

## Provision of verified e-contact means by TD licence applicants mostly smooth so far (with photos)

The Transport Department (TD) said that, starting from today (November 18), applicants for the new issue or renewal of 21 driving and vehicle licences must provide a verified Hong Kong mobile phone number or email address as the e-contact means (ECM) before the TD processes the relevant licence/permit applications.

The TD encourages the public to submit applications online, so that they can provide and instantly verify their ECM during the application process, thereby saving time and enjoying convenience. If a paper application is necessary, members of the public must provide a verified ECM via a one-time password on the TD's [designated online platform](#) within three months before submission, and provide the same verified ECM in the application form before submitting the application.

A spokesman for the TD said that those planning to submit licence/permit applications are having their ECM verified, and such arrangements have been proceeding smoothly so far. The spokesman reminded the public that the record of verified ECM is valid for three months and it can be used for more than one licensing application within the validity period. Moreover, a correct, frequently-used and verified Hong Kong mobile phone number or email address should be provided to ensure timely receipt of notifications of the Police and the TD in future. The public should also note that the verified ECM will only be automatically updated in the applicant's records of driving licence and/or all vehicle(s) registered under his/her name after the application concerned has been approved.

A total of 30 Licensing Service Ambassadors have been deployed at the four Licensing Offices at United Centre in Admiralty, Cheung Sha Wan Government Offices, Sha Tin Government Offices and Kowloon East Government Offices in Kwun Tong as well as the Cross Boundary Unit at Harbour Building in Central to assist the public in verifying their ECM and submitting applications. The TD will issue letters in batches to about 300 000 registered vehicle owners and driving licence holders whose licences will expire in the following four months, drawing their attention to the legal requirements.

For any change of ECM, a licence holder must notify the TD within 72 hours through the [online services in "GovHK"](#) or by submitting form [TD559](#). Any person in contravention of such requirement without reasonable excuse commits an offence and is liable to a fine of \$2,000 upon conviction.

The public may refer to the TD's [thematic webpage](#), HKeMobility mobile application and Agent T Facebook page ([www.facebook.com/AgentT.hk](http://www.facebook.com/AgentT.hk)), or call the hotline at 2804 2600 for details.



## [Fraudulent websites and internet banking login screens related to Bank of China \(Hong Kong\) Limited](#)

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 Bank of China (Hong Kong) Limited relating to fraudulent websites and internet banking login screens, which have been reported to the HKMA. A hyperlink to the press release is available on the [HKMA website](#).

The HKMA wishes to remind the public that banks will not send SMS or emails with embedded hyperlinks which direct them to the banks' websites to carry out transactions. They will not ask customers for sensitive personal information, such as login passwords or one-time password, by phone, email or SMS (including via embedded hyperlinks).

Anyone who has provided his or her personal information, or who has conducted any financial transactions, through or in response to the websites or login screens concerned, should contact the bank using the contact information provided in the press release, and report the matter to the Police by contacting the Crime Wing Information Centre of the Hong Kong Police Force at 2860 5012.

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## **SME Financing Guarantee Scheme enhancements to take effect**

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

HKMC Insurance Limited announced that the enhancements to the SME Financing Guarantee Scheme (SFGS) as set out in the "The Chief Executive's 2024 Policy Address" will take effect today (November 18). The measures allow borrowing enterprises under the SFGS to apply for principal moratorium for up to 12 months, for both existing and new loans. The application period will last for 12 months, and end on November 17, 2025. In addition, the maximum loan guarantee periods of the 80% and 90% Guarantee Products will both be extended by three years, to ten years and eight years respectively. The partial principal repayment options will be offered to new loans under the two guarantee products. These measures aim to alleviate the repayment pressure on borrowing enterprises, helping them address challenges brought about by economic restructuring.

Borrowing enterprises in need may approach the relevant participating lenders to discuss specific arrangements. For details, please refer to the SFGS website ([www.hkmc.com.hk/sfgs](http://www.hkmc.com.hk/sfgs)).

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## **Opening address by STL at Hong Kong Global Maritime Trade Summit: Risk & Resilience in an Age of Disruption (English only) (with photos)**

Following is the opening address by the Secretary for Transport and Logistics, Mr Lam Sai-hung, at the Hong Kong Global Maritime Trade Summit: Risk & Resilience in an Age of Disruption today (November 18):

Chairman Grimaldi (Chairman of the International Chamber of Shipping, Mr Emanuele Grimaldi), distinguished guests, ladies and gentlemen,

Good morning. It is my great privilege to be in an array of distinguished speakers, opening the Hong Kong Global Maritime Trade Summit. First and foremost, let me congratulate the International Chamber of Shipping (ICS) for staging this prestigious global maritime event. It can only be right to

choose Hong Kong as the host city for these important dialogues among government ministers and industry leaders of maritime and trade. Thank you to the ICS, and welcome to all of you.

In today's forum, we will witness the passion of the distinguished moderators, panellists and speakers, united under one common goal, in fostering dialogues and collaboration on important issues facing the world. The open and candid sharing of insights is a testament to their dedication to the future of maritime trade. Geopolitical dynamics, trade protectionism and climate change are undoubtedly pressing agendas that demand the international community's urgent action. The discussions today have prompted all of us to ponder upon the challenges and opportunities lying ahead, and better equipped governments and industry leaders to respond.

Hong Kong is committed to the common goals shared by the international community. Our city is proudly named the freest economy in the world by the Fraser Institute, thanks to our simple and attractive tax regime, highly efficient trade infrastructure, free flow of capital, people and information day-to-day. Over 9 000 overseas and Mainland companies have chosen Hong Kong as their base of operations. For long, Hong Kong has fully leveraged the advantages of a free market, and maintained a free, open, effective and fair business environment. As a staunch supporter for free trade, Hong Kong is a founding member of the World Trade Organization and an active participant in regional forums such as the APEC.

In the face of escalating climatic risks and growing needs for energy transition, we are committed to developing Hong Kong into a green shipping centre. Hong Kong is the first flag administration to introduce a green incentive scheme offering cash reward for Hong Kong registered ships attaining rating A or B in IMO (International Maritime Organization)'s carbon intensity indicator. We have promulgated last Friday the Action Plan on Green Maritime Fuel Bunkering and will take forward the related infrastructural development such as green maritime fuel bunker terminals, promote port emissions reduction, offer incentives to encourage green maritime fuel usage, co-operate with neighbouring ports and set up green shipping corridors with major partners. All these underscore our strong commitment to supporting the IMO's decarbonisations efforts and joining the global energy transition trend for a greener and more sustainable maritime future.

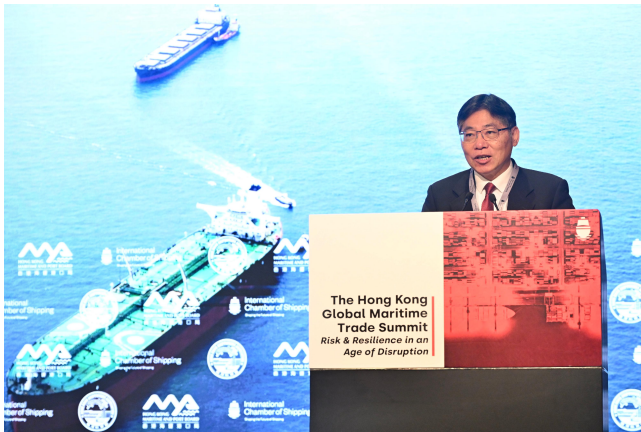
We also recognise the importance of nurturing maritime talent to support the needs of the industry. We will step up our partnerships with mainland and overseas institutions in grooming maritime manpower and talent through more collaborated training and talent exchange programmes, with a view to nurturing high-quality talent for our global maritime pillar. All in all, Hong Kong welcomes every opportunity to collaborate and work with the international maritime communities.

The fruitful dialogues and discussions today will remind us all about the collective efforts required across governments and industry leaders to address the multifaceted challenges of our sector. Hong Kong's commitment to building a more sustainable, prosperous, and interconnected maritime future



is unwavering. As an international maritime centre, we are determined to set an exemplary model and be a "super-connector" that draws important players in the international maritime community together.

Lastly, on behalf of the Hong Kong Special Administrative Region Government, I would like to thank you all for your participation. There are also a host of other exciting events during the rest of Hong Kong Maritime Week 2024, and we look forward to welcoming you there. I hope you enjoy the momentum and hospitality of our city. Thank you.



## [Speech by SJ at seminar on “Hong Kong – Mainland Interim Measures Arrangement: the 5th Anniversary and Its Application to Maritime Cases” of Hong Kong Maritime Week 2024 \(English only\)](#)

Following are the opening remarks by the Secretary for Justice, Mr Paul Lam, SC, at the seminar on "Hong Kong – Mainland Interim Measures

Arrangement: the 5th Anniversary and Its Application to Maritime Cases" of Hong Kong Maritime Week 2024 today (November 18):

Mr Mok (President of the Hong Kong Maritime Arbitration Group, Mr Danny Mok), Judge Yao (Deputy Chief Judge of Ningbo Maritime Court Zhoushan Tribunal, Ms Nina Yao), Judge Ni (Director of Research Center of Guangzhou Maritime Court, Mr Ni Xuewei), distinguished guests, ladies and Gentlemen,

Good morning, it is my great pleasure to meet you all here. Today is the second day of Hong Kong Maritime Week 2024, and as we celebrate the fifth anniversary of the Interim Measures Arrangement (Arrangement Concerning Mutual Assistance in Court-ordered Interim Measures in Aid of Arbitral Proceedings by the Courts of the Mainland and of the Hong Kong Special Administrative Region) this year, this gives us a timely and special occasion to delve into the implementation of the Arrangement and its application to maritime cases.

We are also very happy to be joined by judges from the Mainland maritime courts as well as practitioners from Hong Kong and the Mainland, who will later share their unique insights in handling interim measures cases under the Arrangement.

#### Overview of the Arrangement

Interim measures are temporary reliefs that may be granted before the final resolution of a dispute, with the aim to preserve the status quo, protect evidence, or prevent dissipation of assets while the proceedings are ongoing. Therefore, the availability of urgent interim measures is vital to the effective dispute resolution process, as it provides parties with timely access to justice so as to secure the fruits of the pending proceedings.

Hong Kong, as a jurisdiction adopting the UNCITRAL Model Law, has long allowed the provision of interim measures from the courts in aid of arbitration proceedings both in and outside Hong Kong, and that of course include those conducted on the Mainland. However, in contrast, the legal framework on the Mainland did not generally permit the Mainland courts to grant similar reliefs in support of arbitration seated outside the Mainland. Why do I say "generally"? As some of you would probably know, there is a very narrow exception to the general rule, where only the Mainland maritime courts can grant preservation measures in aid of foreign-seated arbitration over four specified types of maritime assets, namely ships, cargo carried by a ship, ship fuel and ship materials. The types of assets that can be preserved in maritime injunction are very limited, and do not cover other more common assets such as bank cash, shares, bonds and real property.

To fill the lacuna and strengthen the mutual assistance framework between the Mainland and Hong Kong on arbitration, the Supreme People's Court and the Department of Justice (DoJ) had engaged in rounds of discussion since 2018. The Interim Measures Arrangement was finally signed in April 2019.

As a groundbreaking initiative, the Arrangement allows parties in Hong

Kong-seated arbitral proceedings that are administered by qualified arbitral institutions to apply for interim measures from Mainland Courts, whether before the commencement of the arbitration or during the arbitration proceedings. The scope of interim measures allowed are very wide, including the preservation of property, evidence and conduct.

The Arrangement is also reciprocal in that it allows parties to arbitral proceedings in Mainland China to apply to the Hong Kong courts for interim measures. In effect, the current legal position under Hong Kong law concerning the court's issuance of interim measures remains unchanged.

### Effectiveness of the Arrangement

The Arrangement is often described as a "game changer", and I believe this is no exaggeration. Up to date, Hong Kong is the first and, so far, the only common law jurisdiction outside the Mainland where interim measures applications to the Mainland courts are possible. Over the past five years, the Arrangement has proven to be very effective to the conduct of arbitration across the two places.

First, it has been widely used. Let me quote some statistics and let the numbers speak for themselves. As at September this year, 145 applications were made to 50 Mainland Courts for interim measures, and the total value of assets preserved amounted to around RMB21 billion.

Second, applications made under the Interim Measures Arrangement have been handled by the Mainland Courts in an expeditious and timely manner. A vivid example is the first application made under the Arrangement, which has set an excellent precedent for implementation. It was an application for property preservation arising from an alleged breach of a settlement agreement in a charterparty dispute. The preservation order was issued on the very same day of the application. Similarly, in a case recently handled by the Beijing Financial Court, the preservation sum was huge, amounting to more than RMB100 million and involving 16 bank accounts, land properties and shares with multiple parties. The Court swiftly formed a collegial panel to conduct the proceedings and deliberation through its "midnight court" mechanism, and it took only three days from case filing to the issuance of a ruling.

Third, flexible measures have been adopted by the Mainland Courts to support the implementation of the Arrangement and cater for the needs of the parties. For example, in a case handled by Suzhou Intermediate People's Court during the pandemic, the Court noted the logistical inconvenience of transferring supporting documents across the border and had flexibly conducted verification with the administering Hong Kong arbitral institution by way of email. The preservation order was granted only after one week of the application, and the final arbitral award dealing with the substantive dispute in that case was also subsequently recognised and enforced by the same Court. In view of the high efficiency of processing interim measures application, this case is recorded in one of the summary of six landmark cases published on the Supreme People's Court's website two months ago.

Fourth, to echo the theme of today's Seminar, the application of the Arrangement is very wide covering all types of commercial disputes including maritime disputes. And the types of assets that can be preserved under the Arrangement are basically everything, which extend well beyond the four limited categories of ship-related assets which I mentioned earlier. For example, the very first application under the Arrangement was indeed related to maritime disputes, and the applicant successfully sought to preserve the cash held in the respondent's bank account. Similarly, in a Hong Kong arbitration concerning the breach of voyage charter contract for transporting coal, Wuhan Maritime Court had ordered to freeze the bank accounts as an interim relief. From these cases, we would see that the preservation measures would not have been possible but for the Arrangement, and the Arrangement has brought unparalleled practical convenience to Hong Kong arbitration users in all commercial sectors, including, of course, the maritime industry.

#### Some practical insights regarding the Arrangement

To make the most of the Arrangement, I would like to share some practical tips, which may be helpful to arbitration users and practitioners. Since the implementation of the Arrangement, over the past five years, most applications for interim measures have been granted, and we understand only seven applications were unsuccessful, which is a very small number. It came to our notice that one of the applications for property preservation was unsuccessful, because the arbitration concerned was an ad hoc arbitration and thus could not take advantage of the Interim Measures Arrangement. Thus, if parties foresee the need to seek interim relief from the Mainland courts, the rule of thumb is to choose Hong Kong as the seat of arbitration and appoint a qualified Hong Kong arbitral institution to administer the proceedings.

At present, there are seven designated Hong Kong arbitral institutions under the Arrangement, and our co-organiser of this Seminar, the Hong Kong Maritime Arbitration Group (HKMAG), is one of them and also with a unique focus on maritime arbitration. By the end of this year, the DoJ will launch a new round of open application for designation, and we very much welcome new applications from other eligible Hong Kong arbitration institutions.

It is equally important to go to the right Mainland Court. The Arrangement expressly provides that applications should be made to the Mainland Intermediate People's Court where the respondent resides or where the property or evidence is situated. In fact, a previous interim measure application was denied on the ground that it was made to an incorrect Mainland Court which has no jurisdiction on the assets concerned.

Other than that, the application process is fairly straightforward, and the Arrangement has set out in detail the materials and information required in support of the application. Applicants may also make reference to the sample court document templates available on the DoJ's website.

#### Concluding remarks



Reflecting on the past five years, the Arrangement has transformed the landscape of arbitration between the Mainland and Hong Kong and has provided greater legitimacy and efficiency to the cross-border arbitration process. The DoJ will continue the efforts to foster a conducive environment for dispute resolution.

On this note, I am happy to share a new liberalisation measure announced by the Central People's Government last month. Amendments have been made to CEPA to support Hong Kong-invested enterprises registered in the pilot municipalities of the Mainland to agree to adopt Hong Kong law as applicable law in their contracts, and also to support Hong Kong-invested enterprises registered in the nine Pearl River Delta municipalities of the Greater Bay Area to agree to choose Hong Kong as the seat of arbitration. The facilitation measure well signifies the trust placed on Hong Kong as the seat of arbitration, and would also provide greater flexibility and convenience for Hong Kong enterprises.

Lastly, my sincere thanks to the HKMAG for co-organising this meaningful seminar, and I look forward to hearing all the practical and valuable insights from our renowned speakers. May I close by wishing you all a fruitful discussion, and smooth sailing. Thank you.