

Code of Practice for Third Party Funding of Arbitration issued

A Code of Practice for Third Party Funding of Arbitration was issued today (December 7) setting out the practices and standards with which third party funders are ordinarily expected to comply in carrying on activities in connection with third party funding of arbitration.

A notice was also gazetted today appointing February 1, 2019, as the date on which relevant provisions of Section 3 of the Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Ordinance 2017 (Amendment Ordinance) relating to Divisions 3 and 5 of new Part 10A of the Arbitration Ordinance (New Arbitration Ordinance Provisions) shall come into operation.

A spokesman for the Department of Justice (DoJ) said, "Upon commencement of the New Arbitration Ordinance Provisions, there will be greater certainty that third party funding of arbitration in Hong Kong is not prohibited by the common law doctrines of maintenance and champerty. This will add to the attractiveness of Hong Kong as an international arbitration centre. At the same time, the Code can play a useful role in setting minimum standards of good practice by third party funders of arbitration and laying down safeguards for funded parties."

The Amendment Ordinance was passed by the Legislative Council on June 14, 2017, to implement the recommendations made in the Report on Third Party Funding for Arbitration published by the Law Reform Commission of Hong Kong in October 2016, and the views of the Steering Committee on Mediation.

The Amendment Ordinance came into operation upon gazettal on June 23, 2017, except for section 3 in so far as it relates to the New Arbitration Ordinance Provisions, and section 4 in so far as it relates to the new section 7A(c) and (d) of the Mediation Ordinance (New Mediation Ordinance Provisions).

In accordance with section 98R of the Arbitration Ordinance, the DoJ launched a two-month public consultation on a draft code of practice on third party funding of arbitration and mediation on August 30, 2018. After due consideration of the comments received in the consultation, the Secretary for Justice, as the authorised body appointed under section 98X(2) of the Arbitration Ordinance, has decided to issue the Code and to bring the New Arbitration Ordinance Provisions into commencement.

The commencement of the New Mediation Ordinance Provisions will be deferred to a future date following further deliberation on the way forward at the Steering Committee on Mediation. The DoJ will continue to engage the mediation community and relevant shareholders on certain issues concerning third party funding of mediation with a view to addressing them, so that the New Mediation Ordinance Provisions may be brought into operation as soon as

practicable with the necessary code of practice to complement it.

Hong Kong Customs and Marine Police seize suspected smuggled electronic goods (with photo)

Hong Kong Customs and the Marine Police conducted a joint-operation and detected a suspected smuggling case using speedboats in Lau Fau Shan on December 5. A batch of suspected smuggled electronic goods were seized, including 7 356 used smartphones, 264 used tablets, 1 825 used USB flash drives and 1 344 used portable wireless routers with an estimated market value of about \$4 million.

Customs officers and the Marine Police conducted an anti-smuggling operation at Lau Fau Shan on December 5 and found several men at the seashore moving carton boxes from a light goods vehicle onto a speedboat. Customs officers and the Marine Police then took enforcement action and seized the batch of suspected smuggled electronic goods.

In the operation, Customs arrested a 56-year-old man. A light goods vehicle and two speedboats were also detained for further investigation.

Investigation is ongoing and the arrested man has been released on bail pending further investigation.

Smuggling is a serious offence. Under the Import and Export Ordinance, any person found guilty of importing or exporting unmanifested cargo is liable to a maximum fine of \$2 million and imprisonment for seven years.

Customs and the Marine Police will continue to take stringent enforcement action to combat sea smuggling activities.

Members of the public may report any suspected smuggling activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk).



Special traffic arrangements on Hong Kong Island

Police will implement special traffic arrangements this Sunday (December 9) to facilitate two public order events to be held on Hong Kong Island.

(1)

Phase I (from about 2am to 10.45am)

Road closure

- Convention Avenue between Fleming Road and Tonnochy Road;
- Eastbound Road P2 between the slip road of northbound Expo Drive East and Fleming Road;
- Hung Hing Road between Marsh Road and Tonnochy Road;
- Eastbound Harbour Road between Harbour Drive and Tonnochy Road;
- Tonnochy Road between Hung Hing Road and Harbour Road;
- Tonnochy Road flyover between Harbour Road and Gloucester Road; and
- Southbound Tonnochy Road between Harbour Road and Gloucester Road.

Traffic diversions

- Traffic along northbound Fleming Road cannot turn right to eastbound Convention Avenue, and will be diverted via westbound Road P2 or northbound Expo Drive East;
- Traffic along eastbound Road P2 will be diverted via the slip road leading to northbound Expo Drive East;
- Traffic along southbound Fleming Road cannot turn left to eastbound Harbour Road;
- Traffic along eastbound Harbour Road must turn left to northbound Fleming Road;
- Traffic leaving from car parks along eastbound Harbour Road must turn right

to westbound Harbour Road;

- Traffic along northbound Harbour Drive must turn left to westbound Harbour Road; and
- Traffic along northbound Marsh Road will be diverted via Gloucester Road service road or must turn to southbound Marsh Road for access to Jaffe Road.

Phase II (from about 3.45am to 9.30am)

Road closure

- Eastbound Island Eastern Corridor between Victoria Park Road and the slip road connecting with Man Hong Street;
- The slip road leading from Hing Fat Street to eastbound Island Eastern Corridor; and
- The slip roads of Tong Shui Road and Java Road connecting with eastbound Island Eastern Corridor.

Traffic diversions

Traffic along eastbound Victoria Park Road and Hing Fat Street heading for eastbound Island Eastern Corridor and Eastern Harbour Crossing will be diverted via Gordon Road, Electric Road and Java Road.

Phase III (from about 3.45am to 10am)

Road closure

- Westbound Victoria Park Road between the down ramp of westbound Island Eastern Corridor and westbound Gloucester Road, except the slow lane;
- The fast lane of westbound Victoria Park Road between Hing Fat Street and the down ramp of westbound Island Eastern Corridor;
- Westbound Island Eastern Corridor between the exit of Eastern Harbour Crossing and westbound Victoria Park Road, except the down ramp slip road leading to Man Hong Street;
- The slip road leading from westbound Island Eastern Corridor to Hing Fat Street; and
- The slip roads of westbound King's Road junction with Healthy Street Central, Tong Shui Road and Wharf Road leading to westbound Island Eastern Corridor.

Traffic diversions

- Traffic from the exit of Eastern Harbour Crossing heading for westbound Island Eastern Corridor will be diverted via Man Hong Street and King's Road;
- Traffic along westbound King's Road junction with Healthy Street Central slip road heading for westbound Island Eastern Corridor will be diverted via westbound King's Road;
- Traffic along westbound King's Road junction with Tong Shui Road slip road heading for westbound Island Eastern Corridor will be diverted via westbound

King's Road;

- Traffic along Tong Shui Road heading for westbound Island Eastern Corridor will be diverted via Wharf Road, North Point Road, Java Road, Kam Hong Street and King's Road; and
- Traffic along Wharf Road slip road heading for westbound Island Eastern Corridor will be diverted via Wharf Road, North Point Road, Java Road, Tong Shui Road and King's Road.

Phase IV (from about 4.45am to 9am)

Road closure

- The slip road leading from the exit of Cross Harbour Tunnel to eastbound Gloucester Road;
- The Victoria Park Road flyover leading from Victoria Park Road to Gloucester Road service road; and
- Eastbound Victoria Park Road between Paterson Street and the up ramp of eastbound Island Eastern Corridor, except the slow lane leading to Hing Fat Street.

Traffic diversions

- Traffic from the exit of Cross Harbour Tunnel heading for Causeway Bay will be diverted via Canal Road flyover, Canal Road East, Leighton Road, Pennington Street and westbound Yee Wo Street;
- Traffic from the exit of Cross Harbour Tunnel heading for North Point will be diverted via eastbound Victoria Park Road, Gordon Road, Electric Road and Java Road;
- Traffic along eastbound Victoria Park Road will be diverted via Gordon Road, Electric Road and Java Road; and
- Traffic along southbound Victoria Park Road flyover will be diverted via Gloucester Road service road.

Phase V (from about 4.45am to 9.30am)

Road closure

- Southbound Gloucester Road between Gloucester Road service road and Causeway Road;
- Northbound Gloucester Road between the U-turn slip road beneath the Tai Hang Road flyover and Sugar Street;
- The 2nd to 5th lanes of westbound Gloucester Road between the Victoria Park Road flyover connecting with northbound Gloucester Road and westbound Gloucester Road service road;
- Victoria Park Road flyover leading from northbound Gloucester Road to westbound Gloucester Road service road; and
- Victoria Park Road flyover leading from Victoria Park Road to southbound Gloucester Road.

Traffic diversions

- Traffic along northbound Tai Hang Road flyover will be diverted via northbound Gloucester Road and Gloucester Road service road; and
- Traffic along Great George Street heading for southbound Gloucester Road will be diverted via southbound Tai Hang Road flyover.

Phase VI (from about 4.45am to 10am)

Road closure

- Eastbound Lockhart Road between Marsh Road and Percival Street;
- Southbound Canal Road East between Lockhart Road and Jaffe Road;
- Northbound Canal Road West between Lockhart Road and Jaffe Road;
- Southbound Marsh Road between Lockhart Road and Jaffe Road;
- Northbound Marsh Road between Hennessy Road and Lockhart Road;
- The fast lane of northbound Morrison Hill Road between Wan Chai Road and Hennessy Road;
- Marsh Road flyover between Hung Hing Road and Lockhart Road; and
- Northbound Marsh Road between Hung Hing Road and Gloucester Road.

Traffic diversions

- Traffic along southbound Marsh Road will be diverted via eastbound Jaffe Road;
- Traffic along Canal Road East will be diverted via eastbound Jaffe Road;
- Traffic along eastbound Lockhart Road will be diverted via northbound Marsh Road;
- Wan Ying Street will be re-routed from one-way westbound traffic to one-way eastbound traffic;
- Wan Shing Street between Hung Hing Road and Wan Ying Street will be re-routed from one-way southbound traffic to one-way northbound traffic; and
- Traffic along northbound Wan Shing Street must turn right to eastbound Hung Hing Road.

Phase VII (from about 5.45am to 10am)

Road closure

- Southbound Percival Street between Lockhart Road and Hennessy Road;
- Eastbound Hennessy Road between Percival Street and Yee Wo Street;
- Eastbound Yee Wo Street between Hennessy Road and Sugar Street;
- Sugar Street; and
- Northbound Gloucester Road between Great George Street and Sugar Street.

Traffic diversions

- Traffic along southbound Percival Street will be diverted via eastbound

Lockhart Road;

- Traffic along eastbound Hennessy Road cannot turn left to Marsh Road;
- Traffic along Tin Lok Lane cannot go straight to northbound Marsh Road, and must either turn left or right to Hennessy Road; and
- Traffic along eastbound Hennessy Road heading for Causeway Road will be diverted via southbound Percival Street, Leighton Road, Pennington Street and eastbound Yee Wo Street.

Suspension of parking spaces

The parking spaces at the following locations will be suspended from 12.01am to 11am:

- The on-street parking spaces on eastbound Lockhart Road between Marsh Road and Percival Street;
- The on-street parking spaces on Jaffe Road between Percival Street and Cannon Street;
- The coach parking spaces on Expo Drive East;
- The motorcycle parking spaces on Marsh Road between Lockhart Road and Hennessy Road; and;
- The disabled parking spaces on northbound Gloucester Road near Sugar Street.

(2)

Road closure

The following roads will be intermittently closed from 1.30pm until the crowd has dispersed and traffic resumes normal:

- Tin Chiu Street;
- Marble Road;
- Kam Hong Street;
- Westbound King's Road;
- Westbound Causeway Road;
- Irving Street;
- Pennington Street;
- Westbound Yee Wo Street;
- Jardine's Bazaar;
- Westbound Hennessy Road;
- Westbound Queensway;
- Westbound Queen's Road Central;
- Westbound Queen's Road West; and
- Chiu Kwong Street.

The following roads will be closed from about 3pm until the crowd has dispersed and traffic resumes normal:

- Wyndham Street between Wellington Street and Queen's Road Central, except for vehicles heading to On Lan Street car park; and

– Cochrane Street between Stanley Street and Queen’s Road Central.

Traffic diversions

The following traffic diversion arrangements will be implemented from about 3pm until the crowd has dispersed and traffic resumes normal:

- Traffic along northbound Wyndham Street must turn left to Wellington Street, except for vehicles heading to On Lan Street car park; and
- Traffic along Stanley Street must turn left to southbound Cochrane Street.

Suspension of parking spaces

Metered parking spaces No. 3040(A), 3040(B), 3041(A), 3041(B) at Marble Road will be suspended between 10pm on December 8 and 6pm the following day.

Vehicles may not be permitted to access or leave the car parks along the routes during the road closure period.

Actual implementation of the traffic arrangements will be made depending on traffic and crowd conditions in the areas. Motorists are advised to exercise tolerance and patience and take heed of instructions of the Police on site.

[Update on the processing of virtual banking applications](#)

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

The Hong Kong Monetary Authority (HKMA) today (December 7) provided an update on the processing of virtual banking applications.

The HKMA announced earlier that around 30 applications had been received as at the end of August 2018. About one-third of these applicants did not submit sufficient information on certain critical aspects of authorization criteria. Subsequently, the HKMA has informed these applicants that their applications will not be further processed.

As for the remaining applications, the HKMA will shortlist about one-third of them for the next stage of assessment. This batch of applicants should be more promising or better-equipped than others in terms of their business models, technology platforms and financial capability, etc., rendering them better positioned to meet the policy objectives of the HKMA in introducing virtual banking. Such objectives include promoting fintech

development, providing new customer experience and promoting financial inclusion (Note). The HKMA will endeavour to start granting virtual banking licence(s) in the first quarter of 2019. The HKMA does not set any specific number for virtual banking licences, and the actual number of licences to be granted ultimately will be subject to the HKMA's further assessment and due diligence process.

Note: The HKMA indicated in its press release "Guideline on Authorization of Virtual Banks" on May 30 that priority would be given to applicants demonstrating these strengths, while the relevant policy objectives were also laid down in the Guideline.

[Speech by Secretary for Justice at Inauguration Ceremony cum Forum of International Probono Legal Services Association \(English only\)](#)

Following is the speech by the Secretary for Justice, Ms Teresa Cheng, SC, at the Inauguration Ceremony cum Forum of the International Probono Legal Services Association today (December 7):

Dr Ho (Founder of the International Probono Legal Services Association, Dr Junius Ho), distinguished guests, ladies and gentlemen,

The Hong Kong Special Administrative Region Government assumes a key role in ensuring that people in Hong Kong have access to justice. Hong Kong has well established and funded legal aid schemes. The Legal Aid Department administers legal aid schemes to ensure that eligible individuals will not be denied access to justice due to a lack of means.

To complement the legal aid schemes, there is also the Duty Lawyer Service managed by the Law Society of Hong Kong and the Hong Kong Bar Association through a governing council. The schemes under the Duty Lawyer Service are fully subvented by the Government.

Moreover, the Procedural Advice Scheme under the Administration Wing of the Chief Secretary for Administration's Office provides free advice on court procedures for unrepresented parties to civil proceedings in courts at various levels.

Thanks to the pro bono services provided by the private sector, we in Hong Kong are able to improve the access to justice and uphold the rule of law.

Looking around the world, the demand for pro bono services is more dire and complicated when multiple jurisdictions are involved, for example in the context of the Belt and Road Initiative.

The Belt and Road countries altogether constitute a dynamic region of immense diversity and social change. Socio-economic development leads to increasing public awareness of their legal rights and increasing demand for legal service, whether paid or not.

As an international legal services centre with a strong commitment to upholding the rule of law, Hong Kong is in an excellent position to contribute to the promotion and development of international pro bono legal services in the Belt and Road countries, whether in the form of professional skills, knowledge and ethics, social capital or technological awareness.

Great challenges also come with these great opportunities.

In this regard, I would like to share with you some of my thoughts on the following aspects in the context of the Belt and Road Initiative. First, the type of pro bono work in priority.

Bearing in mind that one of the areas of connectivity highlighted by the Belt and Road Initiative is people-to-people connectivity, it is expected that there will be more frequent flow of people among countries along the route, fuelled by the flourishing trade and investment. It is not uncommon that some of these people, as migrant workers, travel from developing countries to developed ones where they are taken advantage of by unscrupulous employers and employment agents.

As one of the possible pro bono services in priority, obtaining legal advice and gaining more understanding on legal rights and legal procedures are necessary to strike a balance between the unequal powers between employers and workers.

Secondly, I would like to look at the way to deliver the pro bono service. The application of technology is particularly relevant in delivering easily accessible and cost-effective pro bono legal services regardless of geographical limitations. These technologies include online free legal advice and self-help tools to complete legal forms.

One may also expect that in the near future, pro bono clients and lawyers may match through automated intelligent means, to address the need in a more precise way.

Lastly, I want to talk about and briefly mention the sustainability of pro bono service in the area. Building capacity of local lawyers is very important in creating a sustainable infrastructure for the local community.

With a pool of skilled lawyers endeavouring to contribute to the international pro bono landscape, Hong Kong would be a very good source to be tapped. We are able to share our experiences with local lawyers on promotion of human rights and pro bono culture, as well as help familiarise themselves with relevant international laws and treaties, thereby allowing local talents

to grow and address the needs of the local communities. Through this exchange, the Hong Kong participants will also be able to learn the legal culture in these other countries.

The establishment of the International Probono Legal Services Association and today's forum is the first step in building a knowledge exchange platform to work out the solutions on all these challenges.

I am confident that our legal profession will continue to explore and consider ways and incentives to encourage legal practitioners to provide cross-jurisdictional pro bono legal services.