

Statistics on Code on Access to Information for second quarter of 2020

The Government received a total of 2 866 requests for information under the Code on Access to Information in the second quarter of 2020, a spokesman for the Constitutional and Mainland Affairs Bureau said today (January 8).

The total number of requests received since the introduction of the Code in March 1995 and up to the end of June 2020 amounted to 83 202. Of these, 4 741 requests were subsequently withdrawn by the requestors and 4 182 requests covered cases in which the bureaux/departments concerned did not hold the requested information or cannot confirm or deny the existence of information. As at June 30, 2020, 452 requests were still being processed by bureaux/departments.

Among the 73 827 requests which covered information held by bureaux/departments and to which the bureaux/departments had responded, 71 415 requests (96.7 per cent) were met, either in full (69 428 requests) or in part (1 987 requests), and 2 412 requests (3.3 per cent) were refused.

Any member of the public who is dissatisfied with the response of a bureau/department under the Code may request that the matter be reviewed. He or she may also lodge a complaint with the Ombudsman.

In the second quarter of 2020, the Ombudsman received 40 complaints relating to requests for information. In this quarter, the Ombudsman concluded 35 complaints, among which two were substantiated, five were partially substantiated, five were unsubstantiated, 17 were settled after inquiries by the Ombudsman, and six were not pursued by the Ombudsman or outside the Ombudsman's jurisdiction. As at June 30, 2020, the Ombudsman's investigations on 49 complaints were ongoing.

"The Code has provided an effective framework for the public to seek access to information held by the Government," the spokesman said.

FEHD orders Kwun Tong food factory to suspend business for 14 days

The Director of Food and Environmental Hygiene has ordered a food factory in Kwun Tong to suspend business for 14 days as the operator repeatedly breached the Food Business Regulation (FBR) by operating an unlicensed restaurant.

The premises, DurianBB Limited, located at a portion of Flat B on the second floor of King Win Factory Building at 65-67 King Yip Street, Kwun Tong, was ordered to suspend business from today (January 8) to January 21.

"In May last year, two convictions for the above-mentioned breach were recorded against the shop. A total fine of \$40,600 was levied by the court and 15 demerit points were registered against the licensee under the department's demerit points system. The contraventions resulted in the 14-day licence suspension," a spokesman for the Food and Environmental Hygiene Department (FEHD) said.

The licensee of the shop had a record of two convictions for the same offence in January last year. A total fine of \$40,300 was levied and 15 demerit points were also registered. The breaches led to a licence suspension for seven days in October last year.

The spokesman reminded the licensees of food premises to comply with the FBR or their licences could be suspended or cancelled.

Licensed food premises are required to exhibit a sign, at a conspicuous place near the main entrance, indicating that the premises have been licensed. A list of licensed food premises is available on the FEHD's website (www.fehd.gov.hk/english/licensing/index.html).

Appointment to Judicial Officers Recommendation Commission

The Government announced today (January 8) that the Chief Executive has appointed Mr Justice Jeremy Poon Shiu-chor as a member of the Judicial Officers Recommendation Commission (the Commission) for the period from January 11, 2021, to June 30, 2022.

The functions of the Commission are to advise or make recommendations to the Chief Executive regarding the filling of vacancies in judicial offices, representations from a judicial officer concerning conditions of service referred to it by the Chief Executive, and any matter affecting judicial officers which may be prescribed or which the Chief Executive may refer to it.

The membership list with effect from January 11, 2021, is as follows:

Ex-officio Chairman

Chief Justice of the Court of Final Appeal

Members

Secretary for Justice (ex-officio member)

Mr Justice Jeremy Poon Shiu-chor

Madam Justice Carlye Chu Fun-ling

Mr Philip John Dykes, SC

Dr Thomas So Shiu-tsung

Ms Anita Fung Yuen-mei

Mrs Pamela Chan Wong Shui

Professor Liu Pak-wai

Free Trade Agreement and Investment Agreement between Hong Kong and ASEAN enter into force in full

A Government spokesman said today (January 8) that the part in relation to Cambodia under the Free Trade Agreement (FTA) and the Investment Agreement (IA) between Hong Kong and the Association of Southeast Asian Nations (ASEAN) will take effect on February 12, signifying that the FTA and the IA signed between Hong Kong and the 10 member states of ASEAN will come into effect in full. Hong Kong enterprises and service providers will be able to enjoy the full benefits as committed to by all 10 ASEAN member states under the agreements. Their business opportunities in ASEAN markets will be greatly enhanced.

ASEAN was Hong Kong's second largest trading partner in merchandise trade in 2019 and the fourth largest in services trade in 2018. Total merchandise trade between Hong Kong and ASEAN amounted to \$1,018 billion in 2019 and total services trade between the two sides was \$137 billion in 2018.

Hong Kong forged the FTA and the IA with ASEAN in 2017 and the agreements have entered into force gradually since June 2019. The agreements are comprehensive in scope, encompassing trade in goods, trade in services, investment, economic and technical co-operation, dispute settlement mechanisms and other related areas. They bring about legal certainty and better market access for Hong Kong enterprises. They also help reduce the restrictions in doing business and expand business opportunities for Hong Kong enterprises, thus creating a more conducive environment for the development of Hong Kong's economy.

As far as Cambodia is concerned, it will progressively reduce and eliminate customs duties on goods originating from Hong Kong. The tariff

commitments made by Cambodia cover different kinds of Hong Kong commodities, including jewellery, articles of apparel and clothing accessories, watches and clocks as well as toys. To enjoy the preferential tariff treatment for exporting Hong Kong goods to Cambodia under the FTA, Hong Kong traders have to comply with the relevant preferential rules of origin and fulfil the related requirements, and to apply for certificates of origin from the Trade and Industry Department (TID) or Government Approved Certification Organizations to cover the goods concerned. For details, please refer to the relevant trade circulars issued by the TID at www.tid.gov.hk/english/aboutus/tradecircular/coc/2021/coc2021.html.

On trade in services, Hong Kong service providers will enjoy legal certainty in market access for an extensive range of services sectors in Cambodia. These include services sectors in which Hong Kong has traditional strengths or has potential for development, including professional services, business services, telecommunications services, construction and related engineering services, educational services, financial services, tourism and travel related services and transport services.

Under the IA, Cambodia will provide Hong Kong enterprises investing in its area with fair and equitable treatment of their investments, physical protection and security of their investments, and the assurance of the free transfer of their investments and returns. In case of expropriation or investment loss owing to war, armed conflict or a similar event, Cambodia will also provide compensation to Hong Kong enterprises investing in its area according to the agreed standard as specified under the IA.

Hong Kong has signed eight FTAs with 20 economies. With the coming into force of the FTA between Hong Kong and ASEAN in full, all the four FTAs signed in the current term of the Government will have taken effect. They are the four FTAs signed respectively with the Macao Special Administrative Region, Georgia, Australia and the 10 ASEAN member states, viz. Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, the Philippines, Singapore, Thailand and Vietnam.

For the texts and the key features of the agreements, please visit the website of the TID at www.tid.gov.hk/english/ita/fta/hkasean/index.html.

HA to consider Budget for 2021-22

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

At its meeting today (January 8), the Finance Committee (FC) of the Hong Kong Housing Authority (HA) endorsed the 2020-21 Revised Budget and the 2021-22 Proposed Budget and also noted the 2022-23 to 2024-25 Financial Forecasts. The FC has projected that the HA will have the necessary financial resources to meet its recurrent expenditure and implement its current public

housing construction programme and maintenance programme in the budgets and forecasts for the period from 2020-21 to 2024-25.

After the meeting, the FC Chairman, Professor Chan Ka-lok, said, "During the budget and forecast period from 2020-21 to 2024-25, with the projected increase in construction expenditure and operating expenditure partly offset by the subsidised sale flat receipts and recurrent receipts, the cash and investment balance of the HA is projected to decrease from about \$55.9 billion at the beginning of April 2020 to about \$49.9 billion by the end of March 2025."

The FC Chairman added, "If and when there are changes to any of the budget assumptions, the projected financial position will vary. It is worth noting that in the five-year budgets and forecasts up to 2024-25, it only reflects the completion of the planned production of around 100 000 flats from 2020-21 to 2024-25. For production of the estimated public housing supply of 316 000 flats for the 10 years from 2021-22 to 2030-31, the estimated construction expenditure will increase significantly in the second five years of the 10-year period (for construction of about 200 000 flats) in line with the production to meet the housing supply target for the 10 years from 2021-22 to 2030-31. In the face of upcoming uncertainties and challenges amid the current COVID-19 pandemic situation, the HA will have to remain vigilant, exercise prudent financial control and re-prioritise tasks where appropriate, so as to achieve the public housing supply target and to ensure that public funds will continue to be used in the most cost-effective manner."

According to the established mechanism, the HA will conduct an annual rolling five-year budgeting exercise and assess its financial position and future funding requirements.

The Government has earmarked \$82.4 billion (the balance of the previous Housing Reserve as at December 31, 2018) in the fiscal reserves for the development of public housing and related infrastructure, which demonstrates the Government's commitment in this regard.

Today, the FC endorsed the HA's 2020-21 Revised Budget and the 2021-22 Proposed Budget. The FC has also noted the 2022-23 to 2024-25 Financial Forecasts.

The HA meeting will examine the Budget on January 18. It will then be submitted to the Chief Executive for approval.