

# Candidate Eligibility Review Committee announces seven registrations of ex-officio members of Election Committee as valid

The Candidate Eligibility Review Committee (CERC) declared by notice in the Gazette today (October 22) the names of seven Election Committee (EC) ex-officio members who were determined to be validly registered.

In accordance with section 5J of the Schedule to the Chief Executive Election Ordinance (Cap. 569) (the Ordinance), the holder of a specified office under the Ordinance (specified person) may register as an ex-officio member of the EC. The seven EC ex-officio membership registrations which have been validated by the CERC this time had arisen from changes in the post holder of the specified offices-concerned, where the new post holders had submitted fresh applications for registration as EC ex-officio members.

The seven specified offices involved are: the office specified by Roman Catholic Diocese of Hong Kong (education subsector); the Chairman of the Supplementary Medical Professions Council (medical and health services subsector); the Chairman of the Pharmacy and Poisons Board (medical and health services subsector); the Commissioner of the Auxiliary Medical Service (medical and health services subsector); the Chairman of the Community Involvement Committee on Greening (architectural, surveying, planning and landscape subsector); the Chairman of the Consulting Engineers' Committee (engineering subsector), and the Chairman of the Building Contractors Committee (engineering subsector).

In accordance with section 5J(3) of the Schedule to the Ordinance, if a specified person is not eligible to be registered as an ex-officio member (e.g. the specified person is a holder of more than one specified office, or the specified person is a directorate officer of the Government), he/she may designate another person who is holding an office in a relevant body in relation to the specified office to be registered as an ex-officio member. Regarding the seven specified offices mentioned above, the Director of Health is the Chairman of the Pharmacy and Poisons Board as well as the Commissioner of the Auxiliary Medical Service; while the Permanent Secretary for Development (Works) is the Chairperson of the Community Involvement Committee on Greening, Consulting Engineers' Committee and Building Contractors Committee. As the Director of Health and the Permanent Secretary for Development (Works) are not eligible to be registered as ex-officio members, they have respectively designated another person holding an office in the relevant bodies to be registered as an ex-officio member.

The CERC is chaired by the Chief Secretary for Administration, Mr John Lee Ka-chiu, with three official members (the Secretary for Constitutional

and Mainland Affairs, Mr Erick Tsang Kwok-wai; the Secretary for Home Affairs, Mr Caspar Tsui Ying-wai; and the Secretary for Security, Mr Tang Ping-keung) and three non-official members (Miss Elsie Leung Oi-sie, Mrs Rita Fan Hsu Lai-tai and Professor Lawrence Lau Juen-yee). Pursuant to Annex I of the Basic Law, the CERC is responsible for reviewing and confirming the eligibility of candidates for EC membership (including ex-officio members), and determining whether a candidate complies with the legal requirements and conditions for upholding the Basic Law of the Hong Kong Special Administrative Region (HKSAR) and bearing allegiance to the HKSAR of the People's Republic of China.

---

## Illegal worker jailed

A Pakistani illegal worker holding a recognisance form was jailed by Shatin Magistrates' Courts on October 20.

During operation "Twilight" conducted on June 7, Immigration Department (ImmD) investigators raided a retail shop in Sham Shui Po. A Pakistani male, aged 41, was arrested while working as an odd-job worker. Upon identity checking, the Pakistani male produced for inspection a recognisance form issued by the ImmD, which prohibits him from taking employment. Further investigation revealed that he was a non-refoulement claimant.

The illegal worker was charged at Shatin Magistrates' Courts on October 20 with taking employment while being a person in respect of whom a removal order or deportation order was in force. After trial, he was sentenced to 22 months and two weeks' imprisonment.

The ImmD spokesman warned that, as stipulated in section 38AA of the Immigration Ordinance, an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land is 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 spokesman reiterated that it is a serious offence to employ people who are not lawfully employable. Under the Immigration Ordinance, the maximum penalty for an employer employing a person who is not lawfully employable, i.e. an illegal immigrant, a person who is the subject of a removal order or a deportation order, an overstayer or a person who was refused permission to land, has been significantly increased from a fine of \$350,000 and three years' imprisonment to a fine of \$500,000 and 10 years' imprisonment to reflect the gravity of such offences. The director, manager, secretary, partner, etc of the company concerned may also bear criminal liability. The High Court has laid down sentencing guidelines that the employer of an

illegal worker should be given an immediate custodial sentence.

According to the 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. Offenders are liable upon conviction to a maximum fine of \$150,000 and to imprisonment for one year. In that connection, the spokesman would like to remind all employers not to defy the law by employing illegal workers. The ImmD will continue to take resolute enforcement action to combat such offences.

Under the existing mechanism, the ImmD will, as a standard procedure, conduct an 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 threats 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 intervention, medical services, counselling, shelter, temporary accommodation and other supporting services. The ImmD calls on TIP victims to report crimes to the relevant departments immediately.

---

## **34th round of compulsory testing for staff members of RCHEs, RCHDs and nursing homes to commence shortly**

The Government today (October 22) announced that the 34th round of compulsory testing for staff members of residential care homes for the elderly (RCHEs), residential care homes for persons with disabilities (RCHDs) and nursing homes will commence shortly.

In accordance with section 10(1) of the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J), the Secretary for Food and Health issued a compulsory testing notice yesterday (October 21), requiring persons who are employed by and will be on duty at RCHEs, RCHDs, nursing homes and day service units attached to the premises of

residential care homes during the period from November 3 to 9, 2021, or who will provide services to residents or users through hire-of-service contracts with residential care homes and the aforementioned units during that period (including full-time, part-time and relief staff), to undergo polymerase chain reaction-based nucleic acid tests for COVID-19 during the period from October 27 to November 2, 2021, according to the requirements and procedure set out in the notice (the Specified Test). The samples must be collected by using combined nasal and throat swabs and must not be taken by the person to be tested. However, persons who have completed a COVID-19 vaccination course (i.e. received two doses of a COVID-19 vaccine at least 14 days before the end of the testing period) are not required to undergo the Specified Test. Persons who have completed a COVID-19 vaccination course in places outside Hong Kong (i.e. received the recommended dose(s) of a COVID-19 vaccine as stipulated in relevant guidelines at least 14 days before the end of the testing period, and the vaccine used is included on the list of vaccines recognised for specified purposes as published on [www.coronavirus.gov.hk/pdf/list\\_of\\_recognised\\_covid19\\_vaccines.pdf](http://www.coronavirus.gov.hk/pdf/list_of_recognised_covid19_vaccines.pdf)), are also not required to undergo the Specified Test.

The staff of the aforementioned institutions may choose the following means to undergo the Specified Test:

(1) To undergo the Specified Test in any of the Community Testing Centres (see the list at [www.communitytest.gov.hk/en](http://www.communitytest.gov.hk/en)), Temporary Testing Centres (if any) (see the list at [www.swd.gov.hk/en/index/site\\_pubsvc/page\\_supportser/sub\\_ttc](http://www.swd.gov.hk/en/index/site_pubsvc/page_supportser/sub_ttc)), or mobile specimen collection stations (if any) (see the list at [www.coronavirus.gov.hk/eng/early-testing.html](http://www.coronavirus.gov.hk/eng/early-testing.html)) in accordance with the instructions given by the staff at the centre/station;

(2) To have a sample collected by a healthcare professional or trained personnel as arranged by institution operators at a laboratory listed on the "COVID-19 Thematic Website" (see the list at [www.coronavirus.gov.hk/pdf/List\\_of\\_recognised\\_laboratories\\_RTPCR.pdf](http://www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories_RTPCR.pdf)); or

(3) To self-arrange testing provided by a laboratory listed on the "COVID-19 Thematic Website" at their own expense (see the list at [www.coronavirus.gov.hk/pdf/List\\_of\\_recognised\\_laboratories\\_RTPCR.pdf](http://www.coronavirus.gov.hk/pdf/List_of_recognised_laboratories_RTPCR.pdf)) and the sample through a combined nasal and throat swab must not be taken by the person himself or herself.

Any person who fails to comply with the testing notice commits an offence and may be subject to a fixed penalty of \$5,000. He or she would also be issued with a compulsory testing order requiring him or her to undergo testing within a specified time frame. Failure to comply with the order is an offence and the offender would be liable to a fine at level 4 (\$25,000) and imprisonment for six months.

A spokesman for the Social Welfare Department (SWD) said that the SWD and the Department of Health would issue letters to institutions to inform them of the relevant arrangements and requirements. The spokesman reminded

that staff of the said institutions who would undergo testing at community testing centres should make an advance booking via the community testing centre booking system ([www.communitytest.gov.hk](http://www.communitytest.gov.hk)) for the free testing service. In addition, institution operators should remind their staff members to properly keep the SMS notifications of their test results or their test result reports.

Institution operators are required to keep records of their staff having received the Specified Test and the results within the time frame specified by the Government. They are also required to keep the list of staff members who have completed a COVID-19 vaccination course. Institution operators also have to co-operate with Checking Officers (Compulsory Testing) of the SWD who are enforcing the Regulation at residential care homes.

The SWD spokesman said that starting from the 26th round of compulsory testing, staff members who have not been vaccinated and do not have medical certificates certifying that they are unfit to receive COVID-19 vaccination owing to health reasons have to undergo compulsory testing at their own expense. The Government will continue to monitor the epidemic situation and make adjustments to the aforementioned testing policy after taking the overall anti-epidemic measures into account. Although staff members who have completed a COVID-19 vaccination course are exempted from the regular compulsory testing, they can still receive free testing if they voluntarily choose to undergo the test for the time being.

---

## **Re-appointments to Hong Kong Tourism Board announced**

The Government announced today (October 22) the re-appointments of Mr Abraham Chan, Dr Allen Fung Yuk-lun, Ms Alice Kwok Yim-ming, Mr Clarence Leung Wang-ching, Mr Ricky Szeto Wing-fu and Mr Simon Wong Kit-lung as members of the Hong Kong Tourism Board (HKTB) for a term of two years from November 1, 2021, to October 31, 2023.

A spokesman for the Commerce and Economic Development Bureau expressed gratitude to the six members for their acceptance of the re-appointments and the valuable advice they offered to the HKTB during their past tenure.

Appointments to the HKTB are made by the Financial Secretary in exercise of the powers delegated to him by the Chief Executive and pursuant to section 9 of the Hong Kong Tourism Board Ordinance (Chapter 302).

The membership of the HKTB commencing November 1, 2021, will be as follows:

Dr Pang Yiu-kai (Chairman)

Commissioner for Tourism (Deputy Chairman) with Deputy Commissioner for Tourism as alternate member

Mr Abraham Chan

Ms Sonia Cheng Chi-man

Ms Vanessa Cheung Tih-lin

Mr Dennis Chow Chi-in

Mr Fong Lik-sun

Ms Margaret Fong Shun-man

Dr Allen Fung Yuk-lun

Ms Mary Huen Wai-yi

Ms Rebecca Kwan Shuk-wah

Ms Alice Kwok Yim-ming

Ms Lavinia Lau Hoi-zee

Mr Clarence Leung Wang-ching

Mr Jason Shum Jiu-sang

Mr Ricky Szeto Wing-fu

Ms Joyce Tam Joy-yee

Mr James Wong Cheuk-on

Mr Jason Wong Chun-tat

Mr Simon Wong Kit-lung

---

## Standing Committee on Company Law Reform publishes annual report

The Standing Committee on Company Law Reform (SCCLR) today (October 22) published its 2020-21 annual report.

During the reporting period, the Government briefed the SCCLR on the legislative proposal regarding the introduction of a statutory corporate rescue procedure (CRP) and insolvent trading provisions, as well as that of implementation of an uncertificated securities market (USM) regime.

The SCCLR was also kept informed of the Government's plan to commence in phases the relevant provisions in the Companies Ordinance (CO) to protect sensitive personal information on the Companies Register, and the Companies Registry's proposal of a fee waiver and reduction to support enterprises and encourage use of electronic services.

"The SCCLR is our important partner in ensuring that our company laws are commensurate with Hong Kong's status as an international commercial and financial centre. We are grateful for its contribution throughout the years," a Government spokesperson said.

Taking into account the advice of stakeholders including the SCCLR, the Government introduced the Securities and Futures and Companies Legislation

(Amendment) Bill 2021 into the Legislative Council (LegCo) to provide a legal framework for the implementation of the USM regime, which was passed by the LegCo in June 2021. In the meantime, the Government has continued the communication with different stakeholders on the CRP.

The SCCLR was set up in 1984. It advises the Financial Secretary on amendments to the CO and the Companies (Winding Up and Miscellaneous Provisions) Ordinance, as well as amendments to the Securities and Futures Ordinance on matters relating to corporate governance and shareholders' protection, as and when necessary.

The Chairman of the SCCLR is Mr Johnny Mok, SC. Members include practitioners from relevant professions including legal, accountancy and company secretarial fields; academics; individuals from the business communities; and representatives from relevant government departments and financial regulators.

The 2020-21 annual report of the SCCLR is available at the website of the Companies Registry ([www.cr.gov.hk](http://www.cr.gov.hk)) for public inspection.