

# Appointment of Chairmen of Market Misconduct Tribunal and Securities and Futures Appeals Tribunal

The Chief Executive has re-appointed former Deputy Judge of the Court of First Instance of the High Court, Mr Garry Tallentire, and former Recorder of the Court of First Instance of the High Court, Mr Kenneth Kwok Hing-wai, as Chairmen of the Market Misconduct Tribunal (MMT) and the Securities and Futures Appeals Tribunal (SFAT), both for a three-year term, from August 14, 2018 to August 13, 2021 for Mr Tallentire, and from April 1, 2019 to March 31, 2022 for Mr Kwok. The Chief Executive has also appointed former Vice President of the Court of Appeal of the High Court, the Honourable Mr Justice Michael Victor Lunn, as the Chairman of the MMT and the SFAT for a term of three years, from January 1, 2019 to December 31, 2021.

Announcing the appointment today (July 13), the Financial Secretary, Mr Paul Chan, said, "Mr Tallentire and Mr Kwok have made invaluable contributions to the effective operation of both tribunals over the years.

"Mr Justice Lunn has over 40 years of legal experience. He joined the Judiciary in 2003 and retired from the Court of Appeal in April 2018. We are confident that the experience of Mr Justice Lunn in adjudication and legal matters will contribute to the smooth running of the tribunals."

Both the MMT and the SFAT are established under the Securities and Futures Ordinance (Cap. 571) (SFO).

The MMT deals with six types of market misconduct, namely insider dealing, false trading, price rigging, disclosure of information about prohibited transactions, disclosure of false or misleading information inducing transactions, and stock market manipulation. In addition to these, the MMT is empowered to deal with breaches of disclosure requirements on price sensitive information of listed corporations.

The SFAT has jurisdiction to review specified decisions made under the SFO by the Securities and Futures Commission (SFC), the Hong Kong Monetary Authority and an investor compensation company recognised by the SFC. It serves as an effective safeguard to ensure that the relevant regulatory decisions are reasonable and fair.

Mr Michael John Hartmann, former Non-Permanent Judge of the Court of Final Appeal, is the other serving Chairman of the MMT and SFAT. The Chairman of each tribunal conducts hearings with the assistance of two members appointed by the Financial Secretary.

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## Red flags hoisted at some beaches

Attention TV/radio announcers:

Please broadcast the following as soon as possible:

Here is an item of interest to swimmers.

The Leisure and Cultural Services Department announced today (July 13) that due to big waves, red flags have been hoisted at Stanley Main Beach, Shek O Beach and Big Wave Bay Beach in Southern District, Hong Kong Island; Clear Water Bay First Beach and Clear Water Bay Second Beach in Sai Kung District. Beach-goers are advised not to swim at these beaches.

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## Flag-raising ceremony cancelled

Owing to the thunderstorm warning, the flag-raising ceremony to be conducted at Golden Bauhinia Square, Wan Chai at 8am today (July 13) will be cancelled.

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## CFS follows up on illegal import of tinned milk powder from Japan

The Centre for Food Safety (CFS) of the Food and Environmental Hygiene Department announced today (July 12) that a consignment of 16 tins of milk powder from Tochigi Prefecture, Japan was illegally imported into Hong Kong, breaching the relevant import ban order. None of the products concerned have entered the market. The CFS is following up on the case.

Product details are as follows:

Product name: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 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1681, 1682, 1683, 1684, 1685, 1686, 1687, 1688, 1689, 1690, 1691, 1692, 1693, 1694, 1695, 1696, 1697, 1698, 1699, 1700, 1701, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1710, 1711, 1712, 1713, 1714, 1715, 1716, 1717, 1718, 1719, 1720, 1721, 1722, 1723, 1724, 1725, 1726, 1727, 1728, 1729, 1730, 1731, 1732, 1733, 1734, 1735, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1743, 1744, 1745, 1746, 1747, 1748, 1749, 1750, 1751, 1752, 1753, 1754, 1755, 1756, 1757, 1758, 1759, 1760, 1761, 1762, 1763, 1764, 1765, 1766, 1767, 1768, 1769, 1770, 1771, 1772, 1773, 1774, 1775, 1776, 1777, 1778, 1779, 1780, 1781, 1782, 1783, 1784, 1785, 1786, 1787, 1788, 1789, 1790, 1791, 1792, 1793, 1794, 1795, 1796, 1797, 1798, 1799, 1800, 1801, 1802, 1803, 1804, 1805, 1806, 1807, 1808, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1830, 1831, 1832, 1833, 1834, 1835, 1836, 1837, 1838, 1839, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 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A spokesman for the CFS said, "The CFS inspected a consignment of tinned milk powder (16 tins in total) imported from Japan and found that they were from Tochigi Prefecture, which is under an import ban, instead of Hyogo Prefecture as shown on the packing list. Milk powder from Tochigi Prefecture is currently prohibited to be imported into Hong Kong. The CFS' investigation confirmed that the products concerned have not entered the market and they are marked and sealed by the CFS. The Centre has taken samples of the products concerned for testing of radiation levels and no radiation has been detected.

"Importers will have to wait till the CFS has conducted radiation tests on every consignment of products imported from Japan before selling them. The aforementioned illegal import was detected by the CFS during its inspection. The products concerned have not entered the market. This demonstrates the effectiveness of the CFS' gate-keeping work."

The CFS will continue to follow up on the incident and take appropriate action, including informing the Japanese authorities of the incident. Prosecution will be instituted against the importer concerned should there be sufficient evidence. Investigation is ongoing.

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## [Transcript of remarks by CE at CE's Question and Answer Session](#)

Following is the transcript of remarks by the Chief Executive, Mrs Carrie Lam, at the Chief Executive's Question and Answer Session this morning (July 12):

Dr Hon Pierre Chan: Good morning. The Hong Kong Council on Smoking and Health commissioned Hong Kong Baptist University to carry out laboratory tests on 13 e-cigarettes from October 2015 to February 2016. The tests found that the e-cigarettes contain harmful chemicals, which are associated with thyroid hormone disruption, reduction of fertility and affect foetal development. In addition, the Food and Health Bureau commissioned a survey of primary and secondary school students between November 2016 and last June, which found 29 380 teenagers had tried e-cigarettes, with 2 770 still using them. Among primary 4 to 6 pupils, 2 340 had tried vaping. Worryingly, e-cigarette advertising is directed mainly at young people. In recent years, we have also seen a huge increase in the number of people using emerging products, like heat-not-burn tobacco, as a substitute to conventional e-cigarettes. Do you have the resolve to follow the example of Macao and Singapore to enact a total ban on e-cigarettes?

Chief Executive: Thank you, Mr President. Well, first of all, let me assure Dr Chan that we agree with the medical profession that e-cigarettes and other new tobacco products, including these heat-not-burn products, they release

toxic substances and are harmful to health. So, we don't have any difference as far as health protection is concerned, and that's why the Food and Health Bureau is proposing to strengthen regulation such that these products are being regulated, at least on par with the conventional cigarettes for the protection of public health. Right now, the Secretary for Food and Health is consulting the sector, listening to various views, and we hope to take into account these views and introduce amendments to the Smoking (Public Health) Ordinance in the coming legislative session. But as far as a complete ban is concerned, Hong Kong does have to recognise her trade obligations in an international environment, because if conventional cigarettes are even more harmful, but they are allowed to be sold in Hong Kong under certain regulation, to go into a total ban of another form of tobacco product which is less harmful medically would raise many challenges, so we have to really strike a balance. But, as I said right now, the Secretary for Food and Health is consulting so you are welcome and all of you are welcome to provide us with your views and opinions on this subject.

Dr Hon Pierre Chan: The "less harmful" wording is wrong, there is no such thing-less harmful. It is harmful. And what are the factors and hurdles considered by the Government in not making such a decision of the banning? Does tobacco industry's interests outweigh public health and public interests?

Chief Executive: Definitely not. Definitely not. I have already mentioned the obligation under the global trade environment that we have to take into account. We certainly will not subject ourselves to any lobbying from the tobacco industry.

The Hon Claudia Mo: Talking of decency in this Legislative Council, really. Now, Liu Xia never committed one crime, but then she was found guilty by association because she is the wife and then the widow of Liu Xiaobo, China's Nobel Peace winner. She was persecuted. We all knew it. She was put under house arrest and went through all kinds of ordeals, and her persistent plight had prompted calls from the international community for her release, including Germany of course. She was finally released as an obvious political pawn, a diplomatic favour. Now, after all the outrages perpetrated, the hostage was released and our Mrs Carrie Lam had the cheek to actually call it, and I quote, "an expression of humanitarianism", unquote. Why did you make that statement on behalf of Hong Kong people, and exactly how and what do you mean?

Chief Executive: I meant what I said. Because you are very good at English, you should know that that particular phrase has no object, has no subject. So this is just a description of what I have seen. It is an act of humanitarianism.

The Hon Claudia Mo: ... bandying with words.

Chief Executive: Well, I have nothing more to add. Mr President.

The Hon Claudia Mo: Not too long ago, Carrie Lam told the Financial Times of

London that she wouldn't mind being called a Beijing shoe-shiner. Are you indeed a Beijing groveler?

Chief Executive: In her usual style Ms Mo has taken that comment out of context. I was asked in that Financial Times interview, could I name one leader of the world that I admired. I said yes, even running the risk of being accused of shoe-shining President Xi, I said President Xi Jinping is one of the world leaders, or is the world leader, that I respected and admired most.

(Please also refer to the Chinese portion of the transcript.)