

Contractor for construction works under Shatin to Central Link Project fined for material deviation from works shown in approved plans

A registered contractor, who had deviated in a material way from the building works shown in the plans approved by the Buildings Department (BD), was convicted and fined \$40,000 at the Kowloon City Magistrates' Courts today (June 27). In view of the conviction, the BD will refer the case to the Contractors' Disciplinary Board for instigating disciplinary proceedings under the Buildings Ordinance (BO).

The case is related to the irregularities of the fixing of steel reinforcements in the building works at the Hung Hom Stabling Sidings under the Shatin to Central Link Project carried out in June 2017. Investigations by the BD found that the couplers of the steel reinforcements in a reinforced concrete slab deviated in a material way from the works shown in the plan approved by the BD. Hence, Leighton Contractors (Asia) Limited, the contractor responsible for the building works had committed an offence under section 40(2A)(b) of the BO (Cap. 123). The BD instigated prosecution action against Leighton Contractors (Asia) Limited in May 2020.

A spokesman for the BD said that contractors should carry out building works in accordance with the approved plans and the BO to ensure building and public safety.

Pursuant to section 40(2A)(b) of the BO, any person for whom any prescribed inspection or building works or street works are being carried out and any authorised person, registered structural engineer, registered geotechnical engineer, registered inspector, qualified person, registered general building contractor, registered specialist contractor or registered minor works contractor directly concerned with any such inspection or works who, diverges or deviates in any material way from any work shown in a plan approved by the Building Authority shall be guilty of an offence and liable on conviction to a fine of \$1,000,000 and to imprisonment for three years. Moreover, the contractor who contravenes the relevant provisions of the BO in carrying out building works may also be subject to disciplinary action, liable to be fined, reprimanded or removed from the registered contractors' register.

Triumphant return of Special Olympics Hong Kong Delegation from 2023 Special Olympics World Summer Games (with photo)

The Hong Kong Special Administrative Region Government held a welcome home ceremony at Hong Kong International Airport today (June 27) to greet the Special Olympics Hong Kong Delegation on their triumphant return from the 2023 Special Olympics World Summer Games.

The Under Secretary for Culture, Sports and Tourism, Mr Raistlin Lau, and Assistant Director (Leisure Services) of the Leisure and Cultural Services Department Mr Benjamin Hung, extended their welcome to the Hong Kong athletes at the airport.

The 2023 Special Olympics World Summer Games were held from June 17 to 25 in Berlin, Germany. A total of 81 Hong Kong athletes participated in 13 competition events, namely athletics, basketball, bocce, badminton, bowling, 7-a-side football, futsal, golf, gymnastics (rhythmic), gymnastics (artistic), swimming, tennis and table tennis at the Games. Amid days of intense competition, the Hong Kong delegation earned a total of 75 medals, comprising 39 gold, 25 silver and 11 bronze.

Divided into Summer Games and Winter Games, the Special Olympics World Games, which are specially designed for athletes with intellectual disabilities, alternate between Summer and Winter Games biennially.



CE meets Secretary of CPC Fujian Provincial Committee (with photo)

The Chief Executive, Mr John Lee, met the Secretary of the CPC Fujian Provincial Committee, Mr Zhou Zuyi, at Government House today (June 27) to exchange views on strengthening Hong Kong's co-operation with Fujian. The Deputy Chief Secretary for Administration, Mr Cheuk Wing-hing; the Secretary

for Culture, Sports and Tourism, Mr Kevin Yeung; the Secretary for Constitutional and Mainland Affairs, Mr Erick Tsang Kwok-wai; and the Secretary for Education, Dr Choi Yuk-lin, also attended the meeting.

Mr Lee welcomed Mr Zhou and his delegation's visit to Hong Kong. He said that the relationship between Fujian and Hong Kong has always been close, adding that Hong Kong has been the largest source of external direct investment in the province in recent years. Mr Lee said he was confident that with the gradual recovery of the global economy, the economic and trade co-operation between Hong Kong and Fujian will bring new impetus to the economic growth of both places.

He wished the Fourth Plenary Session of the Hong Kong/Fujian Co-operation Conference to be held in Hong Kong tomorrow (June 28) a great success with fruitful achievements, bringing the co-operation and development of the two places to new heights.

Mr Lee pointed out that the Hong Kong Special Administrative Region (HKSAR) Government has all along been fully leveraging Hong Kong's role as a functional platform for the Belt and Road Initiative, and encouraging Hong Kong enterprises and its professional services sectors to expand their businesses in the Belt and Road countries and collaborate with Mainland enterprises in going global together. He noted that Hong Kong offers an enormous base of professionals well versed in international regulations, who could provide Fujian with legal advice and services in Belt and Road development projects and help enterprises understand international rules, so that they could effectively cope with relevant risks when investing in different countries or regions.

Mr Lee said that he looked forward to the continuous and pragmatic co-operation between Fujian and Hong Kong in such areas as innovation and technology, maritime and logistics, tourism and youth development, so the two places could better grasp the development opportunities arising from the National 14th Five-Year Plan and promote mutual benefits. The Fujian Liaison Unit of the HKSAR Government will continue to act as a bridge to promote exchanges and co-operation between the two places.



Speech by SJ at 8th ICC Asia Pacific Conference on International Arbitration (English only)

Following is the speech by the Secretary for Justice, Mr Paul Lam, SC, at the 8th ICC Asia Pacific Conference on International Arbitration today (June 27):

Distinguished guests, ladies and gentlemen,

Firstly, on behalf of the Department of Justice (DoJ) of Hong Kong, may I extend our warmest welcome to all of you here, especially to our guests coming from different countries to attend this Conference. I would like to congratulate the ICC International Court of Arbitration on its centenary. Over the years, ICC has been the market leader in dispute resolution services and has gained an excellent reputation among users. This is indeed evidenced by the 2021 International Arbitration Survey conducted by the Queen Mary University of London in partnership with White & Case, in which ICC stands out as the most preferred arbitral institution.

ICC is a longtime partner of Hong Kong, whether in the context of dispute resolution or beyond. As early as 2008, the ICC International Court of Arbitration established its Secretariat's Asia Office in Hong Kong as its first overseas branch to administer ICC cases in the Asia Pacific region. This development recognises not only the growing importance of the Asia Pacific region to ICC dispute resolution services but also the status of Hong Kong as the leading centre for international arbitration services. Further, since the opening of the Legal Hub in Hong Kong in November 2020, the Secretariat of the Asia Office of the ICC International Court of Arbitration has been our tenant. In terms of place of arbitration, Hong Kong has been among the top 10 most frequently selected cities in ICC-administered arbitration since 2019, according to the ICC Dispute Resolution Statistics. With respect to our co-operation on capacity building, the DoJ and ICC Hong Kong co-organised the "ICC International Commercial Mediation Competition – Hong Kong" (ICC Mediation Competition-HK) twice in Hong Kong in 2018 and 2019/2020 respectively. The ICC International Commercial Mediation Competition is widely recognised as the world's leading mediation competition for university students. The ICC Mediation Competition-HK has not only enhanced the skills and experience of the younger generation in mediation, it also provided opportunities for Hong Kong mediators to share ideas with top professionals from the international mediation community.

The status of ICC is well recognised not just by the Hong Kong SAR (Special Administrative Region) but also our country China as a whole. In September 2019, the Asia Office of the ICC International Court of Arbitration

was confirmed by the Supreme People's Court of the People's Republic of China and the Hong Kong SAR Government as a qualified arbitral institution for the purposes of the Interim Measures Arrangement in relation to arbitration. In the recent review of the list of qualifying institutions under the Interim Measures Arrangement in March this year, the Asia Office was once again confirmed as one of the qualified institutions.

Issued in January this year by ICC, the ICC Centenary Declaration on Dispute Prevention and Resolution has set out ICC's vision to shape dispute resolution and prevention for the next century. In the Declaration, ICC has made 10 pledges including Pledge number 10 on "Co-operation" by which ICC is committed to work across ICC and in partnership with like-minded purpose-driven organisations and individuals globally, guided by its belief that access to justice and the rule of law enables peace and prosperity. Hong Kong, in particular the Hong Kong SAR Government, will undoubtedly be one of such partners in the future. The Hong Kong SAR Government has strong commitments to promoting and developing international arbitration in Hong Kong and we also share the common core values as ICC as set out in the Declaration. In this regard, we very much look forward to working closely with ICC in bringing Hong Kong's arbitration services to new heights in the next 100 years.

And coincidentally, the Chinese Communist Party also celebrated its centenary in 2021, not too long ago. In Chapter 13 of the Report to the 20th National Congress of the Chinese Communist Party written by President Xi in October last year, the Central People's Government expressly supports Hong Kong's better integration into the overall development of the country and to play a greater role in realising national rejuvenation. In this respect, both the 14th Five-Year Plan and the Outline Development Plan for the Guangdong-Hong Kong-Macao Greater Bay Area explicitly support Hong Kong to develop into a centre for international legal and dispute resolution services in the Asia Pacific region. Hong Kong will certainly seize the opportunities brought about by the national development and proactively integrate itself with the national strategies.

IP arbitrability

As evidenced by various initiatives in recent years, the DoJ has spared no efforts to strengthen Hong Kong's status as a centre for international legal and dispute resolution services. In terms of our legislative framework for arbitration, we have amended our Arbitration Ordinance from time to time to ensure that it will stay at the forefront of international development. In June 2017, legislative amendments have been made to the Arbitration Ordinance to clarify that disputes over intellectual property (IP) rights may be resolved by arbitration, and it would not be contrary to the public policy of Hong Kong to enforce arbitral awards involving IP rights. The amendments relating to IP arbitration already came into operation on January 1, 2018. In light of the rapid development of innovation and technology around the world which inevitably gives rise to IP disputes, these amendments are important and timely. They give Hong Kong a competitive edge over other jurisdictions in the region in resolving IP disputes and at the same time, consolidate Hong Kong's status as a leading international arbitration centre as well as a

premier IP trading hub in Asia and beyond.

Third party funding and ORFSA

We have also amended the Arbitration Ordinance to provide more funding options for arbitration users. Back in June 2017, the Arbitration Ordinance was amended to clarify that third party funding of arbitration is permissible in Hong Kong. A Code of Practice has been put in place since December 2018, setting out the standards and practices required for third party funders in arbitration. The relevant provisions relating to third party funding of arbitration already commenced on February 1, 2019. We believe that this amendment could facilitate arbitration parties lacking financial means to pursue their claims with additional funding, thereby improving access to justice.

Whilst disclosure of third party funding was made in only three arbitrations in 2020, as at April 30, 2023, there were 86 arbitration cases in Hong Kong in which third party funding has been disclosed. Such an increase in the use of third party funding means that there is a growing demand for funding options by arbitration users.

Apart from third party funding of arbitration, we have also amended the Arbitration Ordinance in June 2022 to provide that certain agreements using outcome-related fee structures for arbitration (ORFSA) are not prohibited by the common law doctrines of maintenance, champerty and barratry. One unique and innovative feature of our ORFSA regime is the availability of the hybrid damages-based agreements, which perhaps makes our regime more attractive than the other comparable regimes. With ORFSA, arbitration users and their lawyers now have greater flexibility in entering into fee arrangements that suit their financial and business needs. The relevant subsidiary legislation also came into operation in December 2022, which sets out a detailed regulatory framework and safeguards for ORFSA, including fee caps on different types of ORFSA agreements, and clients' rights to seek independent legal advice before entering into these sorts of agreements.

To familiarise the legal community and arbitration users with this new funding regime in Hong Kong, the DoJ has organised various workshops and seminars on ORFSA. With the support of the Advisory Body on ORFSA, the DoJ organised two workshops entitled "ORFSA Rules in Focus: The Practical Know-how" for members of the Law Society of Hong Kong and the Hong Kong Bar Association on September 30, 2022, and October 7, 2022, respectively. On February 23 this year, the DoJ and other stakeholders have also co-organised a seminar entitled "New Arbitration Funding Options in Hong Kong – Making Your Best Informed Choice" to promote the use of ORFSA. The seminar was well received and attracted over 130 online participants from different jurisdictions. More trainings are in the pipeline and in this respect, I am pleased to see that the DoJ will co-organise another seminar on ORFSA with ICC Hong Kong tomorrow.

The groundbreaking Interim Measures Arrangement

In recent years, Hong Kong has entered into several important mutual

legal assistance arrangements with the Mainland including the groundbreaking Interim Measures Arrangement signed in April 2019. Such an arrangement allows parties to arbitration seated in Hong Kong and administered by designated institutions to apply to the Mainland courts for interim measures before the issue of an award. Such interim measures include property preservation, evidence preservation and conduct preservation. Hong Kong is the first, and until now the only, common law jurisdiction outside the Mainland to enjoy this unique arbitration convenience. This arrangement is of extreme practical importance as many international arbitrations involve Mainland parties and/or assets. It certainly makes Hong Kong a more attractive seat of arbitration.

Since its implementation in October 2019, the Interim Measures Arrangement has been well received and widely used. As at April 30 this year, more than 93 preservation applications were made to the Mainland courts. So far, the Mainland courts have issued 67 court orders involving RMB15.7 billion worth of assets.

There are currently seven designated institutions under the Interim Measures Arrangement, and the Asia Office of the ICC International Court of Arbitration is one of them. As I have mentioned earlier, I am glad to learn that the ICC International Court of Arbitration has helpfully published a Note to provide guidance on interim measures applications in support of the arbitration seated in Hong Kong and administered by the Asia Office. To provide further training to the arbitration community, the DoJ and ICC International Court of Arbitration will co-organise a seminar on the Interim Measures Arrangement this Friday. If you are interested in learning more about the latest development of the arrangement, please come and join.

Lawtech and ODR development

On the development of lawtech and ODR services, the Hong Kong SAR Government has been an active supporter. In April 2020, Hong Kong opted into the APEC Collaborative Framework for Online Dispute Resolution of Cross-Border Business-to-Business Disputes (APEC ODR Framework), which promotes the use of ODR by micro, small and medium-sized enterprises in resolving low-value cross-border disputes. Since May 2022, eBRAM International Online Dispute Resolution Centre (eBRAM), our home-grown dispute resolution institution, has been listed as one of the few registered providers for the APEC ODR Framework. This encouraging development would further contribute to the international development and usage of ODR, which will, at the same time, strengthen the position of Hong Kong as a leading international dispute resolution centre.

To embrace digitalisation and enhance efficiency in the legal and dispute resolution sector, the DoJ launched the Hong Kong Legal Cloud services in March last year. It is a cloud-based document platform equipped with advanced information security technology to provide reliable and affordable data storage services for the local legal and dispute resolution industries. Eligible local professionals could enjoy free subscription to the Hong Kong Legal Cloud services for up to three years. All these innovations showcase the readiness of Hong Kong and our professionals in offering high-quality and high-tech legal and dispute resolution services to the local and

international community.

Strong pool of legal talents

Last but not least, it is worthwhile to mention that Hong Kong has a very strong pool of legal talents. While our local practitioners are familiar with international arbitration law and practice, we also have a very good understanding of the Mainland legal and business culture, which give us a distinct advantage in dealing with disputes between Mainland enterprises and international businesses. Moreover, we welcome overseas arbitrators, lawyers and experts to come to Hong Kong to do arbitration. The Hong Kong SAR Government has earlier launched a pilot scheme in June 2020 to provide immigration facilitation for eligible nationals of countries who may visit Hong Kong visa-free (Visa-free Nationals) to participate in arbitral proceedings in Hong Kong on a short-term basis. The pilot scheme covered four categories of Visa-free Nationals, namely: (i) arbitrators; (ii) expert and factual witnesses; (iii) counsel in the arbitration; and lastly (iv) parties to the arbitration. These persons were allowed to participate in arbitral proceedings in Hong Kong as visitors without the need to obtain an employment visa. Upon review, since March 1 this year, the pilot scheme has been expanded to cover all visitors, including those who require a visit visa or entry permit to enter Hong Kong and also residents of the Mainland, Macao and Taiwan. We believe that the expansion of the pilot scheme will help to attract more legal and dispute resolution talent to Hong Kong, hence further consolidating Hong Kong's status as a centre for international legal and dispute resolution services in the Asia Pacific region.

Concluding remarks

Before I conclude, I would like to express our utmost gratitude to the ICC International Court of Arbitration for choosing Hong Kong as the venue for holding this very important conference. I also wish to thank the ICC Court for its tremendous efforts in providing top quality dispute resolution services over the years, including to render arbitral awards of the highest standards. The DoJ and indeed the whole of Hong Kong look forward to further and closer ties with ICC in the promotion of international arbitration, whether in Hong Kong or beyond.

On this note, I wish all overseas delegates a very enjoyable stay in Hong Kong and after that a pleasant trip back home. Thank you very much.

[CHP investigates outbreak of upper respiratory tract infection at](#)

residential child care centre

The Centre for Health Protection (CHP) of the Department of Health is today (June 27) investigating an outbreak of upper respiratory tract infection (URTI) at a residential child care centre in Mong Kok, and appeals to members of the public and staff of institutions to stay alert and maintain strict personal and environmental hygiene.

The outbreak involves 24 pupils, comprising 13 boys and 11 girls aged 1 to 3. They developed symptoms since June 8. Nine of them sought medical attention and required hospitalisation, and six of them were discharged following treatment. Five of them tested positive for respiratory syncytial virus upon laboratory testing. All of them are in stable condition.

The CHP has provided preventive advice against URTI to the residential child care centre, such as advising the centre to arrange cleaning and disinfection, to open windows where appropriate for better ventilation and to separate affected students from other students, etc. The centre has been placed under medical surveillance.

The public should maintain good personal and environmental hygiene against influenza and other respiratory illnesses, and note the following:

- Receive seasonal influenza vaccination for personal protection;
- Surgical masks can prevent transmission of respiratory viruses from ill persons. It is essential for persons who are symptomatic (even if having mild symptoms) to wear a surgical mask;
- For high-risk persons (e.g. persons with underlying medical conditions or persons who are immunocompromised), wear a surgical mask when taking public transport or staying in crowded places. It is important to wear a mask properly, including performing hand hygiene before wearing and after removing a mask;
- Avoid touching one's eyes, mouth and nose;
- Wash hands with liquid soap and water properly whenever possibly contaminated;
- When hands are not visibly soiled, clean them with 70 to 80 per cent alcohol-based handrub;
- Cover the nose and mouth with tissue paper when sneezing or coughing. Dispose of soiled tissue paper properly into a lidded rubbish bin, and wash hands thoroughly afterwards;
- Maintain good indoor ventilation;
- When having respiratory symptoms, wear a surgical mask, refrain from work or attending classes at school, avoid going to crowded places and seek medical advice promptly; and
- Maintain a balanced diet, exercise regularly, take adequate rest, do not smoke and avoid overstress.

Members of the public, particularly children, the elderly and those with

chronic diseases, should consult a doctor promptly if they develop symptoms of respiratory tract infection.