

# LCQ12: Conducting remote hearings for court cases

Following is a question by the Hon Dennis Kwok and a written reply by the Chief Secretary for Administration, Mr Matthew Cheung Kin-chung, in the Legislative Council today (June 24):

Question:

Since April 3, 2020, remote hearings may be conducted for suitable civil cases by using the court's video-conferencing facilities (VCF). Court users may connect to VCF under a hardware option (i.e. using hardware video-conferencing units) or a software option (i.e. using normal desktop computers installed with appropriate software). Besides, the Judiciary is actively considering enabling real-time communication for the web (WebRTC) in video-conferencing, so that court users can connect to VCF by using a simple web browser. In this connection, will the Government inform this Council if it knows:

(1) the equipment needed to be acquired by the Judiciary for enabling remote hearings; the respective quantities of such equipment purchased/to be purchased, as well as the respective capital and recurrent expenditures incurred/to be incurred; when the acquisition of all equipment can be completed;

(2) the criteria to be adopted for choosing the WebRTC software and the supplier; whether the software has been acquired; if so, the technical specifications of the software and the implementation timetable for WebRTC; if not, the latest progress of the relevant work and timetable for enabling WebRTC in video-conferencing;

(3) whether the WebRTC solution to be introduced is similar to those adopted in other jurisdictions, such as the United Kingdom (UK), for conducting remote hearings; if not, the differences;

(4) how the Judiciary's ability, upon the introduction of WebRTC, to conduct remote hearings compares with that in other jurisdictions, such as the UK, the United States and Australia, and the areas on which improvement is needed;

(5) whether the High Court Building has sufficient bandwidth of Internet access services for remote hearings to be conducted in all courtrooms simultaneously;

(6) the assistance provided by the Judiciary for litigants/witnesses who do not have the necessary equipment for attending remote hearings;

(7) whether the scope of application of remote hearings will be expanded to

criminal cases; and

(8) whether the Judiciary has plans to handle the backlog of cases by conducting more remote hearings?

Reply:

President,

Based on the information provided by the Judiciary, the Government's reply is as follows:

In response to the prevailing and changing public health situation, the Judiciary has been actively considering alternative modes of hearings in civil proceedings through, among others, the use of video-conferencing facilities (VCF). The Judiciary issued guidance notes on April 2 and June 8, 2020 setting out detailed arrangements for the possible use of VCF, among others, for remote hearings for suitable civil cases of the High Court, District Court and Family Court.

In considering technical options for remote hearings, apart from compliance with the law, it is important that any application of information technology (IT) must be secure and the integrity of specific aspects of the court operation involving the use of IT cannot be jeopardised or compromised.

In the longer term, the Judiciary is looking into whether, and if so, to what extent and how, remote hearings may be used in specific circumstances to support the proper and effective administration of justice when the pandemic is over and the courts have resumed their normal mode of operation, whereby physical face-to-face hearings will continue to be the standing mode of court hearings under normal circumstances. The Judiciary will keep all the stakeholders posted and consult all concerned when it has come up with its views and proposals.

For VCF remote hearings, the main equipment needed by the courts is the video-conferencing unit. Other general-purpose peripheral equipment, such as display units and speakers, are also needed. As video-conferencing units have been used for remote hearings involving witnesses outside Hong Kong for quite some time, the Judiciary has already acquired some VCF sets before COVID-19. To meet possible greater demand for VCF for court hearings and various types of meetings of the Judiciary during the short and longer term, the Judiciary has acquired in batches 15 additional sets of video-conferencing units at a cost of about \$830,000. The Judiciary has, however, no breakdown of the additional recurrent expenditure incurred specifically for using VCF.

According to the Judiciary, VCF will only be considered for court cases or part(s) of the court cases which are suitable and under essential or desirable circumstances. The Judiciary's latest assessment is that the total capacity of its existing Internet links should be sufficient to support VCF hearings for the time being. The Judiciary will closely monitor the overall utilisation and increase the Internet bandwidth as necessary to ensure the

smooth conduct of remote hearings at various court buildings, including the High Court Building.

When remote hearings were first tried out from April 2020, court users would need to have the necessary enterprise-level hardware to be connected to the Judiciary's VCF. To keep abreast with changing technologies without compromising the need for security and integrity, the Judiciary has been exploring various technical alternatives to facilitate remote hearings. During the process, the Judiciary aims to introduce more user-friendly solutions to court users. The Judiciary has also been making reference to technical solutions being adopted by other jurisdictions, such as the United Kingdom and Australia, to cater for their own circumstances and needs. As their situation is not entirely the same as that in Hong Kong, their technical solutions may not be the best references for the Judiciary.

After some studies, the Judiciary informed stakeholders on June 8, 2020 that it would be able to allow a software-based option whereby court users may use personal computer devices, with installation of an appropriate software, to connect to the Judiciary's VCF. This new technical alternative has been introduced since June 15, 2020. The Judiciary indicates that the cost of this option will be significantly lower than procurement of enterprise-level hardware. Besides, this option should be more user-friendly and conducive to facilitating a wider use of remote hearings.

As part of the Judiciary's on-going efforts to explore further possible technical options, the Judiciary is also examining in detail, among others, whether Web Real-Time Communication (WebRTC) which will further facilitate remote hearings, may be used without affecting the integrity or security of court proceedings. If any additional technical option(s) prove to be feasible from a policy and technical point of view and the Judiciary has decided to adopt such option(s), the Judiciary will make announcement(s) to the relevant stakeholders as appropriate.

The Judiciary has been using various alternative means, such as paper disposal and VCF hearings, to handle civil cases, including those affected by the General Adjourned Period. Experience shows that these have been effective.

For criminal cases, using remote means to conduct criminal hearings may not be permissible under existing law. Taking a longer-term perspective, the Judiciary is examining whether it is desirable for any parts of criminal proceedings to be conducted by remote hearing, and if so, what policy, legal and operational issues are involved. The Judiciary will then consider the way forward. The Judiciary will consult the relevant stakeholders as appropriate.

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# Applications for Dishware Washing Trade Subsidy Scheme under Anti-epidemic Fund opens today

The Food and Environmental Hygiene Department (FEHD) announced that applications for the Dishware Washing Trade Subsidy Scheme under the Anti-epidemic Fund opens today (June 24) to provide relief assistance to the dishware washing trade hard hit by the COVID-19 epidemic.

An FEHD spokesman said, "The Anti-epidemic Fund Steering Committee endorsed a proposal to provide a one-off subsidy to the dishware washing trade. Under the scheme, each eligible dishware washing operator in operation will be provided with a one-off subsidy of \$80,000 or \$150,000 according to its average monthly water consumption."

An applicant for the scheme is required to fulfil relevant criteria, including:

1. the dishware washing premises concerned holds a valid Business Registration Certificate or documentation for the Section 88 documentation (for organisations exempted from tax under Section 88 of the Inland Revenue Ordinance (Cap. 112)) on the date of submission of the application;
2. the dishware washing premises concerned is equipped with commercial automated dishwashing machine(s) on or before March 31, 2020;
3. carries on a dishware washing business and provides dishware washing services to food business customers with support of relevant documents;
4. can provide water bills of the related business;
5. the dishwashing business is in operation on the date of submission of the application and on the date of approval of the application; and
6. has not received any subsidy under the Food Licence Holders Subsidy Scheme or the Relief Grants for Providers of Catering Services for Schools and Post-secondary Education Institutions and Providers of Interest Group and School Bus Services for Schools or the Retail Sector Subsidy Scheme or the Club-house Subsidy Scheme.

Eligible applicants should submit their applications online through the FEHD website ([www.fehd.gov.hk](http://www.fehd.gov.hk)) starting from today. The deadline for application is July 15. Upon receipt of the completed application form and supporting documents, and after verification, the FEHD will generally disburse the subsidies in approximately two to three weeks by crossed cheques to the corresponding dishware washing premises.

For details of the scheme, please visit the website of the FEHD or contact the Hygiene Section of the Environmental Hygiene Branch of FEHD at 2867 5748.

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## LCQ13: Currency swap agreements with People's Bank of China

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 (June 24):

Question:

On June 1, 2020, the Financial Secretary revealed that the Hong Kong Monetary Authority (HKMA) and the People's Bank of China (PBoC) had signed a currency swap agreement on Hong Kong dollars and the United States (US) dollars last year, and that such agreement would help defend the Linked Exchange Rate System, under which the Hong Kong dollar is pegged to the US dollar. In this connection, will the Government inform this Council:

(1) of the date on which the agreement was signed, as well as the purpose and other details of the agreement;

(2) whether HKMA signed the agreement with PBoC because of the consideration that relying solely on Hong Kong's foreign exchange reserve was insufficient for defending the Linked Exchange Rate System; and

(3) whether, apart from the agreement and the Renminbi-Hong Kong dollar currency swap agreement which has been in force for more than a decade, HKMA and PBoC have signed any other currency swap agreements; if so, of the details?

Reply:

President,

Our reply to the various parts of the question is as follows.

(1) and (3) To facilitate the development of the offshore Renminbi (RMB) market in Hong Kong, the Hong Kong Monetary Authority (HKMA) signed an RMB/Hong Kong dollar (HKD) currency swap agreement with the People's Bank of China (PBoC) in January 2009. The HKD/United States dollar (USD) currency swap arrangement mentioned by the Financial Secretary is an enhancement made on the basis of this agreement. It is a one-way arrangement allowing the HKMA to swap in USD from the PBoC using HKD if any such need arises.

(2) Hong Kong has strong fundamentals and solid financial strengths. Our banking system is also sound and robust. Underpinned by sizeable foreign reserves of over US\$440 billion as well as strong market confidence, the Linked Exchange Rate System has been operating smoothly and served us well

for 36 years since its implementation. The above-said enhancement arrangement aims at providing Hong Kong with more flexibility atop its already abundant reserves, thereby facilitating the regulatory authority to maintain market stability.

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## LCQ20: Information security of the health code system

Following is a question by the Hon Charles Peter Mok and a written reply by the Secretary for Food and Health, Professor Sophia Chan, in the Legislative Council today (June 24):

Question:

In an effort to facilitate the cross-boundary activities of residents of Guangdong, Hong Kong and Macao, the Government is taking forward a scheme for mutual recognition of health codes. Residents of the three places holding proof of a negative result of a nucleic acid test for coronavirus disease 2019 issued within seven days by a designated medical institution shall be exempted from undergoing a compulsory quarantine for 14 days upon entry. Some Hong Kong residents are worried that their sensitive personal data, such as medical records, will be transferred to Mainland security departments through the health code system, resulting in their personal privacy being intruded on. Regarding the information security of the health code system, will the Government inform this Council:

(1) of the expected number of applicants for the health code and the duration for which the mutual recognition scheme will be put in place; the details of the mutual recognition scheme (including the procedure to be followed by applicants); whether Hong Kong residents are required to install in their mobile phones or other electronic devices health code applications launched by the Mainland authorities and input personal data into such applications in order to use the relevant services; if so, of the types of information (including personal data) collected via such applications as well as its retention period and, among such information, the types of personal data to be transferred out of Hong Kong or handed over to data users outside Hong Kong for processing or retention;

(2) whether special information security measures will be adopted for the health code system; of the measures put in place to guard against an excessive collection of personal data by the system and an overly lax restriction on the authority of using such data, so as to prevent the personal data of Hong Kong residents from being accessed, processed, deleted or used accidentally or without their authorisation;

(3) of the local and Mainland government departments/institutions authorised to access the health codes and relevant personal data of Hong Kong residents, and the mechanisms to be followed by them before accessing the information; whether it will request the relevant Mainland government departments/institutions to impose restrictions on the use of such information for purposes other than the purpose of preventing the occurrence or the spread of an infectious disease or contamination (e.g. establishing a DNA database and preventing or detecting crimes), and to expeditiously delete information which is no longer needed for the quarantine work; if so, of the details;

(4) whether mutual recognition of health codes among the three places will be carried out in a manner that (i) collects and transfers the least amount of personal data and (ii) reduces the amount of personal data required to be retained (in particular biometric data and user locations (if applicable)); of the ways to protect the personal data of Hong Kong residents from being transferred out of Hong Kong or used for non-specified purposes without authorisation; and

(5) whether it has, before implementing the scheme for mutual recognition, sought the advice of the Privacy Commissioner for Personal Data on issues about the collection, processing and use of personal data, etc., and engaged independent third parties to conduct privacy and information security risk assessments and audits; if so, of the details; if not, the reasons for that; whether the authorities have followed the various data protection principles set out in the Personal Data (Privacy) Ordinance (Cap. 486) when designing the system concerned?

Reply:

President,

Guangdong, Hong Kong and Macao are closely connected and there are frequent economic and trade activities among the three places. Currently, the coronavirus disease 2019 (COVID-19) outbreaks in Guangdong and Macao have relatively subsided. In view of this and in line with our "suppress and lift" strategy, the Hong Kong Special Administrative Region (SAR) Government is maintaining close communication with the relevant departments of Guangdong Province and Macao SAR Government on the mutual recognition of virus test results and exemption of designated cross-border travellers from compulsory quarantine under the framework of joint prevention and control. To facilitate people who need to travel between Guangdong and Hong Kong or Hong Kong and Macao, the Governments of Guangdong, Hong Kong and Macao are considering the launch of a pilot scheme on mutual recognition of test results and mutual exemption of quarantine in order to relax cross-boundary flow of people among the three places within certain limits.

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

To complement the launch of the pilot scheme, one of the preparatory tasks of the Hong Kong SAR Government is to develop a "Hong Kong Health Code" system, which enables the virus test results of participants of the pilot scheme in Hong Kong to be uploaded onto the code. Before departing from Hong Kong, eligible persons with negative test results can connect to the electronic platform through a web browser using smartphones or mobile devices, and apply for the "Hong Kong Health Code" online and download it to the relevant mobile phone or device. The relevant procedure does not involve additional installation of mobile application programmes. To facilitate the mutual recognition of test results by the boundary control officers of Guangdong, Hong Kong and Macao, participants of the pilot scheme can on their own accord choose to exchange the "Hong Kong Health Code" for use on the "Yuekang Code" or "Macao Health Code" systems of Guangdong or Macao for health declaration purpose when they enter Guangdong or Macao.

The "Hong Kong Health Code" computer system will only collect basic personal information and nucleic acid test results from applicants for the purpose of applying for the "Hong Kong Health Code". The development process is premised on the protection of personal privacy and the code exchange procedures must also be explicitly initiated and agreed by the applicant. Data will be encrypted during transmission between the computer system and mobile device to ensure security. The Hong Kong SAR Government has consulted the views of the Office of the Privacy Commissioner for Personal Data with regards to the "Hong Kong Health Code". At the same time, we will also engage an independent third party to conduct a privacy impact assessment as well as an information security risk audit in order to ensure that the system and the data exchange process comply with the requirements of the Personal Data (Privacy) Ordinance (Cap. 486) and the Information Technology Security Policy and Guidelines of the Hong Kong SAR Government.

We will announce the details as soon as possible once the Governments of Guangdong, Hong Kong and Macao have completed discussion on the pilot scheme.

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## **LegCo Public Accounts Committee closed meeting**

The following is issued on behalf of the Legislative Council Secretariat:

The closed meeting of the Legislative Council (LegCo) Public Accounts Committee originally scheduled for today (June 24) at 2pm in Conference Room 5 of the LegCo Complex will be changed to start at 3pm.