

Hong Kong residents born in 1980, 1981 or 1982 should apply for new smart identity cards between November 19, 2021 and January 18, 2022

The Immigration Department (ImmD) announced today (November 5) that Hong Kong residents born in 1980, 1981 or 1982 and holding the old form of smart identity card should bring along their identity card and apply for the new smart identity cards in person at a Smart Identity Card Replacement Centre (SIDCC) (see Annex I) from November 19, 2021 (Friday) to January 18, 2022 (Tuesday). The SIDCCs are open from 8am to 10pm and from Monday to Saturday (except public holidays).

The Territory-wide Identity Card Replacement Exercise (Replacement Exercise) covers all Hong Kong residents, who should apply for new smart identity cards in person at the SIDCCs during specified periods, whether they are permanent residents or non-permanent residents taking up employment, investment, residence or study in Hong Kong.

To avoid the gathering of crowds, the ImmD appeals to applicants to make appointment bookings via the ImmD mobile application, the Internet (www.gov.hk/newicbooking), or the 24-hour telephone booking hotline 2121 1234. To download the mobile application or to make an appointment booking via the Internet, please scan the QR codes (see Annex II). The ImmD also appeals to applicants to pre-fill the application form when making appointment bookings through the mobile application or the Internet in order to enjoy faster identity card replacement service.

For this Replacement Exercise, the ImmD also implements a caring arrangement under which each eligible applicant for identity card replacement may bring along up to two family members or friends aged 65 or above and two persons with disabilities to replace their identity cards together during the same visit to an SIDCC.

For Hong Kong residents born in 1977, 1978 or 1979, their specified period for identity card replacement will end on November 18, 2021 (Thursday). Those who have not yet applied for a new smart identity card should do so as early as possible. Eligible Hong Kong residents who are absent from Hong Kong during their call-up period can apply within 30 days upon their return to Hong Kong.

For details of the Replacement Exercise, please visit the website www.smartid.gov.hk or call the ImmD's enquiry hotline at 2824 6111.

Speech by SJ at Rule of Law Signature Engagement Event: "A Journey of Transformation for a Sustainable Future" (English only)

Following is the speech by the Secretary for Justice, Ms Teresa Cheng, SC, at the Rule of Law Signature Engagement Event: "A Journey of Transformation for a Sustainable Future" under Hong Kong Legal Week 2021 today (November 5):

Chief Justice (Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-nung), Professor Dr Guo (Director General of the International Research Center of Big Data for Sustainable Development Goals, Professor Guo Huadong), distinguished guests, ladies and gentlemen,

On behalf of the Department of Justice, I extend our warmest welcome to our distinguished guests and speakers, to those joining today's event in person and, with the aid of technology, overseas speakers and participants that are able to join us virtually from all over the world.

Introduction

Today, we are here to celebrate three matters: the inaugural Rule of Law Signature Engagement Event, the launch of the Rule of Law Database, and the addition of LAWASIA to the Hong Kong Legal Hub.

Inaugural Rule of Law Signature Engagement Event

The inaugural Rule of Law Signature Engagement Event marks the last event of the Hong Kong Legal Week 2021. Being complementary to the Rule of Law Congress, with the events being held in alternating years during the Hong Kong Legal Week each year, this event aims to have a more in-depth discussion on selected topics involving specific stakeholders. The event title, Signature Engagement Event, with the acronym "SEE", is deliberately designed to tie in with the department's Vision 2030 for Rule of Law initiative – for us to "see" and focus on important topics for discussion, and advancing in the "vision" for Vision 2030 for Rule of Law towards a sustainable future for all.

The theme of today's event is "A Journey of Transformation for a Sustainable Future". Through today's discussions, covering a number of crucial topics including the development of legal technology, advancing access to justice and the importance of objective data, and how cultural, legal traditions and socio-economic factors interplay for the development of the rule of law, we invite you to join us in our journey and hope to

enlighten your thoughts to share our vision in building and maintaining more equal and inclusive societies for a sustainable future in the region and beyond.

UN 2030 Agenda and big data

Vision 2030 was inspired by and aligns with the United Nations 2030 Agenda for Sustainable Development (UN 2030 Agenda), and in Goal 16 of the Agenda it aims to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". The rule of law is a key pillar to the implementation of the UN 2030 Agenda, and as identified by the United Nations Secretary-General António Guterres during the High-Level Political Forum on Sustainable Development in July 2021, "Invest in more equal and inclusive societies" is one of the four areas requiring decisive action (Note 1).

In his speech at the General Debate of the 75th session of the UN General Assembly last year, President Xi Jinping pledged for the establishment of the International Research Center of Big Data for Sustainable Development Goals, the first international scientific research institute in the world that serves the UN 2030 Agenda through big data (Note 2). Accordingly, the Research Center, operated by the Chinese Academy of Sciences, was inaugurated at the International Forum on Big Data for Sustainable Development Goals in September this year.

In his congratulatory letter at the inauguration ceremony, President Xi stressed the importance of using technology and big data in helping the international community to overcome difficulties and implement the UN 2030 Agenda globally, and to contribute to building a community with a sustainable future, especially after the huge impact of COVID-19 (Note 3). We are very honoured to have the Director General of the Research Center, Professor Dr Guo Huadong, deliver today's keynote speech on the topic "Big Earth Data in Facilitating of Sustainable Development Goals", taking us through the challenges and constraints in the implementation of the Sustainable Development Goals and how big data solutions can improve, monitor and evaluate these Goals.

Launch of Rule of Law Database

The rule of law manifests itself in a multitude of facets. I said in the Ceremonial Opening of the Legal Year 2020, "There are many intimations of what constitutes the rule of law – some may be described as perpetual truths and inspirational whilst others imaginative or even misleading. There are many ways by which the practice of rule of law is to be assessed, some based on subjective perception while others on objective indicia." Subjective data such as perception-based surveys may not accurately provide a fair picture of the practice of the rule of law in a particular place. As such, in order to develop a mechanism to review the practice of the rule of law, it may be more productive to use empirical and objective data to review the practice of some core fundamental in the practice of the rule of law.

The United Nations noted that the follow-up and review of the implementation of the 2030 Agenda for Sustainable Development shall be guided by, among other things, data "based on evidence, informed by country-led evaluations and data which is high-quality, timely, reliable and disaggregated by income, sex, age, race, ethnicity, migration status, disability and geographic location and other characteristics relevant in national contexts" (Note 4).

With the invaluable advice and guidance from the Members of the Task Force of Vision 2030 for Rule of Law, and in line with the UN 2030 Agenda, we have embarked on a journey to study the use of objective data in reviewing the practice of the rule of law as well as acknowledging the influence of culture, legal tradition and socio-economic conditions that may impact on the practice of the rule of law in different jurisdictions.

Rule of Law Database

I am delighted to share with you the good news that we have taken the first step forward to launch the rule of law database, which aims to provide an objective assessment of the practice of the rule of law in Hong Kong. Its features can be summarised into three aspects:

(i) Collection of objective data from open source

The objective data used in the database are collected from the public domain. However, raw data needs to be properly processed, analysed, interpreted and formatted before meaningful conclusions can be drawn. One must therefore avoid simply referring to the raw data as a direct reference to the practice of the rule of law in Hong Kong. Without proper analysis and interpretation, they may obfuscate as opposed to illuminate.

(ii) Methodologies subject to refinement

In order to assess the practice of the rule of law in an impartial and fair manner, methodologies have to be developed and continuously refined to effectively analyse the collected data. These methodologies will enable us to review the practice of the rule of law fairly. In updating and further refining these methodologies, any informed and objective views are most welcome.

(iii) Self-monitoring and striving for improvement

At this stage, all the objective data collected and analysed are intended to enable one to review the practice of the rule of law in Hong Kong, with a view to striving for continuous improvement. In the long run, with sufficient data, more focused and specialised analysis on the data based on a methodology with appropriate weighting or such other mathematical formulae can be conducted to study the practice of rule of law in Hong Kong, thereby facilitating self-improvement. This is in line with Target 16.3 of Goal 16 of UN 2030 Agenda for Sustainable Development, and that is to "Promote the rule of law at the national and international levels and ensure equal access to justice for all" (Note 5).

Culture and youth

Further to the successful launch of the Vision 2030 initiative last year, the Department of Justice has spared no efforts in working on various projects to promote and advance the rule of law. For more effective promotion and capacity building, the "3Es" projects, namely "Engagement", "Empowerment" and "Enrichment", have commenced to take root in society.

The Department of Justice also organised the International Youth Legal Exchange Conference 2021 (Note 6) (Youth Conference) in September this year as one of our "Enrichment" projects to explore how culture and legal tradition may influence the practice of the rule of law in different jurisdictions. Connecting the regional students and young legal practitioners in the Asia-Pacific region from 11 jurisdictions, views and ideas were exchanged on the cultural, socio-economic and legal traditions of their respective jurisdictions and how those elements interplay with the development of the rule of law.

As a follow-up to the Youth Conference I have just mentioned, we have invited members of the adjudicating panel and the delegates awarded the Best Paper, the University of Malaya, and the delegates awarded the Best Presentation, the National University of Singapore, for a more in-depth discussion of some of the cultural elements unique to their jurisdictions in the First Roundtable Dialogue Session.

We hope to provide more opportunities for the young generation to participate in international conferences, and, subject to feedback from stakeholders including from all of you here, we may seek to include a youth-centric event in later editions of the Hong Kong Legal Week every year in line with our aim of building a sustainable future for the rule of law.

Legal technology

Technological developments in the law and legal practice may impact on how law students should prepare for their future careers in this age of digital transformation. As lawyers, we are not experts in the fields of science or technology. This is where we bring in scientists and experts in these areas to collaborate and make use of the digital transformation to enhance the legal industry. Questions such as how judges can make use of technology in their courtrooms and how legal practitioners can make use of technology such as online dispute resolution (ODR) platforms in resolving cross-border disputes will undoubtedly be asked, in particular against the backdrop of ensuring that justice is not denied during the pandemic. Another intriguing question relates to the use of electronic means such as e-discovery to assist lawyers in achieving clarity, speed and efficiency in managing voluminous documents, assisting in their fight for the best interests of clients. We will hear from the distinguished panellists on these issues in the panel discussion later this afternoon.

The Department of Justice has long recognised the impact of legal technology. To this end the Inclusive Global Legal Innovation Platform on ODR, iGLIP on ODR, was set up to facilitate studies on ODR-related issues in

collaboration with UNCITRAL, the United Nations Commission on International Trade Law, holding its first meeting in March this year and bringing together experts from all around the world to exchange views. Recently, the UNCITRAL Commission at its 54th Session in July endorsed its Secretariat's suggestion to continue to collaborate with Hong Kong on this area and to take part in iGLIP on ODR.

The development of the Hong Kong Legal Cloud is also well under way with a view to providing safe, secure and affordable data storage services for the local legal and dispute resolution sector to keep pace with the digital transformation.

Legal Hub

The third matter that calls for celebration today is the new addition of LAWASIA to the Legal Hub. Building on the success of the 32nd LAWASIA Conference in Hong Kong during the first Hong Kong Legal Week held in 2019, an agreement was reached between the Department of Justice and LAWASIA in October this year to strengthen co-operation and exchange.

This arrangement would allow LAWASIA to expand their influence in Hong Kong and the region by having a presence in the Hong Kong Legal Hub, and the Department of Justice will assist to facilitate the organisation of training, conferences or other events of LAWASIA that are of mutual interest in Hong Kong.

Our arrangement with LAWASIA is the first of its kind. To continue to develop Hong Kong as an international legal and dispute resolution services hub, the Department of Justice will continue to explore the possibility of bringing other renowned international organisations to Hong Kong.

Conclusion

Ladies and gentlemen, the UN 2030 Agenda seeks to transform the world, and throughout the course of this week, I hope that you can see that the Department of Justice is also committed to embarking on this collective journey by engaging, empowering, and enriching our stakeholders, striving to achieve our ultimate aim of "Rule of Law and Justice for All". Thank you.

Note 1:

www.un.org/sg/en/content/sg/statement/2021-07-13/secretary-generals-remarks-t he-opening-of-the-ministerial-segment-of-the-high-level-political-forum-sustainable-development-delivered

Note 2: www.digitalearth-isde.org/show-48-178-1.html

Note 3: www.gov.cn/xinwen/2021-09/06/content_5635631.htm

Note 4: www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E, see paragraph 74(g) at page 32

Note 5: sdgs.un.org/goals/goal16

Note 6: www.iylec2021.hk

Government welcomes CFA judgment on Small House Policy

The Court of Final Appeal (CFA) today (November 5) ruled on the judicial review of the Small House Policy (the Policy), upholding the lawfulness and compatibility of the Policy with the Basic Law.

â€‹ "The Government welcomes the CFA's judgment," a spokesman for the Development Bureau said.

â€‹ The spokesman said the Government will continue to receive and process small house applications in accordance with the Policy, and give due regard to various considerations in the course of processing them, including the eligibility of the applicant as an indigenous inhabitant, the planned land use of the location under application, and the availability of infrastructure facilities.

â€‹ The Policy has been implemented since 1972. The forms of grants under the Policy include Free Building Licence (FBL) which allows applicants to build small houses on their private land, Private Treaty Grant (PTG) for grant of government land to build small houses, and Land Exchange. Article 40 of the Basic Law stipulates that the lawful traditional rights and interests of the indigenous inhabitants of the "New Territories" shall be protected by the Hong Kong Special Administrative Region. The CFA confirmed that all components under the Policy, namely FBL, PTG and Land Exchange, are lawful traditional rights and interests of the indigenous inhabitants of the New Territories within the meaning of Article 40 of the Basic Law.

36th round of compulsory testing for staff members of RCHEs, RCHDs and nursing homes to commence shortly

The Government today (November 5) announced that the 36th 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 (November 4), 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 17 to 23, 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 November 10 to 16, 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), 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), Temporary Testing Centres (if any) (see the list at 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) 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); 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) 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) 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.

[Vacancy in Yuen Long District Council](#)

â€‹The Government declared by notice in the Gazette today (November 5) the existence of a vacant elected seat in the Yuen Long District Council Ping Shan North Constituency.

The Court of First Instance of the High Court ruled on September 28, 2021, that Mr Young Ka-on, an elected member of the Yuen Long District Council Ping Shan North Constituency, was not duly elected. In accordance with section 26(d) of the District Councils Ordinance (Cap. 547), his office has become vacant since September 28, 2021.