

Update on cases of Legionnaires' disease

The Centre for Health Protection (CHP) of the Department of Health today (January 24) reported the latest number of cases of Legionnaires' disease (LD), and stressed the importance of using and maintaining properly designed man-made water systems, adding that susceptible groups should strictly observe relevant precautions.

From January 16 to 22, one community-acquired LD case was reported. The case involved a female patient aged 85 with underlying illnesses, who lives in Sui Yick House, Siu Sai Wan Estate, Chai Wan.

"Epidemiological investigations are ongoing to identify potential sources of infection, high-risk exposure and clusters, if any," a spokesman for the CHP said.

As of January 22, four LD cases had been reported this year. In 2021 and 2020, there were 69 and 104 cases respectively.

"Men, people aged over 50, smokers, alcoholics and persons with weakened immunity are more susceptible to LD. Some situations may also increase the risk of infection including poor maintenance of water systems leading to stagnant water; living in areas with old water systems, cooling towers or fountains; using electric water heaters, whirlpools and spas or hot water spring spas; and recent stays in hotels or vessels," the spokesman said.

Legionellae are found in various environmental settings and grow well in warm water (20 to 45 degrees Celsius). They can be found in aqueous environments such as water tanks, hot and cold water systems, cooling towers, whirlpools and spas, water fountains and home apparatus which support breathing. People may become infected when they breathe in contaminated droplets (aerosols) and mist generated by artificial water systems, or when handling garden soil, compost and potting mixes.

Immunocompromised persons should:

- Use sterile or boiled water for drinking, tooth brushing and mouth rinsing;
- Avoid using humidifiers, or other mist- or aerosol-generating devices. A shower may also generate small aerosols; and
- If using humidifiers, or other mist- or aerosol-generating devices, fill the water tank with only sterile or cooled freshly boiled water, and not water directly from the tap. Also, clean and maintain humidifiers/devices regularly according to manufacturers' instructions. Never leave stagnant water in a humidifier/device. Empty the water tank, wipe all surfaces dry, and change the water daily.

The public should observe the health advice below:

- Observe personal hygiene;
- Do not smoke and avoid alcohol consumption;
- Strainers in water taps and shower heads should be inspected, cleaned, descaled and disinfected regularly or at a frequency recommended by the manufacturer;
- If a fresh-water plumbing system is properly maintained, it is not necessary to install domestic water filters. Use of water filters is not encouraged as clogging occurs easily, which can promote growth of micro-organisms. In case water filters are used, the pore size should be 0.2 micrometres (μm) and the filter needs to be changed periodically according to the manufacturer's recommendations;
- Drain and clean water tanks of buildings at least quarterly;
- Drain or purge for at least one minute infrequently used water outlets (e.g. water taps, shower heads and hot water outlets) and stagnant points of the pipework weekly or before use;
- Seek and follow doctors' professional advice regarding the use and maintenance of home respiratory devices and use only sterile water (not distilled or tap water) to clean and fill the reservoir. Clean and maintain the device regularly according to the manufacturer's instructions. After cleaning/disinfection, rinse the device with sterile water, cooled freshly boiled water or water filtered with 0.2 μm filters. Never leave stagnant water in the device. Empty the water tank, keep all surfaces dry, and change the water daily; and
- When handling garden soil, compost and potting mixes:
 1. Wear gloves and a face mask;
 2. Water gardens and compost gently using low pressure;
 3. Open composted potting mixes slowly and make sure the opening is directed away from the face;
 4. Wet the soil to reduce dust when potting plants; and
 5. Avoid working in poorly ventilated places such as enclosed greenhouses.

The public may visit the CHP's [LD page](#), the [Code of Practice for Prevention of LD](#) and the [Housekeeping Guidelines for Cold and Hot Water Systems for Building Management](#) of the Prevention of LD Committee, and the CHP's [risk-based strategy](#) for prevention and control of LD.

[SJ's speech at Ceremonial Opening of the Legal Year 2022](#)

Following is the speech by the Secretary for Justice, Ms Teresa Cheng, SC, at the Ceremonial Opening of the Legal Year 2022 today (January 24):

Chief Justice, Members of the Judiciary, Chairman of the Bar Association, President of the Law Society, ladies and gentlemen,

The rule of law, and with it the common law, remains the cornerstone of Hong Kong's status as an international financial centre and an international legal and dispute resolution hub. It underpins our capitalist system and way of life. These attributes are protected in the Basic Law which codifies the innovative "one country, two systems" constitutional policy of China. The original aspiration of the Basic Law, as set out in its preamble, is upholding national unity and territorial integrity, and maintaining the prosperity and stability of Hong Kong. If we are able to uphold, honour and respect the fundamental precondition of "one country", there is no reason why the two systems underpinned by the common law would not continue.

First, Article 5 of the Basic Law (Note 1) guarantees that Hong Kong shall retain the capitalist system and way of life for 50 years. It does not mean that this will cease thereafter. Secondly, as a matter of common sense, if "one country, two systems" functions effectively and serves our country and Hong Kong well, there is no reason for it to change. Thirdly, as can be seen in the discussions surrounding the formulation and implementation of "one country, two systems", and as stated by Mr Deng Xiaoping, 50 years was just "a figure of speech", and "for the first 50 years it cannot be changed, and after that, it would not be necessary to change" (Note 2). Importantly, President Xi Jinping and various leaders of the Central People's Government have repeatedly expressed unequivocal support and stern determination to implement "one country, two systems". It is therefore a matter for us to uphold the root of "one country" so that the "two systems" continue to flourish, and with it the continued application of the common law.

Judicial independence

One of the most valuable assets of the common law is the reasoned judgment, upon which stare decisis is premised and which, by reflecting transparency, is a testament to judicial independence (Note 3). In exercising judicial function, it is a constitutional duty to act impartially and independently, free from any interference. This duty has not wavered notwithstanding the contemptible attempts to threaten our judicial officers and their families, made with a view to undermining the core value of our rule of law. The statements made judicially and extra-judicially by members of the permanent judiciary expressing commitment to judicial independence are supported by their unbiased consideration of law and evidence when adjudicating cases, as evidenced in the reasoned judgments.

25th anniversary of the establishment of the HKSAR

2022 is the 25th anniversary of the establishment of the Hong Kong SAR. The fundamental foundation of "one country" that underpins our constitutional order has been reinforced in the past two years. 2021 has seen case law reaffirming the constitutional order, protecting national security whilst observing human rights safeguards guaranteed under the Basic Law.

National Security Law

In the enforcement of the National Security Law (NSL), case law has laid down with certainty and clarity how the NSL is to be applied. In the case of Lai Chee Ying (Note 4), Article 42(2) (Note 5) was considered. The Court of Final Appeal examined the background, context, and purpose of the NSL, observing that it is intended to operate in tandem with constitutional rights and freedoms and other applicable statutory norms as part of a coherent whole, noting:

"The cardinal importance of the primary purpose of the NSL, namely to safeguard national security and to prevent and suppress acts endangering national security, is clear. That is why changes, including the NSL 42(2) exception applying more stringent conditions to the grant of bail in relation to offences endangering national security have been introduced." (Note 6)

Another significant case on the NSL in 2021 is the case of Tong Ying Kit (Note 7). The Court of First Instance comprising three judges (Note 8), analysed the elements of the offences of incitement to secession and terrorist activities under Articles 21 and 24 of the NSL respectively, held that the slogan "Liberate Hong Kong Revolution of Our Times" was, in the relevant circumstances, capable of carrying a secessionist meaning, and the defendant was convicted.

The Appeal Committee in the case of Ng Hau Yi Sidney (Note 9) considered the scope of the phrase "offence(s) endangering national security" referred to in various provisions of the NSL and held that such phrase should be construed as referring to all offences under the NSL and offences of that nature under existing Hong Kong laws without distinction. The Court further clarified that the offence of publishing seditious publications under section 10 of the Crimes Ordinance qualified as an offence endangering national security.

Basic Law

The wisdom of the Basic Law lies in facilitating development over time whilst preserving the fundamentals that must be observed. The Court of Appeal, in upholding the constitutionality of the Co-location Ordinance (Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Ordinance) (Note 10), affirmed the important principle that the Basic Law is a living instrument which meets changing needs and circumstances, noting:

"The Basic Law is accordingly drafted with an eye to the future. ... Maintaining the Hong Kong system under the "one country, two systems" principle, however, does not mean stagnation. On the contrary, the Hong Kong system is expected to and indeed should continue to develop within the confines of the Basic Law to suit the contemporaneous needs and circumstances of our society, some of which may even be beyond the drafters' contemplation." (Note 11)

Improving the Electoral System

Another vital development made in the light of the actual situation in Hong Kong is the passing of the Improving Electoral System (Consolidated

Amendments) Bill 2021 pursuant to the amended Annexes I and II of the Basic Law as promulgated by the National People's Congress Standing Committee. The enhanced electoral system aims to promote a consultative environment towards a common goal and minimises polarisation, leading to the gradual and orderly progress towards universal suffrage as provided for in Articles 45 and 68 of the Basic Law.

Rule of law education

The Department of Justice (DoJ) complemented these developments through education under the three "Es" program of our "Vision 2030 for Rule of Law" ("Vision 2030") initiative by taking an active role in educating students and teachers on the Constitution, the Basic Law and national security. At the professional level, the 2021 National Security Law Legal Forum entitled "Security Brings Prosperity" drew together distinguished speakers sharing experiences on national security legislations locally and abroad. The "Articles and Reference Materials on the Law of the People's Republic of China on Safeguarding National Security in the HKSAR" and the proceedings of the Basic Law 30th Anniversary Legal Summit "Back to Basics" held in 2020, were also published, providing a learned source for the proper understanding of the Basic Law and NSL.

Insolvency framework with the Mainland

As mentioned in my speech in 2019, an expert group has been formed to look at mutual recognition of and assistance in insolvency and corporate debt restructuring matters with the Mainland. In May 2021, we have completed the first stage by signing a Record of Meeting with the Supreme People's Court. I understand that cases have already benefitted from this framework.

International collaboration

In 2019, I also announced the establishment of the Inclusive Dispute Avoidance and Resolution Office (IDAR Office) and since then, with the support from the Central People's Government, a number of international collaborations have been concluded. Of particular importance is the hosting of the 59th Annual Session of the Asian-African Legal Consultative Organization (AALCO) in Hong Kong and, for the first time, in hybrid mode. Premier Li Keqiang delivered the Opening Remarks and announced the setting up of the AALCO Hong Kong Regional Arbitration Centre, stating that it will "provide more accessible and efficient dispute settlement services to Asian and African countries, and add more brilliance to Hong Kong as the Pearl of the East". AALCO, as an inter-governmental international organisation, provides a unique and important platform for collating perspectives from Asian and African states in engagement with international law. I have the honour of being elected as President of this 59th Annual Session, and active steps are taken to bring the Regional Arbitration Centre into operation.

Another inter-governmental meeting, the Intersessional Meeting of Working Group III of UNCITRAL (Note 12) was held in hybrid form in Hong Kong last year. The UNCITRAL Commission in July 2021 endorsed the suggestion of its Secretariat to collaborate with the DoJ Project Office for Collaboration

with UNCITRAL to take part in the Inclusive Global Legal Innovation Platform on Online Dispute Resolution (iGLIP on ODR) that was set up in Hong Kong as referred to in my speech in 2021. We hope that, through projects with UNCITRAL, we will be able to cooperate in promoting, raising awareness and providing bespoke capacity building for online dispute resolution.

Last year's Legal Week featured the biennial UNCITRAL Asia Pacific Judicial Summit and the launch of our Rule of Law Database. The latter was a milestone event in our Vision 2030 initiative, and its study aims to bring together empirical and objective data to review the practice of the rule of law.

In terms of capacity building, arrangements with various international organisations have been concluded and practitioners from the public and private sectors would be seconded to HCCH (Note 13) in The Hague and UNIDROIT (Note 14) in Rome. Under the JPO program (Note 15), we will be seconding a legal officer to the headquarters of UNCITRAL in Vienna.

As for the legal profession, the implementation of the Greater Bay Area (GBA) Legal Professional Examination, allowing our practitioners to practice PRC law in the GBA, is vital to opening up the legal market and merging with developments of the Motherland. The dual qualification of Hong Kong lawyers will put ourselves in a most advantageous position to serve the businesses in the GBA.

Amendments to the Legal Practitioners Ordinance

Finally, I am pleased that the Legal Practitioners Ordinance (Note 16) has been amended, permitting all legal officers (be they barristers or solicitors) who satisfy the eligibility requirements to be considered for appointment as Senior Counsel as a recognition of their competence.

Looking forward

Looking ahead, the first and foremost task for the HKSAR as a whole is to fulfil its constitutional duty to enact local legislation to implement Article 23 of the Basic Law to safeguard national security. This constitutional duty is not only expressed in the Basic Law but also in paragraph 3 of the National People's Congress' Decision on May 28, 2020 (the "528 Decision") (Note 17) and Article 7 of the NSL. The DoJ will continue to provide full support and independent professional legal advice to the Security Bureau and draft the relevant laws.

The Law Reform Commission has published a report on Outcome Related Fee Structures for Arbitration (ORFSA). The Advisory Committee on Promotion of Arbitration has expressed support to adopt its recommendations and the DoJ is actively pursuing this. The adoption of the proposal is necessary to preserve and promote Hong Kong's competitiveness as a leading arbitration centre, enhance access to justice, and respond to increasing client demand for pricing and fee flexibility, and is supported by the business community.

Apart from arbitration, Hong Kong has also been promoting international

Safeguard National Security" made by the 13th National People's Congress in its meeting on May 28, 2020.

Note 18: International Centre for Settlement of Investment Disputes

Note 19: See, e.g. Chapter VI of the United Nations Charter, and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations passed by the United Nations General Assembly on October 24, 1970.

CJ's speech at Ceremonial Opening of Legal Year 2022

The following is issued on behalf of the Judiciary:

Following is the full text of the speech delivered by the Chief Justice of the Court of Final Appeal, Mr Andrew Cheung Kui-nung, at the Ceremonial Opening of the Legal Year 2022 today (January 24):

Secretary for Justice, Chairman of the Bar, President of the Law Society, fellow judges, distinguished guests, ladies and gentlemen,

On behalf of the Hong Kong Judiciary, I extend a warm welcome to all of you to the Opening of the Legal Year. This important occasion focuses public attention on the administration of justice and the rule of law. It reminds our community of the essential role played by an independent judiciary in the continued success of Hong Kong under the "one country, two systems" arrangement. It also provides an occasion for us to address the public on the challenges we face.

Hong Kong is a society governed by the rule of law. Article 25 of the Basic Law provides that all Hong Kong residents shall be equal before the law, and Article 22 of the Hong Kong Bill of Rights further states that all persons are entitled without any discrimination to the equal protection of the law. Government and other public authorities are accountable under the law, just as all private individuals and organisations. As a mature common law jurisdiction, Hong Kong has an established public law regime which ensures that the Government and other public bodies operate within the law and that public powers are exercised in accordance with the requirements of the law.

The rule of law ensures and promotes fairness, equality and justice, which are the core values in the administration of justice under our system of law. Many regard the protection of fundamental human rights as a key component of the rule of law. In Hong Kong, fundamental rights are constitutionally guaranteed in Chapter III of the Basic Law, as well as the Hong Kong Bill of Rights, which is constitutionally entrenched under Article

39 of the Basic Law. Our law reports are full of cases where these fundamental rights are generously interpreted and restrictions narrowly confined by reference to their aim, relevance, necessity and proportionality.

An essential lynchpin of the rule of law in Hong Kong is an independent judiciary. Judicial independence in Hong Kong is constitutionally guaranteed by the Basic Law. Articles 2, 19 and 85 of the Basic Law specifically provide that the judicial power, including that of final adjudication, enjoyed by the Hong Kong Special Administrative Region under the Basic Law is exercised by the Judiciary independently, free from any interference. The Basic Law and the relevant legislation also provide clear and strict provisions regarding the appointment and removal of judges. Article 88 of the Basic Law provides that judges and judicial officers (collectively "judges") are appointed by the Chief Executive on the recommendation of the independent Judicial Officers Recommendation Commission. The Commission is chaired by the Chief Justice, and also comprises the Secretary for Justice as an ex-officio member and seven members appointed by the Chief Executive. Of these seven members, two are judges, one is a barrister appointed after consultation with the Bar Council, another one is a solicitor appointed after consultation with the Council of the Law Society, and the remaining three are persons who are not connected with the practice of law. Appointment of judges, whether local or from overseas, must be based on and only based on judicial and professional qualities, as stipulated under Article 92.

For those who are interested in finding out how the constitutional guarantee on judicial independence in Hong Kong is practised on the ground, our court hearings are open to the public, our judicial decisions are publicly announced, and the courts' reasons are published for everyone to study.

For cases concerning offences endangering national security, only judges designated by the Chief Executive under Article 44 of the National Security Law can handle them, and this has given rise to comments in some quarters in relation to the impartiality of the designated judges. It is of course not my role as Head of the Judiciary to make extra-judicial comments on the law or its operation. However, it is conducive to public confidence in our judicial system to assure the community that, from the Judiciary's perspective, there is no question of the impartiality of our courts being affected by this special arrangement under Article 44. In this regard, I would like to highlight several important facts.

First of all, judges are designated by the Chief Executive who may consult the Chief Justice before making a designation. The Chief Justice also makes suggestions to the Chief Executive on possible designations where appropriate.

In this connection, it should be noted that judges hearing national security cases are designated from serving judges only. By definition, they are persons who have satisfied the high requirement of judicial and professional qualities under Article 92 of the Basic Law to be appointed as judges in the first place.

Moreover, designated judges, like all other judges, are subject to the Judicial Oath which all judges are required to take under Article 104 of the Basic Law. Under the Judicial Oath, a judge swears to serve Hong Kong conscientiously, dutifully, in full accordance with the law and with integrity, and to safeguard the law and administer justice without fear or favour, self-interest or deceit. In particular, this means that no political or other personal considerations of the judge can be entertained in the judicial decision-making process. The Judicial Oath is binding on a designated judge when he or she sits on a national security case, just as it is binding on them when hearing other types of cases.

It is also important to point out that whilst the general power to designate judges to hear national security cases vests in the Chief Executive, the actual assignment of designated judges to hear individual cases remains the responsibility of the Court Leaders, just like all other types of cases.

Finally, where three designated Court of First Instance judges sit without a jury to hear a national security case that falls within Article 46 of the National Security Law, their verdict is given in a fully reasoned judgment which is published online for public scrutiny. Moreover, the same procedural safeguards are in place to ensure a fair trial as in a jury trial, and the same appeal procedure is available to a defendant in case of a conviction.

In the past two years, the subject of judicial independence in Hong Kong has attracted a fair amount of attention and comments, not only locally but overseas also. Healthy attention and constructive comments on the Judiciary and its work are always to be welcomed as they help to improve our work and remind us of the utmost importance of judicial independence to the maintenance of the rule of law and the continued success of Hong Kong under the "one country, two systems" arrangement. However, when such attention and comments are not based on objective facts and rational arguments, but rather on surmises, political stances or geopolitical considerations, they are of no value to the advancement of the rule of law in Hong Kong or the upholding of judicial independence. Criticisms of court decisions which are made without first ascertaining the facts in a case or reading and understanding the reasons for the court's decision are as meaningless as they are hollow. So is any unsubstantiated doubt over the courts' independence. Judicial independence in Hong Kong exists as a fact. And we are here today to bear witness to this fact.

In recent months, attempts to intimidate or otherwise exert improper pressure on judges involved in trying cases arising from the events in 2019 or national security cases are on the rise. These attempts are a direct affront to the rule of law and judicial independence. They certainly deserve condemnation and indeed many have spoken out against them in strong terms.

What should also be stressed is that these attempts to threaten and pressurise our judges are completely futile and pointless. The work of our

courts remains wholly unaffected by them and our judges continue to dispense justice as it ought to be. Criminal liability will continue to be determined in accordance with the applicable law and the strength of the evidence presented before the court. Those who are proven guilty will be convicted and those not so proven will be acquitted. Convicted defendants will be given punishments that their crimes deserve, no more and no less. This is our job as judges, and we are determined to discharge our duty without regard to any threats that are made to deter us from it.

Without giving these distracting threats and interferences any more attention than they require, we have appropriately stepped up security measures in our court buildings so as to ensure the personal safety of all our judges and court users, as well as the due administration of justice and the solemnity of judicial proceedings.

Turning to a different but related topic, in my address given at the Opening of the Legal Year last year, I mentioned that we would review our existing mechanism on handling complaints against judicial conduct. The review has since been completed, and the enhanced mechanism with a two-tier structure was set up and came into effect on August 16 last year. In short, pursuable complaints against judicial conduct which are serious or complex, or have aroused wide public attention will now be dealt with under the two-tier system. A panel of judges comprising more than one High Court judge will first investigate these complaints. The second tier Advisory Committee, comprising senior members of the Judiciary and members from the community with a good and balanced mix of expertise and experience in professional and public services, will then review and advise on these cases before the Chief Justice makes a final decision on each complaint. All results are made public and annual reports are published. The first meeting of the Advisory Committee was successfully held in September last year and the next one will be held in just over a month's time. Premised on the principle that there should be no undermining of judicial independence, this revised mechanism of handling complaints against judicial conduct will further enhance the transparency and accountability of our system, as well as public confidence in the Judiciary.

Allied to the enhancement of the complaints handling mechanism is the updating of the Guide to Judicial Conduct which was first published in 2004. Judges hold positions of trust and responsibility with regard to the cases and other judicial work that they handle. We owe it as much to ourselves as to the public to observe at all times the highest standards of judicial conduct. At the time the Guide to Judicial Conduct was first published, the topic of judicial ethics, or judicial conduct, was still in its early stages. Indeed the Guide was a pioneer work. In the years since the Guide was first published, the topic of judicial conduct has seen much growth and development. Given the increasingly complex conditions in which judging takes place, and the increased public interest in the performance of judicial duties, the time has come to review the Guide. Accordingly, in March last year, I set up a Working Party, chaired by the Chief Judge of the High Court, to conduct a review of the Guide. In reviewing the provisions of the Guide, the Working Party consulted the Bangalore Principles of Judicial Conduct

developed by the United Nations Office on Drugs and Crime, as well as overseas material from major common law jurisdictions. I have since accepted the report of the Working Party and the new edition of the Guide is now being finalised. I believe that when published, this new edition will continue to assist our judges to maintain the highest standards of judicial conduct, and give the public a better understanding of our judicial work and the uncompromised standards we set for ourselves.

Turning lastly to the question of judicial efficiency, I would like to assure the community that Hong Kong is blessed with dedicated judges at all levels of court who are committed day in, day out to the practical administration of the law, regardless of praise or criticism. The workload is always heavy, and manpower tight. All this must be firmly borne in mind in any discussion on further improving judicial efficiency and output. In my address at the Opening of the Legal Year last year, I mentioned the importance of judicial recruitment. I am happy to say that in the latest recruitment exercises for different levels of court, the responses have been encouraging. Three appointments to the Court of First Instance of the High Court were made in November last year and earlier this month. In the coming months, there will be further announcements made on judicial appointments to different levels of court. Moreover, deputy appointments from the legal profession will continue to be made to provide temporary manpower relief. However, the quality of justice is not something we can compromise on in the pursuit of efficiency, and only those who are of the appropriate judicial and legal qualities may be appointed to deputise in our courts.

Apart from increasing manpower, various measures have been and will be adopted to improve judicial efficiency. One important measure is to better manage the inevitable tension between efficient listing of cases for hearing and allocation of adequate time for judges to read into cases and judgment writing. In some cases, this would mean the imposition of more stringent case management directions, as to which I would ask the legal profession for its support and co-operation. It would also mean longer waits for trials in some cases, or longer waits for judgments in others. Striking the right balance is never an easy task. We are fully aware of the public's expectations and are doing all we can to meet them.

Another measure, which was first experimented with last year in cases and appeals falling within the Constitutional and Administrative Law List in the High Court, is the giving of a judgment handing down date at the conclusion of a hearing when judgment is reserved. Once given, the date will not be subsequently changed save for exceptional circumstances. This measure will in the course of this year be generally extended to all civil cases in the High Court and the District Court. It will align the practice, in this regard, between civil courts and criminal courts. The measure will also be extended to all criminal appeals and reviews in the High Court. New Practice Directions will be issued to give guidance on the timeframes within which judgments in different types of hearings are normally expected to be handed down. Judgment handing down dates will be given at the conclusion of hearings in accordance with these timeframes. For judgments reserved before the coming into effect of this new arrangement, administrative measures are in place to

ensure that they are handed down within a reasonable time, and to this end extra efforts are being made.

Thirdly, we will continue to expand our judicial assistant scheme to provide support for more judges. In the High Court, we now have both full-time and part-time judicial assistants providing much needed assistance to some of our judges. Their service is of particular importance given the huge number of non-refoulement cases that are still pending before the Court of First Instance and the Court of Appeal. Of course, the judicial assistants also provide legal and research assistance in other types of cases and work.

Fourthly, as has been widely reported, we have renovated the mega court in the West Kowloon Law Courts Building and are in the process of constructing new court rooms in the Wanchai Law Courts Building to cater for the hearing of criminal cases which involve a large number of parties and lawyers. There are still a significant number of criminal cases pending before the District Court arising from the events in 2019. The availability of court rooms with a higher seating capacity and the more flexible use of existing court rooms will go some way towards expediting the hearing of these cases. The bottom line remains, however, that there can be no compromise on the fairness of the legal process.

Lastly, the Judiciary has been developing by phases an integrated court case management system across all levels of court for handling court-related documents and payments through an electronic mode. The entire project is expected to be completed in around three years.

We will implement e-filing in the District Court by phases from March this year starting with civil proceedings. As for the Summons Courts at the Magistrates' Courts, the rollout is tentatively planned for December this year. For the other courts, detailed planning has started. The Judiciary aims to roll out the external functions of the integrated court case management system for the other courts incrementally starting from 2024.

Besides, the Judiciary is working on the necessary legislative amendments to fully enable both the civil and criminal courts to conduct remote hearings as they see fit, having regard to all relevant circumstances, including in particular the dual requirements of open justice and fairness. Taking into account the need to further consult stakeholders and finalise the proposed legislative amendments, we plan to introduce the Bill into the Legislative Council later this year.

In conclusion, I would reiterate that the Hong Kong Judiciary is fully committed to maintaining an independent, impartial and efficient judicial system which upholds the rule of law and safeguards the rights and freedoms of everyone in Hong Kong in accordance with law.

It remains for me to wish you and your families good health and every happiness in the new year. Thank you.

Government makes “restriction-testing declaration” and issues compulsory testing notice in respect of specified “restricted area” in Tai Wo Hau

The Government today (January 24) exercised the power under the Prevention and Control of Disease (Compulsory Testing for Certain Persons) Regulation (Cap. 599J) to make a "restriction-testing declaration" (declaration) effective from 7.30pm, under which people (hereafter referred to as "persons subject to compulsory testing") within the specified "restricted area" in Tai Wo Hau (i.e. Fu Tak House, Tai Wo Hau Estate, excluding the shops located on ground floor of Fu Tak House. See Annex) are required to stay in their premises and undergo compulsory testing. Persons subject to compulsory testing are required to stay in their premises until all such persons identified in the "restricted area" have undergone testing and the test results are mostly ascertained. The Government aims at finishing this exercise at about 7.30am tomorrow (January 25).

A Government spokesman said, "Under Cap. 599J, the Government can, according to the needs of infection control, make a 'restriction-testing declaration'. As at least one confirmed case who has lived in the abovementioned building was detected today, and the test result involved a mutant strain, the risk of infection in the relevant area is assessed to be likely higher, so the Government decided to make a 'restriction-testing declaration' for the relevant area."

The Government will set up temporary specimen collection stations at the "restricted area" and request persons subject to compulsory testing to undergo testing before 1am tomorrow. Arrangements will be made for persons subject to compulsory testing to undergo a nucleic acid test at specimen collection stations where dedicated staff will collect samples through combined nasal and throat swabs. Persons subject to compulsory testing must stay at their place of residence until all test results are ascertained to avoid cross-infection risk. The Government will arrange for door-to-door specimen collection for people with impaired mobility and elderly persons.

The Government spokesman said, "We understand that this exercise will cause inconvenience to the public. The Government has made arrangements to carry out testing for all persons present in the 'restricted area' as soon as possible. The aim is to strive to complete testing of all identified persons subject to compulsory testing and confirm the results, and finish the exercise at around 7.30am tomorrow. The Government will make a public announcement when the declaration expires officially. In the cases in which employees are unable to go to work because of the declaration, the Government

hopes their employers can exercise discretion and not deduct the salaries or benefits of the employees."

ã€ã€ã€If staying in the "restricted area" will cause unreasonable hardship to individuals who are not residents in the area when the declaration takes effect, government officers may exercise discretion and allow that person to leave the area after considering the individual circumstances. That person must have followed the instructions to undergo testing and leave his/her personal information for contact purposes.

Persons in the "restricted area" who have undergone testing today, and are able to provide the SMS notification through a mobile phone or related certification containing the test results, are not required to take the test again. However, they are required to stay in their premises until all such persons identified in the area have undergone testing and the test results are mostly ascertained. Also, according to the compulsory testing notice to be issued today, any person who had been present at the above building for more than two hours from January 10, 2022 to January 24, 2022, even if they were not present in the "restricted area" at the time when the declaration took effect, must undergo compulsory testing on or before January 26, 2022. As a mutant strain is involved, and having considered relevant infection risks, for prudence's sake, vaccinated persons and persons who have recently been tested are also required to undergo testing.

In addition, in accordance with the latest arrangement, persons who resided in the same building as the case tested positive carrying variant of concern suspected to be Omicron are required to undergo compulsory testing on days 2, 3, 4 and 7 counting from the day subsequent to that when the relevant confirmed case last stayed in that building before being admitted to hospital for treatment or leaving Hong Kong.

ã€ã€ã€The Home Affairs Department has set up a hotline (Tel: 2835 1473) which starts operation at 7.30pm today for residents restricted by the declaration to make enquiries and seek assistance. The Social Welfare Department will also provide assistance to the affected persons.

ã€ã€ã€The Government appeals to persons subject to compulsory testing for their full co-operation by registering and undergoing testing, and waiting for the results patiently at home. The Government will strictly follow up on whether the persons concerned have complied with the compulsory testing notices and "restriction-testing declaration". Any person who fails to comply with the compulsory testing notices commits an offence and may be fined a fixed penalty of \$5,000. The person would also be issued with a compulsory testing order requiring him or her to undergo testing within a specified time frame. Failure to comply with the compulsory testing order or the "restriction-testing declaration" is an offence and the offender would be liable to a fine at level 4 (\$25,000) and imprisonment for six months.

Companies Registry to adjust counter service hours from tomorrow

In view of the latest local epidemic situation and the special work arrangements for government employees, the Companies Registry announced today (January 24) that it will adjust counter service hours from tomorrow (January 25) for receiving documents delivered in hard copy and collection of certificates for company incorporation. The Public Search Centre will be open on Monday, Wednesday and Friday. The Registry's services on registration of documents and public search services provided electronically through the e-Registry (www.eregistry.gov.hk), the Cyber Search Centre (www.icris.cr.gov.hk) and the website of the Registry for Trust and Company Service Providers (www.tcsp.cr.gov.hk) will not be affected.

The opening hours of the Registry's counter services will be as follows from tomorrow:

14/F Public Service Hall at Queensway Government Offices and 12/F, One Kowloon, Kowloon Bay

Monday to Friday
9.30am to 4pm

13/F Public Search Centre at Queensway Government Offices

Monday, Wednesday and Friday
9.30am to 4pm

To achieve social distancing with a view to reducing the risk of the spread of the COVID-19 virus in the community, the Registry urges its customers to continue to deliver documents electronically or by post. Customers should avoid visiting the Registry's office premises unless they require urgent service.

The waiting time for public services provided at the Registry's offices will be longer as the counter service hours will be shortened. The Registry will also take a longer time to process the documents submitted in hard copy form.

Please check the latest announcements on the Registry's website at www.cr.gov.hk for any updates.

For enquiries, please call 2867 2600 or contact the Registry by email at crenq@cr.gov.hk.