
- (8) since the occurrence of the Occupy Central assemblies, of the respective maximum daily numbers of persons participating in such assemblies and those assemblies opposing the Occupy Central movement in Mong Kok, Causeway Bay, Admiralty and Central;
- (9) of the total number of canisters of tear gas that the police officers handling the Occupy Central assemblies in the area around Admiralty on the 28th of September this year were equipped with; whether it has assessed if that number is adequate;
- (10) whether it has assessed if the Police have adequate equipment (e.g. anti-riot shields, protective helmets, extendable batons and pepper spray, etc.) for handling the Occupy Central assemblies; if it has, of the outcome;
- (11) whether it has compiled statistics on the number of canisters of pepper spray used by the Police since the occurrence of the Occupy Central assemblies; whether it has reviewed if any police officer had used pepper spray inappropriately; if it has conducted such a review, of the outcome;
- (12) since the occurrence of the Occupy Central assemblies, of the respective response time performance of ambulances and fire appliances in each of the divisions under the Ambulance/Fire Commands, and the number of service calls attended at venues of such assemblies (set out in a table);
- (13) according to the data obtained by the authorities, of the number of persons injured or feeling unwell in the Occupy Central assemblies so far, with a breakdown by the identity of such persons (i.e. assembly participants, police officers, tourists, journalists and other persons); among them, the number of persons who required hospital treatment;
- (14) whether it has compiled statistics on the number of public properties (such as mills barriers, water barriers, rubbish bins, 3-coloured recycling bins, etc.) being damaged or stolen at venues of the Occupy Central assemblies so far, and the number of persons arrested by the Police for alleged vandalism of government properties; and
- (15) given that in reply to a question raised at the meeting of this Council on the 15th of last month regarding whether the three initiators of the Occupy Central movement would be prosecuted, the Secretary for Security indicated that the Police would definitely conduct in-depth investigations into illegal acts and would take appropriate actions in due course, whether related investigations have been initiated by the Police, and of the circumstances under which it would be the appropriate time to

institute prosecutions against the initiators, organizers and assembly participants of the Occupy Central movement?

## Enforcement of injunctions granted by the Court

# (21) Hon NG Leung-sing (Written Reply)

On 20 October this year, the High Court granted interim injunctions restraining participants of the assemblies triggered by the Occupy Central movement from continued occupation of certain passageways in Mong Kok and obstruction of the entrance to the car park, the fire access and emergency vehicular access of a building in Admiralty. Protesters are also forbidden to obstruct the plaintiffs from removing the obstacles in question. However, some protesters refused to obey the injunctions. In this connection, will the Government inform this Council:

- (1) whether it knows the total number of interim and formal injunctions granted by the High Court in the past five years, and the enforcement situation of such injunctions; and
- (2) as some protesters refused to obey the aforesaid injunctions, what actions the law enforcement agencies intend to carry out; whether, in the light of this incident, the authorities will consider comprehensively reviewing and improving the mechanism for enforcing injunctions?



## Residential requirement for registered electors

# (22) Hon Emily LAU (Written Reply)

Under section 28(1) of the Legislative Council Ordinance (Cap. 542), one of the eligibility criteria for registration as an elector in the register of geographical constituencies is that the person must ordinarily reside in Hong Kong. The authorities conducted a public consultation from January to March 2012 on the improvement measures of the voter registration (“VR”) system. In April of the same year, the authorities indicated in the consultation report that during the consultation, they had received public views on the definitions of “ordinarily reside in Hong Kong” and “principal residential address” in relation to VR, but such definitions were outside the scope of the consultation exercise and were complicated issues that had to be handled carefully by the fourth-term Government. Meanwhile, it was reported in May this year that a member of the public had complained to the Registration and Electoral Office (“REO”) that there were a number of suspected vote rigging cases in his constituency during a District Council (“DC”) by-election. Upon investigation, REO found that in those cases, some electors were currently not residing in their registered addresses due to various reasons, and REO indicated that it was taking follow-up actions. In this connection, will the Government inform this Council:

- (1) whether the fourth-term Government has handled the aforesaid issue regarding the definition of “ordinarily reside in Hong Kong”; if it has, of the details; if not, the reasons for that; and
- (2) if it has assessed whether electors no longer residing or working in their registered constituencies but continuing to vote in that constituency will render it impossible for elected members (especially DC members) to effectively take care of the interests of electors; if the assessment outcome is in the affirmative, whether the Government has put in place any improvement measure; if the assessment outcome is in the negative, of the reasons for that?