

Employment (Amendment) (No.2) **Ordinance 2018 gazetted**

The Employment (Amendment) (No.2) Ordinance 2018, which was passed by the Legislative Council on May 17, was gazetted today (May 25).

In handling cases of employees' requests for reinstatement or re-engagement after unreasonable and unlawful dismissal, the Labour Tribunal is empowered, under the ordinance, to make an order for reinstatement or re-engagement without the need to first secure the employer's agreement if the Tribunal considers that the making of such an order is appropriate and practicable.

Should the employer fail to reinstate or re-engage the employee as required by the order, the employer shall pay to the employee a further sum set at three times the employee's average monthly wages subject to a maximum of \$72,500. This amount is on top of the terminal payments and compensation payable to the employee as ordered by the Tribunal as currently provided in the Employment Ordinance (EO). The employer commits a criminal offence if he/she wilfully and without reasonable excuse fails to pay this further sum.

Unreasonable and unlawful dismissal under the EO refers to the situation where an employee is dismissed other than for a valid reason as specified under the EO and the dismissal is in contravention of labour legislation. Valid reasons for dismissal include the conduct of the employee, his/her capability/qualification for performing the job, redundancy or other genuine operational requirements of the business, compliance with legal requirements, or other reasons of substance. Dismissals in contravention of labour legislation include dismissal during pregnancy and maternity leave, during paid sick leave, after work-related injury and before determination/settlement and/or payment of compensation under the Employees' Compensation Ordinance, or by reason of the employee exercising trade union rights or giving evidence for the enforcement of relevant labour legislation.

The ordinance will come into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette.

Proposed road works in Tung Chung East **gazetted**

The Government has proposed to carry out road works in Tung Chung East to serve the anticipated traffic demand induced by the Tung Chung New Town Extension project.

Details of the proposed works, gazetted today (May 25), are set out in the Annex. The plans and scheme of the works are available for public inspection at the following government offices during office hours:

Central and Western Home Affairs Enquiry Centre,
G/F, Harbour Building,
38 Pier Road, Central, Hong Kong

Islands District Office Main Office,
20/F, Harbour Building,
38 Pier Road, Central, Hong Kong

Islands Home Affairs Enquiry Centre (Tung Chung),
1/F, Tung Chung Post Office Building,
6 Mei Tung Street, Tung Chung,
Lantau Island

District Lands Office, Islands,
19/F, Harbour Building,
38 Pier Road, Central, Hong Kong

The gazette notice, scheme, plans and location plan will be available at www.thb.gov.hk/eng/psp/publications/transport/gazette/gazette.htm.

Any person who wishes to object to the works or the use, or both, is required to address to the Secretary for Transport and Housing an objection in writing, which can be submitted via the following means:

- By post or by hand to the Transport and Housing Bureau's drop-in box No. 6 located at the entrance on 2/F, East Wing, Central Government Offices, 2 Tim Mei Avenue, Tamar, Hong Kong. The box is available for use between 8am and 7pm from Monday to Friday (except public holidays);
- By fax to 2868 4643; or
- By email to gazettethb@thb.gov.hk.

A notice of objection should describe the objector's interest and the manner in which he or she alleges that he or she will be affected by the works or the use. Objectors are requested to provide contact details to facilitate communication. A notice of objection should be delivered to the Secretary for Transport and Housing not later than July 24, 2018.

[Speech by SCED at discussion session](#)

of 2018 APEC Ministers Responsible for Trade Meeting in Port Moresby (English only)

Following is the speech by the Secretary for Commerce and Economic Development, Mr Edward Yau, at the discussion session themed "Supporting the Multilateral Trading System" of 2018 Asia-Pacific Economic Cooperation (APEC) Ministers Responsible for Trade (MRT) Meeting in Port Moresby, Papua New Guinea today (May 25):

Thanks to Roberto (Director-General of the World Trade Organization (WTO), Mr Roberto Azevêdo,) for sharing his views on the latest developments on multilateral front.

Not long after we met in Buenos Aires last December the global trade scene has got on a roller-coaster. From the surprised unilateral tariff hikes imposed globally by one economy, to the threats of retaliation from different corners of the world, and the recent bilateral resolution of two economic giants restoring some hope of peace, the APEC family has been shrouded in anxiety. We took some comfort from the efforts of both parties concerned, their joint statement on co-operation last week has kept the danger of an imminent trade war at bay. We can take a breath of relief, but the pain inflicted by the unilateral trade measure still remains for many of us on both sides of the Asia-Pacific rim.

Trade disputes, if loomed large, do not only hurt the rival parties, but world trade and economic development also suffer collateral damage. Given our interdependence in the closely-knit world economy, we are all vulnerable, and we all have our part to play to redouble our support for the predictability of the rule-based multilateral trading system with the WTO at its centre.

As a free trader, Hong Kong, China (HKC)'s support for the multilateral trading system is unconditional. And it goes back a long way. We became a separate contracting party to the General Agreement on Tariffs and Trade in 1986. We were a founding Member of the WTO in 1995. For the past 23 years, our steadfast support for it has never wavered. Sure, the WTO is not perfect, but it is second to none as a powerful force in countering the current of protectionism. This rule-based international system helps sustain a dynamic but stable international market environment, in which our goods and services can compete on a level playing field. And in the event of disputes, it allows a fair hearing for all, regardless of size and economic power.

WTO, as a member-driven organisation, is as good as we, members, want it to be. As a loyal member and a responsible custodian, HKC stands ready to discuss its imperfections and work with the other 163 WTO members to make the WTO a stronger ship to brave the storm and current of protectionism. However, we cannot have a meaningful discussion if any one of us behaves like a captain getting ready to abandon its ship. I believe HKC is not alone in

conveying the above message. And I heard and would echo the views of ABAC Chair (Chair of the APEC Business Advisory Council) along similar lines, which I believe are widely shared by the wider business community amongst us.

As a staunch supporter of the multilateral trading system (MTS) and a free trade practitioner, HKC is deeply concerned about the prolonged impasse in filling the vacancies in the Appellate Body (AB) of the WTO. All APEC and WTO Members should spare no efforts to preserve this key pillar in the dispute settlement mechanism and uphold the credibility and effective functioning of the MTS. At this critical juncture, we urge all member economies to redouble our efforts in pushing forward the process for filling in the AB vacancies at the WTO.

While APEC member economies account for a little more than 12 per cent of WTO membership, the APEC accounts for 48 per cent of total world trade and 59 per cent of global real GDP (Gross Domestic Product). HKC firmly believes that we APEC members staying steadfast to our mission to promote free and open trade would continue to be the powerful stabilising force in the global economy.

Turning to the negotiation work in the WTO, HKC has been working closely with WTO Members on the unfinished businesses at MC11 (11th Ministerial Conference) with a view to producing concrete work plans to pave way for substantive outcomes at the next MC. The starting point are subjects on which Ministerial Decisions have been made at MC11, such as e-commerce and fisheries subsidies. As a well-known demandeur for services negotiations, HKC will continue to advance the discussions on domestic regulation.

For initiatives that do not have a work programme, such as MSMEs (micro, small and medium enterprises) and investment facilitation, HKC is glad to see growing momentum among WTO Members to engage in active discussions on the future work plan. We will play our part to ensure that the process is open and inclusive. At the same time, we consider it pragmatic to stay open-minded in developing building blocks for an ultimate multilateral outcome.

Flexibility and pragmatism are keys to success in advancing the negotiations and discussions at the WTO. HKC will continue to work with APEC and other WTO Members to exercise flexibility and creativity in finding solutions to those issues where wider divergence exists.

We believe that APEC, being a powerful driving force behind the MTS, has a significant role in preserving and strengthening the MTS. APEC should show our firm support to the MTS by expressing our collective commitment through the issue of a strong statement of the APEC in support of the MTS.

To this end, I call upon member economies to once again demonstrate our strong support for the MTS in the MRT Statement so as to give timely impetus to the various important issues in Geneva.

Thank you.

2018 edition of “Statistical Digest of the Services Sector” published

The 2018 edition of "Statistical Digest of the Services Sector" is published by the Census and Statistics Department (C&SD) today (May 25). The Digest is now available for download free of charge at the website of the C&SD (www.censtatd.gov.hk/hkstat/sub/sp70.jsp?productCode=B1080007).

The services sector is the heart of Hong Kong's economy. Accurate and detailed statistics play an important role in support of the Government's initiatives on promoting the services sector. The C&SD has accordingly compiled this annual publication.

The Digest brings together in one volume the more important statistical series on 14 major service industries/domains of Hong Kong. Different types of statistics pertaining to a specific service industry/domain are presented in a dedicated section of the Digest, supported by graphical presentations, for easy reference and interpretation. Most of the statistics presented cover the year 2007 and each of the years from 2013 to 2017, to facilitate comparison over the past decade. Where appropriate, quarterly statistics from the third quarter of 2016 to the fourth quarter of 2017 are also provided to show the latest short-term economic performance of selected service industries/domains within the services sector of Hong Kong.

Enquiries about this publication can be directed to the Logistics and Producer Prices Statistics Section of the C&SD (Tel: 3903 7255 or email: services@censtatd.gov.hk).

Appointments of new Chairman and members to the Independent Police Complaints Council

The Government today (May 25) announced the appointment of Mr Anthony Francis Neoh, SC as Chairman of the Independent Police Complaints Council (IPCC), and the appointments of Dr Anissa Chan Wong Lai-kuen and Mr Roland Wong Ka-yeung as well as the re-appointments of Mr Clement Chan Kam-wing and Mr Wilson Kwong Wing-tsun as members of the IPCC.

The appointments are made by the Chief Executive according to section 5

of the IPCC Ordinance (Cap. 604) for a term of two years with effect from June 1, 2018 to May 31, 2020. The appointment notice was published in the Government Gazette today.

Mr Neoh is a Senior Counsel with extensive experience in public services. He has made remarkable contributions in many fields including developing Hong Kong's international arbitration services and regulatory standards for financial services. Mr Neoh will succeed the incumbent IPCC Chairman Mr Larry Kwok whose term of appointment will end on May 31, 2018.

"Mr Larry Kwok has been the Chairman of the IPCC since June 2014. We are grateful for his devotion in promoting the work of the IPCC to the public and contributions to the improvement of the operation of the IPCC, enhancing support for the IPCC Observers Scheme, and strengthening publicity through various channels," a Government spokesman said.

The IPCC, established under the IPCC Ordinance, is an independent statutory body responsible for monitoring and reviewing the investigation of complaints against members of the Police Force. The IPCC Ordinance provides a statutory basis for the IPCC's role and power and the two-tier police complaints handling system. It also imposes a statutory duty on the Police to comply with the Council's requirements. The IPCC comprises a Chairman, three Vice-chairmen and 24 non-official members.