

# HKSAR and Mainland sign arrangement on reciprocal recognition and enforcement of judgments in civil and commercial matters (with photos)

The Secretary for Justice, Ms Teresa Cheng, SC, and the Vice-president of the Supreme People's Court, Mr Yang Wanming, signed an arrangement on reciprocal recognition and enforcement of judgments (REJ) in civil and commercial matters in Beijing today (January 18).

The Arrangement on Reciprocal Recognition and Enforcement of Judgments in Civil and Commercial Matters between the Courts of the Mainland and of the Hong Kong Special Administrative Region (Arrangement) seeks to establish a bilateral legal mechanism with greater clarity and certainty for REJ in civil and commercial matters between the two places.

Hong Kong has by now concluded six arrangements with the Mainland concerning various aspects of mutual legal assistance in civil and commercial matters. Among them, the Arrangement is the third one providing for REJ between the two places in civil and commercial matters.

By establishing a more comprehensive mechanism for REJ with the Mainland in civil and commercial matters, the Arrangement will reduce the need for re-litigation of the same disputes in both places and offer better protection to the parties' interests. The Arrangement, apart from furthering legal co-operation between Hong Kong and the Mainland in civil and commercial matters, will enhance Hong Kong's status as a regional centre for international legal and dispute resolution services.

The Arrangement applies to matters considered to be of a "civil and commercial" nature under both Hong Kong and Mainland law. Non-judicial proceedings and judicial proceedings relating to administrative or regulatory matters are excluded. The Arrangement covers both monetary and non-monetary relief. It also sets out jurisdictional grounds for the purposes of recognition and enforcement as well as grounds for refusal of recognition and enforcement.

The Arrangement will be implemented by local legislation in Hong Kong. It will take effect after both places have completed the necessary procedures to enable implementation and will apply to judgments made on or after the commencement date.



## **Building works contractors of Integrated Rehabilitation Services Complex in Kwun Tong convicted for illegally carrying out works on holidays**

Building works contractors of the Integrated Rehabilitation Services Complex in Kwun Tong, China Harbour Engineering Company Limited, Zhen Hua Engineering Company Limited and Ming Suen Construction Company Limited, illegally carried out works on holidays. They were convicted by Kwun Tong Magistrates' Courts today (January 18) and on November 29 last year for contravening the Noise Control Ordinance (NCO) and were fined a total of \$31,000.

The Environmental Protection Department (EPD) received a complaint from a member of the public last April about noise nuisance generated on Sundays by the Integrated Rehabilitation Services Complex construction site, which is located at 4 Fuk Tong Road in Kwun Tong. Upon investigation by EPD staff, it was confirmed that the construction site concerned carried out hammering and

handling of scaffolding materials on holidays and the contractors had not obtained any construction noise permit (CNP) prior to the commencement of works. After evidence gathering, the EPD initiated prosecution against the main contractor (a joint venture of China Harbour Engineering Company Limited and Zhen Hua Engineering Company Limited) and the sub-contractor, Ming Suen Construction Company Limited. The EPD also contacted the Social Welfare Department to assist in following up on the case and ensure that construction works are carried out in accordance with the statutory requirements.

The EPD spokesman stressed that members of the construction industry should carry out works during daytime and non-general holidays as far as possible, and they should supervise the works to minimise noise disturbance to nearby residents. If the works procedures have to be conducted during the restricted hours (between 7pm and 7am on the following day, or at any time on a general holiday), a permit must be obtained from the EPD. The construction works shall commence only when the CNP has been granted upon completion of assessment to support its compliance with regulatory requirements. Noise mitigation measures should also be implemented for the construction works as stipulated by the CNP. For construction works that violate the NCO, first-time offenders are liable to a maximum fine of \$100,000. A maximum fine of \$200,000 may be imposed on second or subsequent convictions.

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## **Burial and cremation services to be suspended on Lunar New Year's Day**

The Food and Environmental Hygiene Department (FEHD) announced today (January 18) that services for the disposal of the dead will be suspended on Lunar New Year's Day (February 5).

An FEHD spokesman said, "All cemeteries and crematoria offices of the department will be closed on Lunar New Year's Day. No coffins will be accepted for burial at public cemeteries and no cremations will be undertaken at public crematoria.

"Cremation services and burial services will resume normal operation on February 6."

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## Seventeen immigration offenders arrested

The Immigration Department (ImmD) mounted a territory-wide anti-illegal worker operation codenamed "Twilight" from January 14 to 17. A total of 12 illegal workers and five suspected employers were arrested.

During the operation, ImmD Task Force officers raided 34 target locations including a company, construction sites, a factory, a flower shop, residential buildings, restaurants, shopping malls and warehouses. Twelve illegal workers and five employers were arrested. The illegal workers comprised five men and seven women, aged 31 to 59. Among them, one man was a holder of recognisance form, which prohibits him from taking any employment. In addition, two men and three women were suspected of using and being in possession of forged Hong Kong identity cards while another man and woman were also suspected of using and being in possession of Hong Kong identity cards relating to another person. Meanwhile, five men, aged 30 to 52, were suspected of employing the illegal workers.

"Any person who contravenes a condition of stay in force in respect of him shall be guilty of an offence. Also, visitors are not allowed to take employment in Hong Kong, whether paid or unpaid, without the permission of the Director of Immigration. Offenders are liable to prosecution and upon conviction face a maximum fine of \$50,000 and up to two years' imprisonment. Aiders and abettors are also liable to prosecution and penalties," an ImmD spokesman said.

The spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, illegal immigrants or people who are the subject of a removal order or a deportation order are prohibited from taking any employment, whether paid or unpaid, or establishing or joining in any business. Offenders are liable upon conviction to a maximum fine of \$50,000 and up to three years' imprisonment. The Court of Appeal has issued a guideline ruling that a sentence of 15 months' imprisonment should be applied in such cases. It is an offence to use or possess a forged Hong Kong identity card or a Hong Kong identity card related to another person. Offenders are liable to prosecution and a maximum penalty of a \$100,000 fine and up to 10 years' imprisonment.

The spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. The maximum penalty is imprisonment for three years and a fine of \$350,000. The High Court has laid down sentencing guidelines that the employer of an illegal worker should be given an immediate custodial sentence. According to court sentencing, employers must take all practicable steps to determine whether a person is lawfully employable prior to employment. Apart from inspecting a prospective employee's identity card, the employer has the explicit duty to make enquiries regarding the person and ensure that the answers would not cast any

reasonable doubt concerning the lawful employability of the person. The court will not accept failure to do so as a defence in proceedings. It is also an offence if an employer fails to inspect the job seeker's valid travel document if the job seeker does not have a Hong Kong permanent identity card. The maximum penalty for failing to inspect such a document is imprisonment for one year and a fine of \$150,000.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct initial screening of vulnerable persons, including illegal workers, illegal immigrants, sex workers and foreign domestic helpers, who are arrested during any operation with a view to ascertaining whether they are trafficking in persons (TIP) victims. When any TIP indicator is revealed in the initial screening, the officers will conduct a full debriefing and identification by using a standardised checklist to ascertain the presence of TIP elements, such as threat and coercion in the recruitment phase and the nature of exploitation. Identified TIP victims will be provided with various forms of support and assistance, including urgent interference, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments.

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## [Speech by CE at opening ceremony of SPARK \(with photos/video\)](#)

Following is the speech by the Chief Executive, Mrs Carrie Lam, at the opening ceremony of SPARK: The Science and Art of Creativity today (January 18):

Jeff (Director of the British Council in Hong Kong, Mr Jeff Streeter), Andy (British Consul General to Hong Kong and Macao, Mr Andrew Heyn), Faye Wei Wei (creator of Neon SPARK artwork), ladies and gentlemen,

Good morning. It's a great pleasure to join you today for the opening of SPARK: The Science and Art of Creativity.

I must say I'm delighted with the British Council's pitch-perfect choice of venue. Tai Kwun, the former Central Police Station Compound, is now a centre for heritage and arts, a dynamic new Hong Kong cultural landmark. And Tai Kwun is not only the venue for SPARK but also the subject of a featured event. The UK's Purcell, one of three architectural firms behind Tai Kwun's revitalisation, will lead walking tours here, detailing how old and new have come together – and so remarkably well – at Tai Kwun.

The Tai Kwun architectural and heritage spotlight is one of more than 30 events taking place here over the next three days and nights. Each has been

designed with surpassing creativity involving some 200 UK and Hong Kong artists, scientists, academia and innovators from more than 50 universities and cultural institutions.

I am truly impressed. Of course, it's not the first time Hong Kong has been dazzled by British ingenuity. Just last March, Hong Kong's Asia Society hosted the GREAT Festival of Innovation, smartly presented by the UK Department for International Trade. These and many other such events speak of the longstanding and long-rewarding relations that exist between the economies and the people of Hong Kong and the UK.

Such relations are set to get even closer in the future. I visited London in September 2017 as the Chief Executive to attend the Hong Kong Dinner, which is an annual tradition celebrating the ties that bind us in government and business, in culture, history, education and many other aspects. During my trip, I met with many senior government officials, members of parliament, businessmen, education professionals, etc, and set in motion many collaboration initiatives between Hong Kong and the UK. Last March, Dr Liam Fox, Secretary of State for International Trade, visited Hong Kong. Aside from opening the GREAT Festival of Innovation, Dr Fox signed a joint statement on closer collaboration in trade and economic matters with our Secretary for Commerce and Economic Development, Edward Yau. Then, last September, Chief Secretary for Administration Matthew Cheung signed an MOU on Cultural Co-operation between Hong Kong and the UK while visiting London.

Last month, I officiated at the opening ceremony of an exhibition at the Hong Kong Science Museum. "Treasures of Time" is jointly organised by the Hong Kong Science Museum, the Science Museum, London, and Beijing's Palace Museum. The "timely" exhibition displays about 120 rare mechanical clocks and watches from the Palace Museum collection; most were tributes from Europe presented by Western missionaries to the Qing court. Among the exhibition highlights is a workshop depicting 18th century Europe. That workshop, I'm pleased to note, was brilliantly recreated with tools and equipment provided by the Science Museum, London. This fabulous exhibition illustrates that Hong Kong offers the best platform for cultural exchanges between East and West.

For SPARK, we have the British Council in Hong Kong to thank. The British Council has been instrumental in presenting the best of British culture and education in Hong Kong since 1948, more than 70 years ago. And I still vividly remember Antony Gormley's Event Horizon, showcased here by the British Council and brought to us a few years ago, which truly amazed many with Sir Antony Gormley's life-size sculptures. SPARK today is no exception. The Festival's four themes – Creative Cities, Art meets Science, Altered Realities and Future Skills – have been designed for people of all ages. But they will no doubt resonate in particular with our youth, offering insight and inspiration that could well lead to creative career choices – in culture and the arts, the sciences and education. I have said on many occasions that Hong Kong's future is predicated on our young people, their talent, their vision and their innovative spirit. So I am grateful to the British Council for bringing SPARK: The Science and Art of Creativity, to Hong Kong.

SPARK reflects Hong Kong-British co-operation at its finest. SPARK is about creating connections, about finding innovative ways for the people of Hong Kong and the UK to excel. I look forward to many more cultural exchanges between us.

Ladies and gentlemen, I wish the Festival a resounding success, and everyone a New Year blessed with health, happiness and boundless creativity. Thank you very much.

