

## HKSAR Government and UNIDROIT sign memorandum of understanding on secondment of legal professionals (with photos)

The Secretary for Justice, Ms Teresa Cheng, SC, signed a memorandum of understanding (MoU) with the Secretary-General of the International Institute for the Unification of Private Law (UNIDROIT), Professor Ignacio Tirado, for the technical and administrative arrangements relating to the secondment of legal professionals at a virtual signing ceremony today (May 12).

Ms Cheng said that the signing of the MoU signified an important milestone for the mutual collaboration between UNIDROIT and the Department of Justice (DoJ), laying a foundation for future development. UNIDROIT is a renowned international organisation with the mandate to modernise, harmonise and co-ordinate private and in particular commercial law between states and to formulate uniform law instruments, principles and rules for such purposes. Ms Cheng expressed her gratitude to UNIDROIT for providing legal professionals in both the public and private sectors with a valuable opportunity to work on and contribute to the development of private international law.

The secondment programme will be open for applications for one month from May 20 to June 19. More information will be available on the [DoJ's website](#).

â€‹The virtual signing ceremony was technically supported by the Technical Partner, eBRAM, by leveraging its online platform.



# Speech by SJ at virtual signing ceremony of memorandum of understanding on secondment of legal professionals with UNIDROIT (English only) (with photo)

Following is the speech by the Secretary for Justice, Ms Teresa Cheng, SC, today (May 12) at the Virtual Signing Ceremony of the Memorandum of Understanding (MoU) between the International Institute for the Unification of Private Law (UNIDROIT) and the Government of the Hong Kong Special Administrative Region of the People's Republic of China for the Technical and Administrative Arrangements relating to the Secondment of Legal Professionals:

Professor Tirado (Secretary-General of UNIDROIT, Professor Ignacio Tirado), ladies and gentlemen,

In 2019, I had the honour of speaking in an event where Professor Tirado was the keynote speaker. Not only had I learnt from his insightful comments, I also had the opportunity to meet him and discuss possible collaboration between UNIDROIT and the Department of Justice. One of the areas discussed was a proposal on seconding our legal professionals to UNIDROIT. I am very excited that this proposal is turning into a reality as evidenced in this virtual signing ceremony. The signing of this Memorandum of Understanding signifies an important milestone for the mutual collaboration between UNIDROIT and the Department of Justice, laying a foundation for future development.

Legal professionals have to be equipped with international legal knowledge and have an international perspective. Through participating in the work of UNIDROIT, our young lawyers will gain knowledge of the operation of international organisations, broaden their horizons through learning from international law experts from various jurisdictions and participate in the development of international law.

I am very pleased to announce that the secondment programme to UNIDROIT is open to lawyers in both public and private sectors. As a renowned international organisation located in the Eternal City of Rome, it has the mandate to modernise, harmonise and co-ordinate private and in particular commercial law between states and groups of states. In particular, UNIDROIT formulates uniform law instruments, principles and rules for such purposes in areas like security interests, capital markets, commercial contracts, international sales and civil procedure. The secondment arrangement with UNIDROIT will give our legal professionals a precious opportunity to keep abreast of the latest global developments in the area of private international law.

Although I am unable to meet Professor Tirado face to face for this signing ceremony due to the ongoing pandemic situation, the staunch support of our technical partner, eBRAM, makes virtual signing of this Memorandum technically possible. We are grateful for eBRAM's continual support to the department's events.

The digital signing of this Memorandum is yet another piece of evidence that displays how lawtech transforms the provision of legal service. This is part of the greater vision that online platforms will play an increasingly significant role in dealmaking and dispute resolution as lawtech enhances efficiency, reduces costs and contributes to carbon reduction and hence the United Nations Sustainable Development Goals.

The interplay between law and technology will become progressively complex in light of the rapid advancements in the cyber world. Indeed, the study of "Digital Assets and Private Law" is one of the major projects of UNIDROIT. In this connection, I should also mention that under the MoU signed with the UNCITRAL (United Nations Commission on International Trade Law), we have established the Department of Justice Project Office for Collaboration with UNCITRAL at the Hong Kong Legal Hub. Further, the Inclusive Global Legal Innovation Platform (iGLIP) comprising experts from around the world has been launched to study various issues relating to law and technology. I am confident that both UNIDROIT and the department's great interest in the interconnection between law and technology will translate into synergy in furtherance of such studies.

The secondment programme is open to applications for one month from May 20 to June 19. Those interested are encouraged to visit the Department of Justice's website for more information. I am sure this valuable opportunity to work on and contribute to private international law projects in UNIDROIT would be very attractive to aspiring young legal professionals in Hong Kong.

Finally, I would like to express my sincerest gratitude to UNIDROIT again for their trust and support to the Department of Justice and for making this secondment programme a reality. I look forward to greeting Professor Tirado and all of you in person in Hong Kong very soon. Thank you very much.



# Scientific Committee on Vaccine Preventable Diseases issues recommendations on seasonal influenza vaccination for 2021-22 season in Hong Kong

The Scientific Committee on Vaccine Preventable Diseases (SCVPD) under the Centre for Health Protection (CHP) of the Department of Health today (May 12) issued the recommendations on seasonal influenza vaccination (SIV) for the forthcoming 2021-22 influenza season in Hong Kong.

Seasonal influenza activity in Hong Kong remained at a low level after the end of the 2019-20 winter influenza season in mid-February 2020. The SCVPD noted that influenza transmission may have been altered by the range of non-pharmaceutical interventions (NPIs) in place for COVID-19 or travel restrictions or border closures. Influenza transmission could increase when the NPIs and travel restrictions are lifted, leading to potential co-circulation of influenza and SARS-CoV-2, with additional burdens on vulnerable populations and health systems.

The SCVPD also noted that there is increasing evidence suggesting that co-infection of COVID-19 and influenza increases morbidity and mortality, and influenza vaccination might reduce the likelihood of hospitalisation and the length of stay. As the risk groups of COVID-19 and influenza are similar, it is important to ensure that people who are at greater risk of influenza infection (e.g. health workers, older adults and pregnant women) are prioritised to receive SIV. Given that SIV offers protection against clinical influenza and severe cases do occur in previously healthy persons, all members of the public except those with known contraindications should receive SIV annually for personal protection.

Details of the SCVPD's recommendation are available on the CHP's website at [www.chp.gov.hk/en/static/24008.html](http://www.chp.gov.hk/en/static/24008.html).

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## LCQ16: Telephone deception cases

Following is a question by the Hon Lo Wai-kyok and a written reply by the Secretary for Security, Mr John Lee, in the Legislative Council today (May 12):

Question:

It has been reported that telephone deception has become increasingly rampant. The Police recorded close to 1 200 telephone deception cases in 2020, representing an increase of 80 per cent when compared with 2019, and the amount of money involved in such cases in 2020 was \$570 million (with one of the victims suffering a loss of \$250 million), a substantial surge when compared with 2019 at \$150 million. In this connection, will the Government inform this Council:

(1) of the number of reports involving telephone deception received by the Police in each of the past three years, and the respective numbers of people arrested, prosecuted and convicted; the major obstacles hindering the detection of such cases;

(2) whether it has considered amending the relevant legislation (including raising the penalties) and enacting new legislation, so as to enhance the deterrent effects against telephone deception; if so, of the details; if not, the reasons for that; and

(3) whether it will enhance the cooperation with the banking sector and revise the relevant guidelines, with a view to boosting the success rate of intercepting the money defrauded and helping the victims recover the money defrauded; if so, of the details; if not, the reasons for that?

Reply:

President,

Deception is a serious offence. Any person who commits the offence of fraud under section 16A of the Theft Ordinance (Cap. 210) is liable to imprisonment for up to 14 years, while any person charged with obtaining property by deception under section 17 of the same Ordinance is liable to imprisonment for up to 10 years. In addition, any person charged with dealing with property known or believed to represent proceeds of indictable offences under section 25 of the Organized and Serious Crimes Ordinance (Cap. 455) for proceeds of deception is liable to imprisonment for up to 14 years and a fine of HK\$5 million.

(1) and (2) Numbers of telephone deception cases and arrested persons in the past three years from 2018 to 2020 are as follows:

	2018	2019	2020
Number of cases	615	648	1 193
Number of arrested persons	9	10	58

The Government does not maintain statistics on the penalties for persons convicted of telephone deception.

Section 27 of the Organized and Serious Crimes Ordinance stipulates that the prosecution may furnish information to the court regarding the following: the prevalence of the offence; the nature and extent of the benefit gained by the defendant; the nature and extent of the impact on the community and the victim(s); and the connection of the offence with the activities of a triad society that makes it an organised crime. Having regard to the information, the Court of First Instance or the District Court may pass a more severe sentence not exceeding the statutory maximum penalty for the offence in question. Since 2013, the Police have successfully applied to the court for enhancing the sentences of 84 defendants involved in 156 telephone deception cases under this legislation. The sentence of each defendant was enhanced by three to 20 months, resulting in 17 to 63 months of imprisonment.

Most telephone deception cases involve cross-boundary criminal activities. Apart from cross-boundary telecommunications services, fraudsters also use local anonymous pre-paid subscriber identity module (SIM) cards (commonly known as PPS cards) to place calls to victims, handle the money deceived or open "stooge bank accounts", making it more difficult for the Police to investigate. In this regard, the Government completed earlier this year a public consultation, and is currently in the process of making new regulations under the Telecommunications Ordinance (Cap. 106). The new regulations seek to implement the Real-name Registration Programme for SIM Cards to plug the current loophole caused by the anonymous nature of SIM cards, especially PPS cards, and facilitate the prevention and detection of crimes related to the use of PPS cards, thereby maintaining people's confidence in the integrity of the telecommunications services in Hong Kong.

(3) To reinforce the combat against deception and raise the public's anti-deception awareness, the Police's Commercial Crime Bureau established the Anti-Deception Coordination Centre (ADCC) in 2017, the duties of which include co-operating with the banking industry to intercept payments to fraudsters so as to minimise the loss of victims, and assisting victims to intercept overseas payments to fraudsters via the "International Stop-Payment Mechanism". In 2020, the ADCC, in collaboration with the banking industry, has successfully intercepted more than HK\$3.06 billion in some 830 deception cases where payments have already been made to local and overseas banks.

The ADCC actively provides training for local frontline bank staff to enhance their awareness of deception so that they will timely refer suspected scams to the Police for follow up. In 2020, it conducted 15 seminars for 1 300 frontline staff of six local banks to improve their ability to detect deception. In the same year, bank staff detected over 100 ongoing deception cases in total, including about 30 telephone deception cases, and informed the ADCC of the cases to prevent victims from falling for scams.

The Police has maintained close dialogue and co-operation with the Hong Kong Monetary Authority (HKMA) and the banking industry to exchange information on the latest trends and typologies of different types of crimes (including telephone deception). The three parties also share information and intelligence through the Fraud and Money Laundering Intelligence Taskforce

(FMLIT), a public-private partnership platform established under the Commercial Crime Bureau for preventing and deterring criminals from exploiting bank accounts for fraud and money laundering activities, and refer relevant cases to law enforcement agencies for follow up and investigation. Specifically, FMLIT has classified telephone deception as its short-term operational priority and shared related alerts and typologies with the banking industry.

With the support of the HKMA, the Hong Kong Association of Banks (HKAB) established in May 2020 the Fraud Risk Management Taskforce, which has since been encouraging banks to enhance public education on the prevention of telephone deception and other scams, and to remind the public of the common fraud typologies and preventive strategies. To further enhance banks' capability in combating fraud, the HKMA issued a circular in April 2021 to share good practices on the use of external information and data and how this could facilitate the work on combating fraud and money laundering, including interception of suspected fraudulent payments.

At the same time, to enhance the protection of customers' interests, since 2015, the HKMA has taken a series of measures to assist members of the public in identifying fraudsters impersonating as bank representatives, for example, by requiring all retail banks to provide customer hotlines for the public to verify the identity of callers claiming to represent banks, and to further remind customers to stay vigilant to calls purported to be from banks. Besides, the HKMA also launched educational video broadcasting through the official websites of the HKMA, the HKAB, banks and bank branches to raise public awareness of bogus phone calls.

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## **Fraudulent website and phishing email related to Far Eastern International Bank**

The following is issued on behalf of the Hong Kong Monetary Authority:

The Hong Kong Monetary Authority (HKMA) wishes to alert members of the public to a press release issued by Far Eastern International Bank relating to a fraudulent website and phishing email, which has been reported to the HKMA. A hyperlink to the press release is available on the [HKMA website](#).

Anyone who has provided his or her personal information, or who has conducted any financial transactions, through or in response to the website concerned, should contact the bank using the contact information provided in the press release, and report the matter to the Police by contacting the Cyber Security and Technology Crime Bureau of the Hong Kong Police Force at

2860 5012.