

LC: Speech by CS for proposed resolutions moved under Legal Aid Ordinance

Following is the speech (translated from Chinese) made by the Chief Secretary for Administration, Mr Chan Kwok-ki, for the proposed resolutions moved under the Legal Aid Ordinance in the Legislative Council today (January 31):

Mr President,

I move that my first motion, as printed on the Agenda, be passed to adjust the financial eligibility limits (FELs) for legal aid applicants. Later, I will move another legal aid-related motion standing in my name as printed on the Agenda which seeks to adjust the Director of Legal Aid's (DLA) First Charge.

(1) Proposed Resolution under Section 7(a) of the Legal Aid Ordinance (Cap. 91) Regarding the FELs

I introduce the first Resolution.

Pursuant to section 7(a) of the Legal Aid Ordinance (Cap. 91) (LAO), the Legislative Council (LegCo) may by resolution amend the FELs specified in sections 5 and 5A of the LAO.

Legal aid services form an integral part of the legal system in Hong Kong. The policy objective of legal aid is to ensure that all those who comply with the regulations of the LAO and have reasonable grounds for pursuing or defending a legal action in the courts of Hong Kong will not be denied access to justice due to a lack of means. To qualify for legal aid, a person must satisfy both the means test and merits test as provided for in the LAO. The FELs have been set respectively under the means tests of the Ordinary Legal Aid Scheme (OLAS) and Supplementary Legal Aid Scheme (SLAS).

Pursuant to the Government's report to the LegCo on the Legal Aid (Amendment) Bill 1999 in September 1999, the FELs under the OLAS and the SLAS are subject to review annually to take into account general price movement as reflected by the Consumer Price Index (C) (CPI(C)).

According to the latest round of annual review of the FELs, for the reference period from July 2022 to July 2023, the CPI(C) has increased by 1.8 per cent. We propose to adjust the FELs upwards by 1.8 per cent, namely:

- (a) from \$433,010 to \$440,800 for the OLAS, and
- (b) from \$2,165,060 to \$2,204,030 for the SLAS.

We informed the LegCo Panel on Administration of Justice and Legal Services of the above proposed increase via an information paper in December 2023. Members did not raise any objection to the proposal.

Subject to the LegCo's approval of the Resolution, the adjusted FELs will come into effect upon gazettal.

(2) Proposed Resolution under Section 22A of the LAO Pursuant to the Review of the DLA's First Charge

Mr President, the second Resolution is that pursuant to section 22A of the LAO, the LegCo may, by resolution, amend the rate of maintenance payments that is exempted from the DLA's first charge under section 18A(5), as well as the amount by which the money retained by the DLA may be reduced in cases of serious hardship under section 19B(1)(a).

If a legally aided person is successful in recovering or preserving any money or property in the legally aided proceedings, the DLA has the right to retain under such money or property such sums required for recovering the costs and other expenses incurred by the LAD for the legally aided person pursuant to section 18A(1) of the LAO. Such a right is called the DLA's first charge.

According to section 18A(5) of the LAO, the DLA's first charge does not apply to the first \$9,370 of each monthly payment of the maintenance payment. Separately, in cases of serious hardship to the legally aided person, the DLA may exercise discretion under section 19B(1)(a) of the LAO to reduce the amount to be retained by the DLA, provided that the sum to be so retained is in all the circumstances just and equitable.

Same as the FELs, we propose to adjust the two abovementioned amounts upwards by 1.8 per cent, namely:

(a) the amount specified in section 18A(5) upwards from \$9,370 to \$9,540, and
(b) the amount specified in section 19B(1)(a) upwards from \$112,120 to \$114,140.

The LegCo Panel on Administration of Justice and Legal Services was informed of the outcome of the review via an information paper in December 2023. It did not raise any objection to the above proposal.

Subject to the LegCo's approval of the Resolution, we will implement the proposal upon gazettal of the Resolution.

I appeal for Members' support for the above two Resolutions. Thank you, Mr President.

BFAC appreciates Competition Commission's committed efforts in promoting market competition and assisting businesses in compliance with Competition Ordinance

The following is issued on behalf of the Business Facilitation Advisory Committee Secretariat:

The Business Facilitation Advisory Committee held its 53rd meeting today (January 31). At the meeting, members were briefed by the Competition Commission (Commission) on the key developments of Hong Kong's competition law regime and the activities of the Commission in recent years. The roles of the Commission in assisting businesses to adopt appropriate internal controls and risk management systems to ensure their compliance with the Competition Ordinance (Cap. 619) (the Ordinance), as well as an outlook of the Commission's work in 2024, were also covered.

The primary function of the Commission is to investigate conduct that may contravene the competition rules, and enforce the provisions of the Ordinance. Since the full implementation of the Ordinance in December 2015, there have been a total of 21 enforcement outcomes. In recent years, the Commission stepped up collaborations with other law enforcement agencies to enforce the provisions of the Ordinance. Furthermore, the Commission strives to increase public awareness of the Ordinance and to promote compliance through various types of outreach, engagement events and publications.

With the closer economic integration of Hong Kong and Mainland cities in the Greater Bay Area, the Commission signed a Memorandum of Understanding with the Guangdong Administration for Market Regulation in July 2023 to establish an effective framework for communication and co-operation on competition policy and the relevant laws between the two authorities. In 2024, enforcement of the Ordinance will remain a key focus of the Commission with priority given to investigations and enforcement actions that would result in the greatest overall benefit to competition ethos and consumers in Hong Kong. The Commission will also continue to assist the Government in taking competition principles into account in the policy-making and implementation process.

The Committee appreciated the Commission's commitment to nurture a culture conducive to competition, advocate compliance and engage in effective law enforcement to safeguard a level playing field for businesses in Hong Kong.

The Committee also received the work reports of its three task forces:

Joint meeting of the three task forces

- The Hong Kong Cyberport Management Company Limited (Cyberport) briefed the three task forces on the Digital Transformation Support Pilot Programme (the Pilot Programme). The Pilot Programme operates on a one-to-one matching basis to support small and medium-sized enterprises (SMEs) in the food and beverage and retail industries to acquire off-the-shelf, readily available basic digital technology solutions. Three designated categories of digital technology solutions (Digital Payment Solutions and Shopfront Sales, Online Promotion, Customer Management and Loyalty Solutions) will be available for selection by enterprises. The maximum amount of funding support for each eligible SME is \$50,000. It is anticipated that at least 8 000 enterprises will be able to undergo business upgrading and transformation, and enhance their productivity through the Pilot Programme within two years. The Task Forces appreciated the briefing by Cyberport, and advised Cyberport of the need to keep in view the time required for processing and approving applications for the Pilot Programme.
- The Environmental Protection Department (EPD) briefed the three task forces on the regulatory framework and legislative requirements of the Product Eco-responsibility (Amendment) Ordinance 2023 (Amendment Ordinance) and the preparatory work for implementation of the regulation. The Amendment Ordinance will prohibit the local sale of nine types of disposable plastic tableware and the provision of such products at catering premises to customers, and also regulate the manufacturing, selling and distributing of a series of other disposable plastic products in two phases. Phase one of the regulation will commence on April 22, 2024. The timing of implementing Phase two of the regulation will depend on the availability and affordability of alternatives to the respective plastic products, tentatively by 2025. After some good exchanges of views on the implementation arrangements of the Amendment Ordinance with the EPD, the Task Forces were concerned about the possible measures to facilitate trades' compliance, and suggested that the EPD should strengthen communications with the trades to ensure their better understanding of the legal requirements and be prepared for the regulation of disposable plastics.

Wholesale and Retail Task Force (WRTF)

- The Hong Kong Tourism Board (HKTB) briefed the WRTF on its work in supporting the night-time economy and provided an update on the latest situation and pace of tourism recovery. Riding on the Government's launch of the "Night Vibes Hong Kong" campaign, the HKTB strives to elevate the city's vibrant ambience in the night time through two strategies: promotions of Chinese and Western festivals and staging a

series of signature mega-events, and the new giveaway of one million "Hong Kong Night Treats" visitor dining vouchers to enrich the nightlife experience of the visitors and local public. The HKTB will continue to step up its promotions and marketing efforts to attract more visitors and uphold Hong Kong as an international tourism destination. The WRTF welcomed the HKTB's initiatives and efforts, and believed that the initiatives would facilitate full recovery of the tourism industry.

Food Business and Related Services Task Force (FRSTF)

- The Food and Environmental Hygiene Department (FEHD) briefed the FRSTF on expanding the scope of the "Professional Certification System" (PCS) to cover general restaurants (GRs) in the first quarter of 2024. Applicants of light refreshment restaurants, food factories and GRs of full licences can either follow the original system or choose the PCS for issue of full licence. Subject to the smooth implementation and support from the trade, the FEHD will extend the new measure to other food business licences. The FRSTF welcomed the above enhancement measure to facilitate the trade to obtain relevant licences. The FRSTF also suggested that the FEHD further digitalise its licence application processing, such as case referrals.

Task Force on Business Liaison Groups (BLGTF)

- The Labour Department (LD) briefed the BLGTF on the details and enhancement measures of the Enhanced Supplementary Labour Scheme (ESLS) which was launched on September 4, 2023. The enhancement measures include enhancing coverage, enhancing the dissemination of application information to employers, streamlining the procedures for processing applications, refining the workflow of consultations with the Labour Advisory Board etc. The BLGTF thanked the LD for implementing the ESLS to alleviate the problem of labour shortage of the trade, thereby facilitating businesses, and expressed their concern about the lead time for application processing.

The Committee also expressed appreciation of the commitment and achievements of the bureaux and departments in continuously implementing the business facilitation measures under the Be the Smart Regulator Programme to enhance their business licensing services.

Papers for the Committee meeting are available at www.gov.hk/en/business/supportenterprises/bf/advisory/index.htm for public access.

Appointments to Standing Committee on Company Law Reform

The Financial Secretary has appointed three new members, Mr Jack Chan Hoi, Ms Wendy Kam Mei-ha and Mr Ernest Lee Chun-ho, to the Standing Committee on Company Law Reform (SCCLR). Five incumbent members, namely Mr Paul Chow Koon-ying, Ms Julianne Pearl Doe, Ms Sabrina Ho Shuk-ying, Mr Jason Karas, and Ms Tiffany Wong Wing-sze, have been reappointed.

The appointments and reappointments are for a term of two years starting from February 1, 2024.

The Secretary for Financial Services and the Treasury, Mr Christopher Hui, said today (January 31), "With the professional knowledge of its members, the SCCLR has provided valuable advice on modernising our company law to strengthen Hong Kong's status as an international commercial and financial centre."

He added, "We are grateful to the outgoing members, Mr Albert Ng Kong-ping, Mr Joe Wan Pui-lun, Ms Rachel Lam Yan-kay, SC and Ms Fion Ng Siu-mui, for their valuable contributions to the SCCLR."

The SCCLR was set up in 1984. It advises the Financial Secretary on amendments to the Companies Ordinance and the Companies (Winding Up and Miscellaneous Provisions) Ordinance, as well as amendments to the Securities and Futures Ordinance on matters relating to corporate governance and shareholders' protection, as and when necessary.

As from February 1, 2024, the membership list of the SCCLR will be as follows:

Mr Johnny Mok Shiu-luen, SC (Chairman)
Mr Jack Chan Hoi
Ms Ivy Cheung Wing-han
Mr Paul Chow Koon-ying
Ms Christine Chung Wai-yin
Ms Julianne Pearl Doe
Mr Dennis Ho Chiu-ping
Ms Sabrina Ho Shuk-ying
Ms Wendy Kam Mei-ha
Mr Geoffrey Edward Kao
Mr Jason Karas
Mr Ernest Lee Chun-ho
Mr Low Chee-keong
Mr David John Simmonds
Ms Jacqueline Walsh
Ms Tiffany Wong Wing-sze

Ex-officio members

Ms Katherine Ng Kit-shuen
Head of Listing
Hong Kong Exchanges and Clearing Limited

Mr Stefan Gannon
Special Adviser to Chief Executive
Hong Kong Monetary Authority

Ms Annabel Lee Tung-mei
Deputy Chief Counsel, Legal Services Division
Securities and Futures Commission

Registrar of Companies

Official Receiver

Deputy Secretary for Financial Services and the Treasury (Financial Services)
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[Hong Kong Customs raids suspected illicit cigarette storage centre in Kwun Tong industrial building \(with photo\)](#)

Hong Kong Customs yesterday (January 30) raided a suspected illicit cigarette storage centre in Kwun Tong and seized about 74 000 suspected illicit cigarettes with an estimated market value of about \$270,000 and a duty potential of about \$190,000.

During an anti-illicit cigarette operation conducted in Kwun Tong last night, Customs officers intercepted a suspicious man who was moving goods in an industrial building on King Yip Street. Upon inspection, the batch of suspected illicit cigarettes was seized from a mini-storage unit at the industrial building, and the 63-year-old man who claimed to be unemployed and was suspected to be connected with the case was arrested.

An initial investigation revealed that the man rented the mini-storage unit and used it as an illicit cigarette storage centre that was mainly used to supply illicit cigarettes to residents in the East Kowloon district. Customs will continue to trace the source of the illicit cigarettes, and the likelihood of further arrests is not ruled out.

The arrested male was charged with "dealing with goods to which the Dutiable Commodities Ordinance applies" and will appear at the Kwun Tong Magistrates' Courts on March 7.

Customs will continue its risk assessment and intelligence analysis for interception at source as well as through its multipronged enforcement strategy targeting storage, distribution and peddling to spare no effort in combating illicit cigarette activities.

Customs stresses that it is an offence to buy or sell illicit cigarettes. Under the Dutiable Commodities Ordinance, anyone involved in dealing with, possession of, selling or buying illicit cigarettes commits an offence. The maximum penalty upon conviction is a fine of \$1 million and imprisonment for two years.

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Members of the public may report any suspected illicit cigarette activities to Customs' 24-hour hotline 2545 6182 or its dedicated crime-reporting email account (crimereport@customs.gov.hk) or online form (eform.cefs.gov.hk/form/ced002).

