

## Employers and employees should take precautions during cold weather

Attention duty announcers, radio and TV stations:

Please broadcast the following special announcement immediately, and repeat it at frequent intervals when the Cold Weather Warning is in force:

The Labour Department reminds employers that as the Cold Weather Warning is in force, they should take appropriate precautions such as reminding employees who have to work outdoors or in remote areas to wear appropriately warm clothing, and make arrangements for employees to rotate from outdoor to indoor or sheltered work sites as far as possible. Employees should take note of the weather report, wear appropriately warm clothing and be mindful of their health conditions. They should notify their supervisors and seek medical help immediately if feeling unwell, such as having cold limbs and body shivering.

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## Hong Kong Customs celebrates International Customs Day 2024 (with photos)

Officiated by the Director of Public Prosecutions, Ms Maggie Yang, and the Commissioner of Customs and Excise, Ms Louise Ho, a reception in celebration of International Customs Day (ICD) 2024 was held by Hong Kong Customs at the Hong Kong Convention and Exhibition Centre today (January 25).

This year, the World Customs Organization (WCO) has come up with the theme "Customs Engaging Traditional and New Partners with Purpose" for ICD, encouraging Customs administrations to actively strengthen ties with traditional partners while proactively exploring new collaborative opportunities, connecting various sectors to combat cross-boundary crimes and safeguard social security.

At the celebration reception, Ms Yang commended the unwavering dedication of Hong Kong Customs in safeguarding the security of the Hong Kong community and facilitating international trade. Not only has it maintained close collaboration with the industry in traditional law enforcement domains, but it has also actively combatted escalating illicit activities such as money laundering, cybercrime, smuggling of endangered species items and so forth. Additionally, Hong Kong Customs has demonstrated outstanding

performance in enhancing international co-operation, especially in what will be its upcoming role as the WCO Vice-Chairperson for Asia/Pacific Region, which could fully leverage Hong Kong's role as a "super-connector" under the Belt and Road Initiative in bridging the Mainland and global markets.

In her speech, Ms Ho highlighted Hong Kong Customs' resolute commitment to enhancing co-operation with longstanding partners and seeking new collaborations with various stakeholders. Hong Kong Customs has actively pursued close partnerships by entering into Customs co-operative arrangements with 31 Customs administrations worldwide, including five from ASEAN (Association of Southeast Asian Nations) countries and members of the Regional Comprehensive Economic Partnership. Hong Kong Customs also attaches great importance to capacity building and provision of tailored support for its partners with a view to reinforcing regional enforcement against cross-boundary crimes as a whole. In addition to the Regional Customs High-level Drug Enforcement Forum and the Regional Drug Enforcement Capacity Building Workshop held last February and September respectively, Hong Kong Customs will continue to organise international conferences, including the 6th WCO Global Canine Forum and the Regional High-level Conference on Intellectual Property Protection this coming March, as well as co-ordinate regional joint operations.

In view of crimes due to the increasing prevalence of e-commerce, Hong Kong Customs has intensified its enforcement efforts with five major express courier operators in Hong Kong through the signing of memoranda of understanding to detect shipments containing illicit goods. By receiving relevant training on the latest modus operandi and criminal clues provided by Hong Kong Customs, express couriers could then fully co-operate with the department in combatting smuggling, enabling better detection and interception of contraband goods. Additionally, Hong Kong Customs maintains close communication with academics, the financial technology sector, the cyber security sector and the forensic accounting sector etc to stay updated on the latest trends in the cybercrime area and develop appropriate strategies. Meanwhile, Hong Kong Customs will continue to promote the Hong Kong Authorised Economic Operator Programme to attract more companies to join so as to enhance international supply chain security and facilitate the movement of legitimate goods.

Hong Kong Customs became a member of the WCO in 1987 and ICD has become an annual event of Hong Kong Customs ever since. At the celebration reception, Ms Yang presented WCO Certificates of Merit to Hong Kong Customs' officers and business partners in recognition of their remarkable contributions to promoting customs-to-customs and customs-to-business partnerships.

Nearly 300 guests, including officials of the Government of the Hong Kong Special Administrative Region, members of the Executive and Legislative Councils, representatives of various offices of the Central People's Government in Hong Kong and Customs administrations of the Mainland and Macao, Consuls-General, foreign Customs attachés, as well as private stakeholders, attended the reception.



## TD responds to HKJA statement

The statement made by the Hong Kong Journalists Association (HKJA) on January 23 on the refined arrangements for issuing Certificate of Particulars of Vehicle (the Certificate) was based on an erroneous interpretation of the Court of Final Appeal (CFA) judgment which led to false accusations against the Transport Department (TD). The TD considers it necessary to make the following response to set the record straight.

The Commissioner for Transport has the right and responsibility to prevent misuse of the vehicle particulars

The judgment of HKSAR v Choy Yuk Ling (Final Appeal No. 2 of 2023 (Criminal)) (the Judgment) handed down by the CFA in June 2023 clearly pointed out that:

- Personal data contained in the register of vehicles (the Register) involved the right to privacy and was entitled to protection (Note 1).
- The Commissioner for Transport (the Commissioner) has the duty to properly manage the data kept in the Register, and to minimise the risk of potential abuse of the data kept therein (Note 2).
- The Commissioner may limit the purposes for which vehicle particulars may be required to be supplied, and is entitled to ask an applicant to

provide his own identification details, and the purpose and reason for application for making a decision on whether to issue the Certificate or not (Note 3).

#### Risk of the original mechanism being abused

The CFA indicated that the phrase "other traffic and transport related matters" included in the original application form was not clear and unambiguous (Note 4), and noted that providing personal data of the vehicle owners under the application mechanism at that time would impose a risk of being abused (Note 5).

In light of the Judgment, the TD should improve the relevant application process and strengthen the regulatory framework, in order to ensure that the purpose of application for the Certificate conforms with the purposes of establishing the Register.

#### The refined arrangements

The refined arrangements aim to state clearly the purposes of establishing the Register and specify the conditions for issuing the Certificate, in order to ensure that the purpose of application conforms with the purposes of establishing the Register and is lawful and legitimate, and the relevant information will only be used for the purpose(s) as specified in the application, and will not be misused or abused. The refined arrangements stipulate seven specified purposes for which a Certificate could be issued, and the "Guidance Notes on the Applications for a Certificate of Particulars of Vehicle" (the "Guidance Notes") provide the application procedures, the interpretation and examples of the specified purposes for which a Certificate could be issued, points to note, etc., for applicants' reference.

The refined arrangements have also established an avenue for making applications under "exceptional circumstances". If any person (including journalists) considers that his application does not meet the specified conditions but there is a need to ascertain the registered particulars of a vehicle due to other circumstances that involve the ownership or uses of the vehicle and significant public interest, and wishes the Commissioner to give special consideration for issuance of a Certificate, he may make an application under exceptional circumstances through a written submission to the Commissioner. Details on making an application under exceptional circumstances are also set out in the "Guidance Notes".

"Public interest" is a frequently used concept under common law. As for what matters constitute "public interest" and the weight that should be given, it would depend on the individual circumstances. Upon receiving the applications under exceptional circumstances, in order to discharge the duty of properly managing the Register, the Commissioner would consider each application on a case-by-case basis and will only approve the application if the Commissioner is satisfied that the following conditions are met:

(1) the applicant's obtaining and disclosure of the vehicle particulars (or part of the particulars) to the applicant is lawful and legitimate;

(2) the public interest in disclosing the vehicle particulars (or part thereof) to the applicant outweighs the registered owner's right to privacy, and the lawful rights and interests of other persons and society as a whole in the overall circumstances of the case; and

(3) the concerned particulars will be used by the applicants solely for the stated purpose(s) without any misuse or abuse.

The Commissioner will consider whether to approve an application in accordance with the requirements and relevant factors as set out in paragraphs 15 to 18 of the "Guidance Notes". It is the responsibility of applicants to provide sufficient information to facilitate the Commissioner to make a decision on whether to approve an application or not. All applications would be handled in accordance with the law in a fair and just manner, and the Government has established mechanisms to prevent civil servants from being involved in conflicts of interest in discharging their official duties.

The refined arrangements are in line with human rights protection and the spirit of the CFA Judgment

Freedom of the press is not an absolute right and freedom. Hong Kong residents shall, in accordance with law, enjoy the rights and freedoms guaranteed by the Basic Law and the relevant provisions of the International Covenant on Civil and Political Rights (ICCPR) as applied to Hong Kong, including freedom of speech and freedom of the press. However, in accordance with the relevant provisions of the Basic Law and the ICCPR, these rights and freedoms may be restricted as necessary and as prescribed by law for such justifiable reasons as the protection of national security, public order, or the rights and freedoms of others. The right to privacy is also a basic right protected by the relevant provisions of the Basic Law and the ICCPR. The refined arrangements for issuing the Certificate have struck a reasonable balance among all applicable basic rights. The refined arrangements are in line with the spirit of the CFA Judgment.

Notes:

1. Paragraph 31 of Choy Yuk Ling case.
2. Paragraph 35 of Choy Yuk Ling case.
3. Paragraphs 32, 36, 37, 52 and 75 of Choy Yuk Ling case.
4. Paragraph 73 of Choy Yuk Ling case.
5. Paragraph 66 of Choy Yuk Ling case.

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**[Speech by CE at Malaysian Chamber of Commerce Hong Kong & Macau 10th](#)**

# Anniversary Cocktail Reception (English only)

Following is the speech by the Chief Executive, Mr John Lee, at the Malaysian Chamber of Commerce Hong Kong & Macau 10th Anniversary Cocktail Reception today (January 25):

Your Excellency Ambassador Dato' Norman Muhamad (Ambassador of Malaysia to People's Republic of China), Consul-General Muzambli Markam (Consul-General of Malaysia to Hong Kong), Dato' Gan Khai Choon (Chairman of the Malaysian Chamber of Commerce (Hong Kong & Macau)), distinguished guests, ladies and gentlemen,

Good evening. It gives me great pleasure to join you, tonight, in celebration of the Malaysian Chamber of Commerce, and its 10th anniversary here in Hong Kong. A decade of continuing contributions to Hong Kong-Malaysia relations – in business, in trade and investment, and in culture, education and people-to-people ties.

With some 800 members, you connect Hong Kong with Malaysia, as well as ASEAN. You make a decided difference for your members, and for Hong Kong. You also make significant contribution to the good and growing relations between our economies.

With its world-renowned hospitality and beautiful landscape, Malaysia is a mesmerising country that celebrates diversity. Meanwhile, Hong Kong prides itself as Asia's world city, and brings our visitors a unique blend of eastern and western cultures. We have long been good friends in the region, and there is so much more we can achieve together.

In 2022, merchandise trade between Hong Kong and Malaysia exceeded 28 billion US Dollars, up seven per cent. Malaysia, I'm pleased to say, is our ninth-largest merchandise trading partner in the world. We have to work hard to push it to an even higher and higher position.

Our much valued co-operation can be counted in more than trade numbers. I visited Malaysia last year. I had the honour of meeting Prime Minister Anwar Ibrahim, and I thanked him for Malaysia's support to Hong Kong's accession to the Regional Comprehensive Economic Partnership, or RCEP.

Malaysia also announced an extension of the visa-free entry period for Hong Kong SAR passport holders to three months. Very good news. This was warmly welcomed by the people of Hong Kong, who have long regarded Malaysia as one of their top business and holiday destinations. I am one of them!

That visit led to the signing of eleven MOUs with Malaysian companies and institutions, covering trade, finance, digital transformation, and even railway and property development.

And there is much to look forward to in the coming year. We have, for

example, been contributing to the Economic and Technical Co-operation Work Programme under the FTA between ASEAN and Hong Kong.

Malaysia, I'm pleased to say, has been participating in the programme, through initiatives related to intellectual property and ESG.

Under the auspices of the unique "one country, two systems" principle, Hong Kong acts as a "super connector" and "super value-adder" between Mainland China and the rest of the world. Hong Kong would add significant value to RCEP, the world's largest FTA.

And that, of course, includes Malaysia and Malaysian business, trade and investment, given Hong Kong's extensive, continually evolving, and ever deepening, connections with Mainland markets.

I welcome the Malaysian Chamber of Commerce's support – the support of each and every one of you – as Hong Kong strives for early accession to RCEP.

On that optimistic note, allow me, once again, to congratulate the Malaysian Chamber of Commerce on your milestone 10th anniversary.

Ladies and gentlemen, in just over two weeks, we will celebrate the Year of the Dragon. The Dragon will bring us vitality and growth – new projects and opportunities aplenty.

Hong Kong looks forward to soaring to new heights in the Year of the Dragon, together with all of you.

Thank you.

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## **SFST's speech at reception dinner with Financial Sector Development Program and Insurance Authority of Kingdom of Saudi Arabia (English only)**

Following is the speech by the Secretary for Financial Services and the Treasury, Mr Christopher Hui, at the reception dinner with the Financial Sector Development Program and the Insurance Authority of the Kingdom of Saudi Arabia today (January 25):

Mr Alsharif (Director General of the Financial Sector Development Program, Mr Faisal Alsharif), Mr Al Tamimi (Chief Executive Officer of the Insurance Authority of the Kingdom of Saudi Arabia, Mr Naji Al Tamimi), Laurence



(Chairman of the Financial Services Development Council, Mr Laurence Li), Clement (Chief Executive Officer of the Insurance Authority, Mr Clement Cheung), Nicholas (Commissioner for Belt and Road, Mr Nicholas Ho), Paul (Commission Secretary and Chief Governance Officer of the Securities and Futures Commission, Mr Paul Yeung), Arthur (Deputy Chief Executive of the Hong Kong Monetary Authority, Mr Arthur Yuen), ladies and gentlemen,

It's my pleasure joining you tonight at this dinner and I thank the Financial Sector Development Program (FSDP) and the Financial Services Development Council (FSDC) for the invitation. I would like to congratulate the new Saudi Insurance Authority on your establishment (in late November 2023), and I am pleased to witness the signing of a memorandum of understanding (MoU) yesterday between the FSDP and the FSDC at the Asian Financial Forum. The MoU represents an important step in fostering collaboration between the financial sectors of Hong Kong and the Kingdom of Saudi Arabia.

I will start off by introducing our insurance sector. In 2022, the insurance density of Hong Kong's insurance market was over US\$9,100, ranking first in Asia. Positioned as one of the world's most developed insurance centres, our goal is to further develop our market as a sophisticated insurance hub, serving the comprehensive risk management needs of global customers and users. To this end, we issued a development roadmap for the insurance sector in Hong Kong, outlining our visions and missions for the insurance market, as well as targeted policy measures to consolidate the status of Hong Kong as a global risk management centre.

Also, being the home of many multinational insurers and reinsurers, Hong Kong is well equipped with rich experience and capability to provide professional services to enterprises participating in infrastructure and investment projects in countries and regions under the Belt and Road Initiative, contributing to the development of this important strategic initiative. With the establishment of the new Saudi Insurance Authority, I look forward to our further co-operation with the Kingdom on the insurance front.

Looking into broader areas of co-operation, we are keen to strengthen bilateral investment flows and financial collaboration between Hong Kong and the Kingdom. In November last year, we were pleased to welcome the listing of the Asia Pacific's first ETF (exchange-traded fund) to track Saudi Arabian equities in Hong Kong, highlighting Hong Kong's crucial function as a key link for financial connectivity under the Belt and Road Initiative. Besides, we are glad to know that the Saudi Central Bank and the Hong Kong Monetary Authority have signed an MoU last year in promoting joint deliberations in financial innovation.

Hong Kong is committed to building closer economic ties with the Kingdom and enhancing global connectivity to benefit both of our markets. We are glad to know that the Kingdom is putting forward various initiatives in promoting growth and new development opportunities in the financial sector. As an international financial centre with proven track record in connecting international, Mainland and Hong Kong investors, we will leverage our



distinctive advantages and collaborate with the Kingdom in exploring new opportunities offered by fintech, green and sustainable finance, and various fields of emerging trends in financial services.

Lastly, I would like to once again congratulate the FSDC and the FSDP in signing an MoU yesterday, and I look forward to the fruitful results our co-operation will yield. I wish you all an enjoyable time tonight and a memorable stay in Hong Kong. Thank you.