

Speech by Acting SJ at Talk of the Town: Arbitration, Emerging Trends and the Scale of Justice of CIETAC Hong Kong Arbitration Center and Asian International Arbitration Centre (English only) (with photo)

Following is a speech by the Acting Secretary for Justice, Mr Cheung Kwok-kwan, at the event Talk of the Town: Arbitration, Emerging Trends and the Scale of Justice co-organised by the China International Economic and Trade Arbitration Commission (CIETAC) Hong Kong Arbitration Center and the Asian International Arbitration Centre (AIAC) today (August 9):

Minister Dato' Sri Azalina Othman Said (Minister in the Prime Minister's Department (Law and Institutional Reform), Malaysia), Justice Dato' Mary Lim Thiam Suan (Chairperson, Protem Committee for the AIAC Court of Arbitration, AIAC), Mr Brad Wong (Deputy Secretary General, CIETAC Hong Kong Arbitration Center), distinguished guests, ladies and gentlemen,

A very good morning to all of you. To our friends from Malaysia, a very warm welcome to Hong Kong. Thank you for inviting me to deliver the opening remarks for today's event co-organised by the CIETAC Hong Kong Arbitration Center and the Asian International Arbitration Centre.

Hong Kong and Malaysia have always been close partners. We were each other's ninth largest trading partner in 2023. During our Chief Executive, Mr John Lee's visit to Malaysia last year, 11 MOUs were signed with Malaysian enterprises and organisations in areas including trade, investment, finance, innovation and technology, logistics, academic research, and cultural exchanges. We welcome the extension of the visa-free entry period of 90 days for holders of the HKSAR (Hong Kong Special Administrative Region) passport to Malaysia, strengthening closer ties between the two jurisdictions. Also, with the increase in Belt and Road Scholarship quotas starting in the next academic year, we welcome more students from Malaysia to study in Hong Kong to deepen exchanges amongst young people between the two jurisdictions.

The theme of today's event is "Talk of the Town: Arbitration, Emerging Trends and the Scale of Justice". In the development of arbitration services, Hong Kong does not shy away from being the "Talk of the Town". In fact, since 2015, Hong Kong has ranked among the top five preferred seats for arbitration globally, and was among the top three in the latest international arbitration survey conducted by Queen Mary University, London. In May this year, Hong Kong hosted the world's largest international arbitration congress, with a record-breaking attendance of over 1 400 professionals from over 70

jurisdictions.

With increasing connectivity and developments in various areas, we anticipate growing demand for quality legal and dispute resolution services for entities. Under the "one country, two systems", Hong Kong is the only common law jurisdiction within China. Being a bridge between the East and West, our legal and dispute resolution practitioners have a wide range of expertise. A vast majority of our legal talents are bilingual, trilingual, or even multilingual, and many are qualified in multiple jurisdictions. With over 14 000 solicitors and barristers and over 1 400 registered foreign lawyers in Hong Kong, we are well placed to provide unparalleled one-stop professional legal services of a wide spectrum of matters in different industries, ensuring that parties to arbitration can find suitable representation or arbitrators in proceedings.

The Hong Kong Arbitration Ordinance is based on the UNCITRAL (United Nations Commission on International Trade Law) Model Law on International Commercial Arbitration, and arbitral awards made in Hong Kong can be enforced in over 170 contracting parties under the New York Convention.

Hong Kong has entered into various mutual legal assistance arrangements with the Mainland authorities on mutual enforcement of arbitral awards as well as in interim measures agreements, which allow parties to arbitral proceedings seated in Hong Kong and administered by qualified institutions to apply to relevant Mainland courts for interim measures for preservation of property, evidence and conduct.

The independent exercise of judicial power by the Hong Kong courts is an essential cornerstone to the rule of law. Our judiciary has long been adopting a pro-arbitration stance which is well documented in court judgements, essential for a healthy development of arbitration practice in Hong Kong.

On this note, I wish you all fruitful and insightful discussions this morning, and to our friends from Malaysia, a most enjoyable stay in Hong Kong. Thank you.



Former registered minor works contractor and its Authorized Signatory fined \$58,000 in total for contravention of Buildings Ordinance

A former registered minor works contractor (RMWC) and its Authorized Signatory (AS) were convicted and fined \$58,000 in total at the Kowloon City Magistrates' Courts last week in two cases for knowingly carrying out underground drainage and excavation works without prior approval and consent from the Buildings Department (BD), and the AS was convicted for failing to notify the BD about the appointment of a prescribed registered contractor (PRC) to carry out drainage alteration works, a class II minor work, in accordance with the simplified requirements under the Minor Works Control System, contravening the Buildings Ordinance (BO) (Cap. 123).

The first case involved the carrying out of underground drainage and excavation works at the rear lane of Shek Tong Street, To Kwa Wan. The RMWC submitted a Notice of Commencement to the BD in June 2022, notifying the commencement of Class II minor works at the said rear lane. Subsequently, the BD conducted an audit check and obtained information from CCTV footage, which showed that the AS was carrying out underground drainage and excavation works near the retaining wall at the rear lane. Investigation found that the works concerned did not belong to any minor works item, exempted works or designated exempted works under the BO. As the RMWC and its AS knowingly carried out the two building works without prior approval and consent from the BD, contravening section 14(1) of the BO, the BD instigated prosecution action against the RMWC and its AS under section 40(1AA) of the BO. They were both convicted at the Kowloon City Magistrates' Courts on August 1 and were fined \$52,000 in total.

The second case involved the same AS carrying out drainage alteration works near the site of the first case, i.e. in the rear lane of a composite building on Chatham Road North, To Kwa Wan. The BD received a report in June 2022 and carried out an investigation. From CCTV footage, it was revealed that the AS was carrying out drainage alteration works on the external wall of the said rear lane. Investigation found that the drainage alteration works were Class II minor works and the BD had not received any notice of commencement and prescribed documents seven days before the commencement of the works. As the AS knowingly failed to appoint a PRC to carry out the Class II minor works, contravening section 9AA(2) of the BO, the BD instigated prosecution action against the AS under section 40(1AB) of the BO. On August 1, the AS was convicted and fined \$6,000 at the Kowloon City Magistrates' Courts.

A spokesman for the BD said today (August 9), "Unless for minor works or exempted works under the BO, any person who knowingly carries out any

building works without prior approval and consent from the BD commits a serious offence. If such a contravention is found, the BD will instigate prosecution action. Moreover, the BD may instigate prosecution action against any person who knowingly fails to appoint a PRC to carry out minor works required by the regulations."

Pursuant to section 40(1AA) of the BO, any person who knowingly contravenes section 14(1) (i.e. commences or carries out any building works without having first obtained approval and consent from the BD) shall be guilty of an offence and liable upon conviction to a fine of \$400,000 and to imprisonment for two years, and a further fine of \$20,000 for each day that the offence continues.

Pursuant to section 40(1AB) of the BO, any person who contravenes section 9AA(2) of the BO (i.e. knowingly fails to appoint a PRC to carry out minor works required by the regulations) shall be guilty of an offence and liable upon conviction to a fine of \$100,000.

In addition, after considering the recommendations of the Minor Works Contractors Registration Committee, the BD refused the RMWC's application for the renewal of its registration in June 2023, in accordance with Regulation 15 of the Building (Minor Works) Regulations.

Chronic Disease Co-care Pilot Scheme expands drug list and to implement annual consultation co-payment adjustments

The Health Bureau announced today (August 9) that the Chronic Disease Co-care Pilot Scheme (CDCC Pilot Scheme), set for early identification of persons at risk of having diabetes mellitus (DM) and hypertension (HT), has expanded the coverage of its basic-tier drug list to 59 drug items this month. The expansion provides participating family doctors with more drug options to cater for the different clinical prescription needs of participants. In addition, according to the established mechanism, family doctors can adjust their consultation co-payment charge in the treatment phase on an annual basis. The consultation co-payment fees set by individual family doctors after this year's adjustment exercise will take effect from September 1.

The basic-tier drug list of the CDCC Pilot Scheme covers basic drugs for treating chronic diseases (such as anti-hypertensive drugs, supplementary drugs to anti-hypertensive, lipid-regulating and anti-diabetic drugs) and

episodic illnesses (such as antibiotics and drugs for treating associated health problems). Under government subsidy, participants prescribed with drugs on the list will not be required to pay for such medication. The Government reviews the basic-tier drug list from time to time to better meet the clinical needs of participants. Having reviewed the actual needs of participants, the Government included 16 additional drug items in the basic-tier drug list this month, covering anti-hypertensive drugs, lipid-regulating drugs, antibiotics and drugs for treating associated health problems. The expanded drug list now covers 59 basic-tier drug items as compared to 43 items at the initial stage of the Scheme, providing family doctors with greater flexibility in prescribing drugs according to the clinical needs of participants. The latest basic-tier drug list is set out in the Annex.

The Government provides partial subsidy under the co-payment model of the CDCC Pilot Scheme. Bearing the primary responsibility for their own health, participants pay a certain amount of co-payment fee as well. Currently, family doctors are allowed to determine the consultation co-payment fees in the treatment phase on their own and have the fees adjusted once annually according to the established mechanism. The consultation co-payment adjustments for this year's exercise will take effect from September 1. The updated list of consultation co-payment fees has been uploaded to the [dedicated website of the Scheme](#) for public reference. Relevant information on the webpage for searching family doctors will be updated on September 1.

Among the 718 participating service points, 672 of them (i.e. nearly 94 per cent) will keep their existing consultation co-payment fees in the treatment phase unchanged. Eight other service points will reduce the consultation co-payment fees with reductions ranging from \$50 to \$350, while the remaining 38 service points will raise their co-payment fees with increases ranging from \$20 to \$250. Overall, two-thirds of the service points (473 service points) under the Scheme will only charge at a level equivalent to or below the Government-recommended consultation co-payment fee (viz. \$150 or below) from September 1.

Launched in last November, the three-year CDCC Pilot Scheme is one of the key initiatives under the Primary Healthcare Blueprint. Citizens aged 45 or above with no known medical history of DM or HT will be subsidised to pair with a family doctor of their choice for DM and HT screening and long-term follow-up. Participants diagnosed with prediabetes are entitled to a maximum of four subsidised consultation visits per year, while those diagnosed with DM or HT are entitled to a maximum of six subsidised consultation visits per year. The Pilot Scheme has been well received by the public since its launch. As of August 7, around 56 000 citizens have joined the Scheme. Among 32 000-plus participants who have completed the DM and HT screening, about 13 000 (i.e. around 40 per cent) have been diagnosed with prediabetes, DM or HT. The Pilot Scheme has adopted a systematic approach to put the "Family Doctor For All" concept into practice and foster the development of District Health Centres into a healthcare resource hub for the community to solidify the district healthcare network, thus achieving the objective of "early prevention, early detection and early treatment" for improving the well-being of the public.

For more details of the CDCC Pilot Scheme, members of the public may visit its dedicated website or call the hotline at 2157 0500. Dedicated staff of the hotline will answer calls from 9am to 9pm from Mondays to Saturdays.

LD reminds employers and employees to take heat stroke preventive measures in times of Heat Stress at Work Warning

As the Heat Stress at Work Warning is now in effect, the Labour Department (LD) reminds employers and employees to take appropriate measures during the effective period of the warning to prevent heat stroke when working in hot weather or hot environments.

Employees who work outdoors or in non-air-conditioned indoor environments face high levels of heat stress and are at a relatively higher risk of heat stroke. Employers should assess the risk factors of heat stress for employees at work and, based on the identified risk factors, take necessary preventive and control measures, including rescheduling work periods, setting up shading covers, providing ventilation and heat dissipation equipment, and reminding employees to replenish water and rest in a timely manner.

The Heat Stress at Work Warning is formulated by the LD based on the Hong Kong Heat Index. There are three levels of the warning: Amber, Red and Black, which help employers and employees better understand the level of heat stress while working outdoors or indoors without air-conditioning systems.

A spokesman for the LD said that when the department issues the Heat Stress at Work Warning, employers must refer to the criteria and recommendations provided in the "[Guidance Notes on Prevention of Heat Stroke at Work](#)" to conduct risk assessments, according to the workloads and other relevant heat stress risk factors, for employees who work outdoors or in non-air-conditioned indoor workplaces. Appropriate rest breaks should be arranged every hour, as far as reasonably practicable, based on various levels of the Heat Stress at Work Warning, to reduce employees' risk of heat stroke.

Employees must also follow instructions to rest on time. Whenever there are any symptoms of heat-related illnesses, such as headache, dizziness, thirst, and nausea, they should rest in a cool and shady place, drink water, and inform employers/supervisors to take appropriate action immediately.

The LD issued the "Guidance Notes on Prevention of Heat Stroke at Work", detailing the various risk factors that should be considered when conducting heat stress risk assessments and recommending corresponding control measures for identified risk factors for employers' and employees' reference. For the Heat Stress at Work Warning and related guidelines, please refer to the department's thematic webpage:

www.labour.gov.hk/eng/news/prevention_of_heat_stroke_at_work.htm.

Hong Kong Space Museum to live stream Perseid meteor shower on August 12

â€‹The Perseid meteor shower will occur on August 12 (Monday) this year. It is estimated that the zenithal hourly rate may reach 100 during the peak from 9pm on August 12 to midnight. The Hong Kong Space Museum will live-stream the Perseid meteor shower from 10pm to 11pm on August 12 via its YouTube channel (www.youtube.com/hkspacem) and "LCSD Plusss" Facebook page (www.facebook.com/LCSDPlusss) and share some astronomical knowledge related to meteor showers.

During a meteor shower, meteors appear to emanate from a point (known as the radiant) in the night sky. On August 12, the radiant of the Perseid meteor shower will rise in the northeast at about 10pm, and the number of meteors will increase as the radiant rises gradually. Since the peak lies on the ninth day of the seventh lunar month, the moon will set at about 11.30pm, and the observation conditions will become more favourable after moonset. During the small hours of August 13, observers may see more than 10 meteors per hour at a location with a wide field of view and low light pollution.

As astronomical observations depend heavily on weather conditions, members of the public are advised to check the latest weather updates before the outdoor activity. For details of the Perseid meteor shower and the live streaming, please visit the Hong Kong Space Museum's website at hk.space.museum/en/web/spm/home.html.