

Employment (Amendment) (No.2)

Ordinance 2018 comes into force today

The Employment (Amendment) (No.2) Ordinance 2018, which amends the provisions on reinstatement or re-engagement order for unreasonable and unlawful dismissal, came into force today (October 19).

According to the amended provisions, where an employee has been unreasonably and unlawfully dismissed on or after October 19 and the employee makes a claim for reinstatement or re-engagement, and the Labour Tribunal (LT) considers that the order is appropriate and reinstatement or re-engagement of the employee by the employer is reasonably practicable, the LT can make such an order without the employer's agreement.

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 LT 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.

To assist employers, employees and members of the public in understanding the new law, the Labour Department has published a Brief Note of the amendments, which may be downloaded from the department's homepage: [www.labour.gov.hk/eng/news/EA\(2\)02018.htm](http://www.labour.gov.hk/eng/news/EA(2)02018.htm) and is available at the branch offices of the department's Labour Relations Division.

For further enquiries, employers and employees may call the Labour Department's 24-hour hotline at 2717 1771 (the hotline is handled by 1823) or approach the branch offices of the Labour Relations Division.

Music Office's School Care Subsidy Scheme opens for applications from schools

The 2019 School Care Subsidy Scheme is now accepting applications from schools. The deadline for applications is November 15.

Organised by the Music Office of the Leisure and Cultural Services Department, the scheme aims to encourage music groups from local kindergartens, primary, secondary and special schools and tertiary institutions to care for the community. It is hoped that students will extend their care and good wishes to the beneficiaries of local social welfare organisations through music performances, and thereby enhance social integration and harmony. In addition, students can gain performing experience and serve the community, as well as benefit by building up team spirit and organisational skills through the activities.

Each activity can receive a maximum subsidy of \$2,000 to cover costs including transportation, allowances for professionals and other miscellaneous items for each performance.

Successful applicants must complete their performances between January and May next year. Outstanding teams will be invited to perform and share their experiences at the Gala Concert, to be held on July 13. All participating schools will be awarded certificates of commendation at a presentation ceremony during the Gala Concert.

Applications will be evaluated according to the proposed activity's feasibility, ingenuity and interactive elements, as well as the music group's prior experience in organising and performing at events for the community. Application forms are now available at all music centres of the Music Office or downloadable from the website:

www.lcsd.gov.hk/en/mo/activities/communityprogrammes/2019schoolcaresubsidyscheme.html. Completed forms must be faxed to the Music Office at 2824 1989.

Over 300 school music groups have participated in the School Care Subsidy Scheme since its launch in 2009. The scheme is sponsored by the Sino Group.

For enquiries, please call 2596 0898 or 2582 5264.

Financial Institutions (Resolution) (Loss-absorbing Capacity Requirements – Banking Sector) Rules and Inland Revenue (Amendment) (No. 6) Bill 2018 gazetted

The Government published in the Gazette today (October 19) the Financial Institutions (Resolution) (Loss-absorbing Capacity Requirements – Banking Sector) Rules (the Rules) and the Inland Revenue (Amendment) (No. 6) Bill 2018.

Following the commencement of the Financial Institutions (Resolution) Ordinance (Cap. 628) (the Ordinance) in July 2017, the Monetary Authority (MA), as the resolution authority for authorised institutions (AIs), has made the Rules pursuant to section 19(1) of the Ordinance to prescribe minimum loss-absorbing capacity (LAC) requirements for AIs and their group companies. The Rules are closely aligned to international standards on LAC requirements, as set out in the Financial Stability Board's Total Loss-absorbing Capacity Term Sheet.

"As banks provide important financial services to businesses and the general public, who depend on continuous access to those services, letting them become insolvent may not be an option in reality. The Rules will require banks to maintain sufficient financial resources so that they can be restored to viability by imposing losses on shareholders and creditors (instead of the public purse) should they run into difficulties. Making banks safer protects public funds and depositors, and disincentivises excessive risk-taking. Improved financial stability also facilitates economic growth from which everyone benefits," a Government spokesman said.

Owing to the loss-absorbing nature of the LAC debt instruments, their profits tax treatment under the Inland Revenue Ordinance (Cap. 112) is uncertain, in particular whether they are eligible for debt-like tax treatment. To facilitate the implementation of the Rules, the Amendment Bill will provide certainty of tax treatment for LAC debt instruments issued by AIs and relevant group companies.

The Hong Kong Monetary Authority conducted a public consultation at the beginning of 2018 on the approach to implementing LAC requirements in Hong Kong, and an industry consultation subsequently on the draft text of the Rules and the Amendment Bill. Respondents were broadly supportive of the proposals and their views have been suitably reflected in the Rules and the Amendment Bill.

The Rules and the Amendment Bill will be tabled before the Legislative

Council at its sitting on October 24 and October 31, 2018 respectively. The Rules will come into operation on December 14, 2018, upon negative vetting by the Legislative Council.

Final register for Rural Representative Election available for public inspection

The 2018 final register for the Rural Representative Election (RRE) is available for public inspection from today (October 19). The register includes particulars of registered electors of Existing Villages, Indigenous Villages and Composite Indigenous Villages and Market Towns.

A full copy of the register for the RRE is available for inspection at the Electoral Registration Officer's office at the Home Affairs Department, 30/F, Southorn Centre, 130 Hennessy Road, Wan Chai, while the copy of the relevant divisions of the register for a rural area are available for inspection at the offices of the Assistant Electoral Registration Officers in the respective New Territories District Offices.

Members of the public can inspect the register for the RRE during ordinary business hours from 9am to 1pm and 2pm to 6pm, from Monday to Friday (except public holidays).

For enquiries, please call 2152 1521.

Veteran Cantonese opera stars to perform award-winning work “Lu Buwei – A Kingly Potential Asset”

The acclaimed Cantonese opera stars of the Sun Moon Star Cantonese Opera will perform a newly written work entitled "Lu Buwei – A Kingly Potential Asset" in December. The play, written by Norman Cheung, won the Cantonese Opera Development Fund's Outstanding Script Award of the New Cantonese Opera Play Scriptwriting Competition in 2016.

The play is inspired by the story of Lu Buwei, a merchant who succeeded

in usurping the Ying regime of Qin, as chronicled in "Annals of the Dukedoms of Eastern Zhou Period". Playwright Norman Cheung formally became a disciple of renowned composer of Cantonese operatic songs Yeung Sek-kui to learn the art. Cheung ventured to write full-length plays for Cantonese opera and, when he heard of the New Cantonese Opera Play Scriptwriting Competition organised by the Cantonese Opera Development Fund, he was thrilled to have the opportunity to try. Cheung picked the Lu Buwei story for adaptation into a Cantonese Opera script, and was encouraged when opera performer Ng Chin-fung consented to be his supervisor and guided him on the libretto and script.

The story of "Lu Buwei – A Kingly Potential Asset" takes place towards the end of the Warring States period. Yiren, a minor prince of Qin, is held hostage in the Zhao state. Lu Buwei, a merchant, sees him as a rare commodity. He seeks Yiren out, befriends him and offers him his own concubine, Zhao Ji, who is already pregnant at the time. The baby will later be the First Emperor of Qin, Ying Zheng. Lu sells all his assets and moves the whole family to the state of Qin. With his ingenious schemes, he succeeds in paving the way for Yiren's return to his native country. After a few years, Yiren is declared heir to the throne, to which he ascends later. But he is poisoned to death by Lu, who wants to put Ying Zheng in his place.

The performers in "Lu Buwei – A Kingly Potential Asset" include Ng Chin-fung, Yuen Siu-fai, Wan Fai-yin, Song Hongbo, Leung Sum-ye, Lui Hung-kwong, Yat Dim-hung (December 12 only) and Wan Yuk-yu (December 13 only).

"Lu Buwei – A Kingly Potential Asset" is presented by the Leisure and Cultural Services Department. It will be staged at 7.30pm on December 12 and 13 (Wednesday and Thursday) at the Auditorium of the Kwai Tsing Theatre (lyrics and dialogue with Chinese and English surtitles). Tickets priced at \$120, \$220, \$300 and \$380 are now available at URBTIX (www.urbtix.hk). For telephone credit card bookings, please call 2111 5999. For programme enquiries and concessionary schemes, please call 2268 7325 or visit www.lcsd.gov.hk/CE/CulturalService/Programme/en/chinese_opera/programs_671.html.

A pre-performance talk (in Cantonese) will be held at 7.30pm on November 30 (Friday) at AC2, 4/F, Administration Building, Hong Kong Cultural Centre. Speakers will include Ng Chin-fung and Norman Cheung. A post-performance talk (in Cantonese) will be held at 7.30pm on December 15 (Saturday) at AC1, 4/F, Administration Building, Hong Kong Cultural Centre, with speakers including Ng Chin-fung, Wan Fai-yin and Norman Cheung. Admission is free with limited seats available on a first-come, first-served basis.