



DENNIS KWOK

LEGCO TERM REPORT

2016-2020





Dear friends and colleagues,

It has been an honour for me to serve a second term as your representative in the Legislative Council (LegCo) from 2016 to 2020. Your support reinforces my commitment to defending Hong Kong's core values, the rule of law and judicial independence as guaranteed under the principle of "One Country, Two Systems."

In recent years, Hong Kong as a whole has faced unprecedented challenges. My number one priority as always is to protect our liberal values and human rights that for so long have underpinned the rule of law.

The situation that our beloved city has found itself in, with the rapid derogation of our core values and constitutional framework, has given my work an extra sense of urgency and importance. Difficult though it has been, I have continued to dedicate my work towards safeguarding these values and principles both within and outside the Legislative Council. What I have promised and set out to do 8 years ago.

It is with deep gratitude that I have carried out my duties, as well as the immense respect I have for all members of the legal profession who have supported Hong Kong and its people during these challenging times.

Yours sincerely,

Norris Kirk.



Content

Introduction	2	Competition Commission	23
Upholding the Rule of Law and Judicial Independence	6	Housing Authority – Building Committee Chair	23
Hong Kong National Security Law		Unified Screening Mechanism for non-refoulement claims	24
Extradition Bill		Our Lives Matter	
Anti-Mask Law	11	Financial Sector Reform	25
Legal Affairs	12	Hong Kong Conference 2019 - IPO Sponsors and Regulations	
Details on Civil Cases Briefed Out by the Department of Justice from 2014-2017		Questions at Council Meetings	26
Judicial Appointments		Friday Tea Gatherings	28
District Court		LegCo Committees	31
Increase in Court Scale Fees		Closing	34
Duty Lawyers			
Expansion of Legal Aid			
Law Society Examination			
Anti- Human Trafficking	15		
Financial Institutions and Anti-Human Trafficking			
Education, Integration and Anti-Discrimination of Ethnic Minorities	19		
Environmental Protection	21		
Reviewing the Air Quality Health Index			
Clean and self-sustainable Water-supply			





Upholding the Rule of Law and Judicial Independence



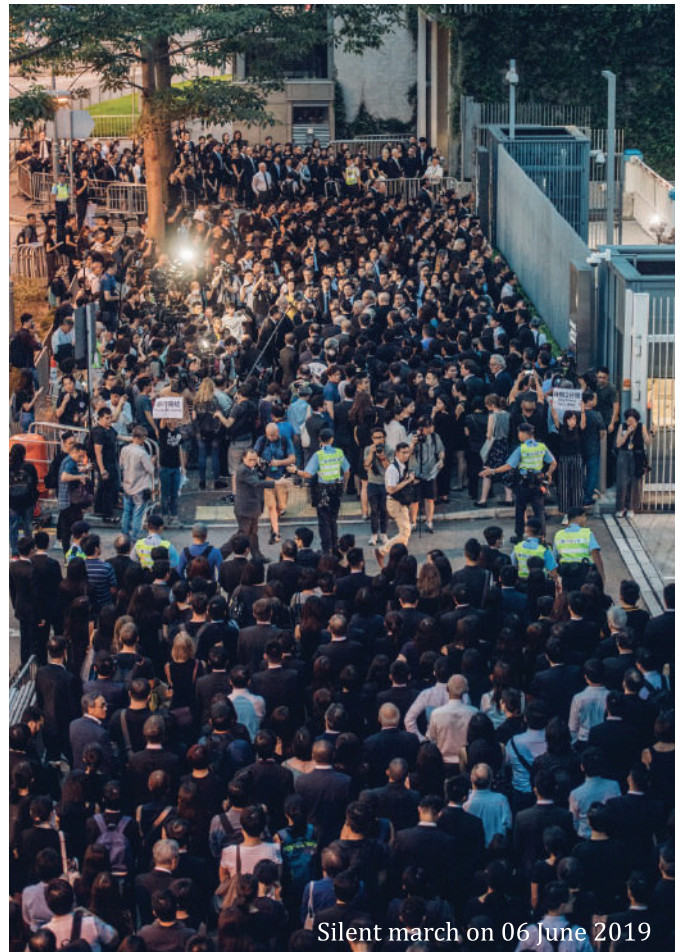


Photo credit: Apple Daily

Hong Kong National Security Law

The hallmark of an authoritarian state is that whenever they see something they do not like, they will seek to criminalise the behaviour. This is true whether it is wearing a mask in peaceful protest, or some people showing disrespect to the national anthem. The concern with the national security is that it will be used as an excuse to silence political opposition in Hong Kong.

In May 2020, the NPC passed the decision to enact a Hong Kong National Security Law. Not only was such a move unprecedented, but Hong Kong was also deprived of its own legislative power on a piece of legislation that seriously affects our fundamental rights. Most importantly, it raises concerns as to whether the NPCSC has such constitutional power to do so, given it is clearly stated in the Basic Law that it is within Hong Kong's autonomy to enact security laws 'on its own'. It is with deep regret that the PRC government has chosen to ignore the design of 'One Country, Two Systems', and the constitutional framework of Hong Kong under the Basic Law. As I write this, we do not even know the contents of this proposed legislation yet somehow the entire Administration 'whole heartedly' supports it without reservation, brushing aside all the constitutional issues arising from this.



Silent march on 06 June 2019



Silent march on 08 August 2019

Extradition Bill

The Government tried to take advantage of their absolute majority in LegCo to force the passage of the Extradition Bill despite strong opposition from all walks of life, leading to the most significant social movement in recent years. The eventual withdrawal of the Bill was the achievement of all Hong Kong people who took to the streets and protested against the Bill.

As a member of the Security Panel, I was alarmed when I first noticed the Government's intention to make arrangements to allow renditions with Mainland China under the pretence of solving the "Taiwan murder case" in early February. I immediately requested dialogue with the Secretary for Security to protest against the arrangement as it meant tearing down the firewall between Hong Kong and Mainland China's legal systems. The Government failed to dispel any of the concerns nor was it willing to revise the contents of the Bill. I also immediately reached out to different consul generals, chambers of commerce (both local & international) and it was clear that the international and business community as a whole were deeply concerned about Hong Kong's future and its status as an international business and financial centre.

In March 2019, I was invited to a panel discussion with Mr. Ronny Tong SC, member of the Executive Council, at the Foreign Correspondents' Club. This debate got a lot of feedback and enabled me to put forward the views of the legal profession.



Scan here for the forum video →



Meanwhile, we continued by supporting Hon. James To's bills committee to scrutinise the Bill and to submit amendments, such as limiting the Extradition Bill to Taiwan instead of the whole of China, a sunset clause, and other amendments to mitigate the harm of the Bill should it be passed. At the same time, we proposed a members' bill that would extend Hong Kong's criminal jurisdiction to murder cases committed by Hongkongers overseas.

As vice-chairperson of the House Committee, I strongly objected to the Secretariat's decision to ignore the bills committee chaired by Hon. James To, and to allow the Bill to be submitted to the Council without going through proper procedure. However, after the disqualification of 6 LegCo members, the pro-establishment camp took the opportunity to amend the Rules of Procedures in late 2017, giving more power to the President than ever to control the conduct of meetings. The pro-democracy camp simply could not block the Bill when it is put to vote in the Council for second and third readings.

I organised a silent march on 6 June 2019 for the legal profession to voice our opposition towards the Extradition Bill. 3000 members of the legal profession joined. The eventual withdrawal of the Bill was by no means the end of the matter. The way the Government tried to forcefully pass a law despite popular opposition exposed the underlying problem - the serious democratic deficit in Hong Kong.



Photo credit: South China Morning Post

The legal profession is also seriously concerned with the political nature of the prosecutions initiated by the Secretary for Justice against many pro-democracy protesters. I organised a lunchtime silent march on 7 August 2019 calling for neutrality in prosecution decisions and an independent inquiry into events surrounding the Extradition Bill controversy. Despite the heat, more than 3000 members of the legal profession participated and marched to the Justice Place.

I am particularly grateful to the pro-bono legal services that hundreds of members of the profession have provided to young people who were arrested and detained during the protests.



Anti-Mask Law

The decision by the Hong Kong Government to ban the wearing of masks during protests was controversial, to say the least, it also created deep-seeded constitutional issues.

This proposed law not only contravened the right to assembly guaranteed under the Hong Kong Bills of Rights but would also endanger bystanders.

Moreover, the invocation by the Government of the Emergency Regulations Ordinance to bypass the Legislative Council and the push for this controversial law is fundamentally wrong.

This is why other lawmakers and myself have applied for judicial review and for a declaration that this law and the ERO are contrary to the Basic Law and the principle of separation of powers.

Currently, the case is on appeal to the CFA.





Legal Affairs

Details on Civil Cases Briefed Out by the Department of Justice from 2014-2019

Over the years, I have pushed for higher transparency in the briefing out policy of the Department of Justice in respect of civil cases. LegCo has consistently received information on the number of cases briefed out to different sets of chambers over the past years.

I hope that with greater transparency, the DOJ will continue to brief out civil cases in a fair and open manner.

Judicial Appointments

I supported the appointment of the Right Honourable the Baroness Brenda Hale of Richmond, the Right Honourable Beverley McLachlin PC as non-permanent judges of the Court of Final Appeal and the Hon. Justice Andrew Cheung as our next Chief Justice.

Foreign judges of this calibre are an invaluable source of knowledge and wisdom for the Hong Kong courts. They bring with them fresh insights and legal perspectives. This constitutional tradition must continue.



District Court

To address the shortage of courtrooms and chambers in the District Court, the Judiciary has proposed to relocate the District Court to Caroline Hill Road. The new District Court Complex was approved by the Finance Committee, it will house the Lands Tribunal, Family Court, and the District Court.

LegCo has approved the raising of the jurisdiction limit of the District Court from \$1 million to \$3 million.

Increase in Court Scale Fees

Effective from 1 January 2018 onwards, Solicitors' Hourly Rates (SHR) on party and party taxation in civil proceedings were increased. At both High Court and District Court, SHR for solicitors and trainee solicitors all **increased by more than 40%**; **litigation clerk and law costs draftsman's HR were also increased by 44% and 12.5% respectively.**

Duty Lawyers

Since I took office seven years ago, I have repeatedly called for a substantial increase in Duty Lawyer fees. I believe that legal professionals should be paid equitably under the Duty Lawyer Scheme. **During this term, LegCo approved an increase in fees by 56.2%.**

Fee categories	Previous rates	Revised rates with effect from July 2020
Whole-day fee	\$7,300	\$11,850
Half-day fee	\$3,630	\$5,890
Pre-trial preparation fee	\$880/hour	\$1,420/hour

Expansion of Legal Aid

Moreover, one of the chief problems faced by legal professionals who do legal aid work is the delay in payments and legal aid application approvals. I have been working with the Legal Aid Department over the years with the hope of addressing these issues. Our colleagues in the Legal Aid Department also need more resources and manpower to cope with their increasing workload.

I have long been pressing the Financial Secretary to substantially increase the annual budget for the Legal Aid Department.

I held a meeting with the Chief Secretary, together with the Chairman of the Bar and the President of the Law Society, to discuss ways to expand the scope of legal aid system so that more litigants could fall within its coverage. In the Policy Address 2019, the Chief Executive proposed to increase the financial eligibility limit of both the Ordinary Legal Aid Scheme and the Supplementary Legal Aid Scheme by about 30%. Legco has approved the same. This is a significant development for legal aid.

In 2019's Budget, we finally saw a significant increase in the annual budget for the Legal Aid Department to the tune of an additional \$466.4 million for the coming year (i.e. +41.5%).

These additional resources will be used to improve the efficiency of the Legal Aid Department, hopefully addressing some of these long-standing problems. I will closely monitor the usage of these additional resources going forward and follow up on the other proposals made by the Law Society and Bar Association in our joint meeting.



Law Society Examination

The Law Society has announced the plan to introduce the Law Society Examinations (LSE). Unfortunately, we have no further details about the LSE. We do not know how many places it will offer each year in addition to the PCLL, its admission criteria, how it will impact on the number of entrants to the profession, or which course provider will officially be in charge of running it.

The LSE was proposed despite the report issued by the Standing Committee on Legal Education and Training in 2018 to recommend an immediate moratorium on the implementation of Common Entrance Examinations proposed earlier by the Law Society. The 3 University PCLL providers have all announced that additional PCLL places will be provided in order to address the bottleneck issue. I understand that the bottleneck issue has now been largely resolved.

The legal profession must maintain the highest standard at all times. I am opposed to an open 'NY Bar' style examination for the Hong Kong legal profession.

I have strongly urged the Law Society to take these actions before implementing the LSE:

- (i) provide more details about the plans for the LSE;
- (ii) consult the entire profession;
- (iii) work with the law schools; and
- (iv) consult the Judiciary, in particular the Chief Justice.

Due process should be observed, and there should be greater transparency on this matter. The Law Society must conduct a profession-wide consultation before they try to push forward with this highly controversial initiative unilaterally.

Covid-19 and the need for Technology Upgrade in Courts

Covid-19 has exposed the backwardness of our technology we see in the Hong Kong courts. Despite having approved more than **\$680 million** in funding for the Court's technology plans **in 2013**, the Hong Kong court have been too slow in upgrading their technology. The General Adjournment Period created huge disruption to the Court system and litigants. Working with practitioners, we have put together technical proposals for the Judiciary to consider, and as I am writing this report, concrete measures are being put in place to enable telephone and/or virtual court hearings to take place going forward. The e-Filing Bill has received bi-partisan support in LegCo, and is now awaiting the resumption of second and third readings.

INTERNATIONAL CONFERENCE ON COMBATting HUMAN TRAFFICKING 2018

Organisers:  Dennis Kwok Wing-hang  KENNETH LEUNG Lead Sponsor:  Skadden

Co-organisers:  STOP

Sponsors:  ABDELKHALIL GOBARA  cohn&wolfe  Fondazione Andrea Saragat

Supporting Organisations:  DALY HO & ASSOCIATES  MINGONG CLUB  Finders  PILnet  the vine  HUMAN TRAFFICKING CENTER



Anti- Human Trafficking

I have partnered with NGOs in pushing for legislative changes to better tackle human trafficking in Hong Kong and in the region. Together with human rights lawyers Patricia Ho and Azan Marwah, we drafted the Modern Slavery Bill modelled off of the UK's Modern Slavery Act 2015. It was tabled at the Security Panel for discussion in June 2018 and submitted to the Legislative Council President on 21 March 2019 for tabling. Globally, there are currently 40 million victims of human trafficking and modern slavery, and over 60% of whom are in the Asia Pacific region. As the international financial centre of this region, we have a great responsibility on this.

For years, Hong Kong lacks effective laws to combat human trafficking. While trafficking for sexual exploitation is an offence, trafficking for forced or child labour, for example, is not. To address this enormous loophole in our laws, the Bill I tabled aims to bring Hong Kong's anti-human trafficking framework up to international standard by criminalising all forms of human tracking, which includes:

1. Trafficking any person for sexual and non-sexual exploitation;
2. Holding any person in slavery, servitude and forced labour;
3. Use of threat or deception to make any person enter



4. into the marriage without free and full consent; and
4. Assisting in the travel of another person for sexual exploitation of any person.

Other than creating new offences, the Bill also introduces a comprehensive scheme to protect and prevent victims from human trafficking and exploitation, such as:

1. Establishing an Independent Anti-slavery Commission to provide assistance and support to victims;
2. Requiring commercial organisations to disclose measures to ensure that there is no slavery or trafficking;
3. Giving the courts the power to issue orders to prohibit any person from committing any conduct to prevent slavery and trafficking;
4. Enabling victims to bring civil claims against any

- perpetrator or person who has knowingly benefited from participation in a venture of human trafficking;
5. Allowing victims to raise a defence for conduct connected to their slavery or trafficking situations except in certain serious offences; and
 6. Extending powers under Organised and Serious Crimes Ordinance (Cap. 455) to cover those of slavery and human trafficking.

I co-organised with The Hon. Kenneth Leung the **International Conference on Combatting Human Trafficking** on 27 April 2018. The Chief Secretary, members of the administration, international key advocates, Lord McColl from the UK, consuls, lawyers, accountants, NGOs attended. It was one of the first events on the issue of human trafficking law that attracts such a mix of attendees. It was a great success in raising awareness about the issue and bringing together advocates desirous of effecting durable change in Hong Kong and internationally.



Lord and Lady McColl as special guests from UK

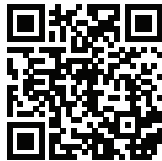
In June, I was invited to join a high-level business and government panel on 'Bali Process - Driving Modern Slavery Legislation' in the Global Forum on Responsible Recruitment and Employment held in Singapore. It was facilitated by Walk Free Foundation as a secretariat for the Bali Process Government and Business Forum, which aims at addressing people smuggling, trafficking in persons, and migration issues in the region.



I was honoured to give the closing remarks at the **Reuters Stop Slavery Summit** in August 2018. I was moved by the dedication of fellow advocates and I expressed my hope that through our collective work, and the pressure we exert on the Hong Kong Government to commit to positive change for the advancement of human rights in our city, we will make a difference in the lives of many.



Link to the Summit: ➡



In August 2018, as the Hong Kong Government prepares to be reviewed by the United Nations on its efforts in eliminating racial discrimination, my office briefed the UN Committee on the Elimination of Racial Discrimination. In the course of the review, the Committee questioned the Government's resolve in combatting human trafficking and issued the recommendation that Hong Kong should adopt comprehensive anti-human trafficking laws that prohibit all forms of human trafficking, etc.

I have kept close contact with the US TIP Office as their report has been an essential incentive for the Hong Kong Government to do better. My staff joined the International Visitors Leadership Program hosted by the US Department of State to exchange views and share knowledge with various anti-trafficking agencies and organisations in the US, as well as with other participants of the program from all over the world. In December 2018, I was invited to speak at the Arizona Human Rights Trafficking Council about the state of modern slavery in Hong Kong and my efforts in introducing the Modern Slavery Bill. I also met with a number of groups working on the issue in the US. It was an incredibly fruitful trip and reaffirmed the necessity of stronger law and policy to tackle the problem, and that international cooperation is key.

A consistent message from all the dialogues is that combatting human trafficking is every government's human rights obligation, and not having an effective legal regime in place would create a weak spot in the international efforts to eradicate this horrendous crime.

Regrettably, the Government has continued to deny the need to introduce a comprehensive legislation to combat human trafficking. In September 2019, the Government replied to the President that the Modern Slavery Bill relates to public expenditure and government policies. No written consent of the Chief Executive was given. According to Article 74 of the Basic Law, it means the Bill could not be introduced to LegCo.

Financial Institutions and Anti-Human Trafficking

Instead of legislative changes, the Government formed an inter-departmental Working Group on Trafficking in Persons and promulgated an Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong. While these are positive changes in policy, they fall short of satisfying Hong Kong's role as an international financial centre and the regional transportation hub in combatting human trafficking in or through Hong Kong; Hong Kong is lagging behind its trade partners, such as UK, US, and Australia.

In fact, companies who also conduct businesses in the UK, US, Australia etc. already face the regulatory requirements regarding modern slavery, such as mandatory reporting. The Financial Action Task Force (FATF) also pays increasing attention to money laundering in terms of human trafficking.

In this regard, I have partnered with incredibly dedicated NGOs, such as Walk Free Foundation, Mekong Club, and the **Liechtenstein Initiative Financial Sector Commission**.

In November 2018, I met with the FAFT to discuss the situation in HK and to stress the need for the Hong Kong Government to have effective money laundering laws that would cover all forms of modern slavery related financial transactions in and through Hong Kong.

In April 2019, I was invited by the LI Financial Sector Commission to attend and present our work at their conference in **Sydney, Australia**. This Commission is also known as the Liechtenstein Initiative. This is a new initiative set up last year to combat human trafficking and modern slavery, and focusing on what financial centres around the world could do.

At the conference in Sydney, we have heard from key players in the financial sector on how professional investors are increasingly looking at corporations that they invest in to see whether they have policies in place to combat human trafficking and modern slavery in their supply chains. This is now a global trend. We have also discussed how we could use anti-money laundering measures and regulations to combat the illicit proceeds arising from modern slavery operations. This will stop criminals from laundering their illicit gains through

financial systems such as Hong Kong and others. Trace the funds and track the criminals. Our Modern Slavery Bill 2019 does precisely that.

In November 2019, I joined a panel at **the United Nations' Forum on Business and Human Rights 2019 in Geneva**, on the topic "Transparency and Beyond: Taking stock of legislative approaches to eradicate modern slavery in global supply chains". The global trend for public and private sectors to take actions against human trafficking and modern slavery is clear. We have many partners around the world who shared the same goal as us.

I am glad to report that the Hong Kong Stock Exchange has recently updated its ESG disclosure requirements for all listed companies in Hong Kong. For financial years commencing on or after 1 July 2020, all listed companies would be required to make general disclosures on matters such as prevention of forced and child labour in its supply chains, the adoption of requisite employment practices and elimination policies. I have had the honour to partner with Mekong Club in advocating for such change during the consultation period.

We will continue to work with the financial sector in the region with the view to encourage regulators to update their AML Rules to reflect the blueprint set out by the Liechtenstein Initiative Financial Sector Commission's recommendations.

I know we will continue to make headway on this because it has been recognised that modern slavery is a real and tangible global issue which Hong Kong must play a role. We are not taking no as an answer, and we are pushing Hong Kong forward on this front.



Education, Integration and Anti-Discrimination of Ethnic Minorities

Educational rights of minorities have been part of my portfolio since I was elected in 2012. Education for children with special educational needs (SEN) and of ethnic minorities is crucial for their development and equal opportunity in society. Dr Hon. Fernando Cheung of the Labour Party and I have been working on the **Special Education Needs Bill (SEN Bill)** and **Supporting Students with Special Education Needs Policy Recommendations** since 2013. We have pushed to expand the coverage of Hong Kong's SEN education policy, as well as for an "Individual Education Plan" for each SEN student.

The bill and the proposal were finally tabled at the LegCo Education Panel in May 2019 for discussion. As expected, the Education Bureau insisted that there is no need for legislation. We will continue to push the Government to commence discussion on these matters and to include relevant policy measures. For example, I proposed updating the mechanism for determining the grant of Learning Support and making rehabilitation services much more accessible and comprehensive, with proposed measures to increase the supply of suitable professionals in special educational therapies and teaching.



Anti-Discrimination – Say No to All Forms of Racism

As for ethnic minorities, I have proposed measures to **facilitate further integration and to strengthen the Race Discrimination Ordinance** so that it applies to the Government when it is exercising its powers and functions.

I joined the Bills Committee on Discrimination Legislation (Miscellaneous Amendments) Bill 2018. Regrettably the Government refused to implement many of the amendments recommended by the EOC in its Discrimination Law Review in this bill, and refused to provide a timetable for implementing the recommendations.

I will continue to urge the Education Bureau to review the Learning Framework and publish their results, as well as to provide Chinese education to those ethnic minority individuals who are no longer in the education system so that the policy measures are more effective.

Apart from continuing to follow up on the issues of Chinese learning by ethnic minority individuals and other educational issues, I have joined the Subcommittee on the Rights of Ethnic Minorities set up during this term. The subcommittee focuses on various challenges faced by ethnic minorities in HK, such as education, employment and applying for passports. We need a fairer society for these groups.



Environmental Protection

Reviewing the Air Quality Health Index

On 30 December 2013, the Government introduced the **Air Quality Health Index (AQHI)** to replace the 18-year-old Air Pollution Index, which was introduced in 1995. The Air Pollution Control Ordinance provides that the index shall be reviewed at least once every five years and a report of the review must be submitted to the Advisory Council on the Environment. The first review was released in December of 2019.

For the past seven years, I have been striving to include **'public health' as the prime statutory consideration** when adjusting the AQHI. It is undeniable that bad air quality has significant impact on human health. As a matter of life and death, it should not be weighed the same as other environmental factors. Throughout the years, the Government claims that 'public health' has already been reflected in the basket of environmental factors they take into consideration. This is clearly not enough.

In this review, the Working Group of the Government only focused on four aspects, namely air science and health, road transportation, marine transportation, and the power and energy sector. Possible measures to improve the air quality and the feasibility of these measures were discussed to see whether the current AQHI regulations should be tightened. In fact, the current AQHI measures are only benchmarked against the interim targets under the Air Quality Guidelines of the World Health Organization, rather than against the highest possible standards. In particular, the Ozone index is too lax and outdated, which fails to provide sufficient protection to the public. Many academics and experts have suggested that the Government should **take immediate measures to tighten AQHI** to align it with WHO's Air Quality Guidelines.

Apart from pushing for legislative amendments to include public health as a prime consideration, I have also put forward various policy recommendations to the Administration. The recommendations include the **Bicycle-friendly**



Policy and the promotion of electric vehicles in both the private and public sectors, which will help reduce road-side emissions in Hong Kong. I will follow the matter closely and continue to fight for cleaner air for Hong Kong citizens.

Clean and Self-Sustainable Water-supply

The water supply in Hong Kong mainly relies on Dongjiang water. However, the rising cost and pollution levels of Dongjiang water pose a threat to the stability of Hong Kong's water supply. The Government has set up a working group with the Guangdong Province authorities to review the 'package deal lump sum' approach adopted in the current Dongjiang water supply agreement. In addition to reviewing the current 'package deal lump sum' approach, other alternative payment options are also being explored in the review. The review should finish before the negotiation of the next supply agreement in 2020, and the Panel on Development of the LegCo will be notified of the review at an appropriate time upon its completion. We must enhance water conservation and develop other water sources to ensure water quality and reasonable water prices, and ultimately reduce our heavy dependence on Dongjiang water.

I have repeatedly urged the government to manage water resources more effectively and improve the use of rainwater collected throughout Hong Kong. In particular, the Government should make better use of desalination technology in light of the completion of the Tseung Kwan O desalination plant in the third quarter of 2022. In the long run, the proportion of water supply from Dongjiang should be reduced from over 70% to 50%. Regrettably, the Government indicated that it has no plans to set a target percentage of the fresh water production capacity of desalination plants at 30% of Hong Kong's water consumption, as the energy consumption and cost of drinking water produced by desalination are still relatively high. But they will review proportions of the different water sources from time to time according to the latest circumstances.

While the Inter-Reservoirs Transfer Scheme is expected to be completed in the fourth quarter of 2022 (a tunnel linking Kowloon Byewash Reservoir and Lower Shing Mun Reservoir to transfer the overflow from the Kowloon Group of Reservoirs to Lower Shing Mun Reservoir in order to achieve the dual objectives of reducing the run-off flowing into the Lai Chi Kok drainage system, and converting the overflow into potable water resources), the Government should put in place a mechanism to review the effectiveness of the scheme and consider its future expansion and explore new local water sources.

On the other hand, the Government should also take concrete actions to help the public save water by making their own water conservation plan. For example, by mirroring the Taipei City Government's initiative to introduce the smart water meter and automatic meter reading.



Competition Commission

Together with the Competition Commission, we have set up a 3-month secondment programme to allow young lawyers to gain competition law experience first-hand.

When I was a member of the Competition Commission, I have asked the Commission to regularly review the programme on an annual basis so as to encourage legal professionals in Hong Kong to gain more expertise in competition law.

The Competition Commission has started the negotiation with the Hong Kong Bar Association on the issue of employed barristers within the Commission. We are seeking the Bar Council to agree that barristers employed by the Commission should enjoy the same rights of audience as the employed solicitor, in other words allowing the employed barristers to represent the Commission in the Competition Tribunal and/or other courts.

Housing Authority Building Committee Chair

I was appointed as a member of the Housing Authority (HA) in 2015, and re-appointed in 2017. During my membership, I serve on the Tender Committee and am now the Chairman of the Building Committee. The Building Committee is responsible for approving and overseeing the construction of the public housing portfolio in Hong Kong.

In recent years, the shortage of public housing and the high prices of flats offered by the **Home Ownership Scheme** has become a serious social problem. The Green Form Subsidised Home Ownership Scheme introduced in 2018 cannot solve the problem of long queues for public housing, because the flat prices of the homes are pegged with the price of private sector housing, and it focuses on acquiring one's property. Therefore, I suggest that the Government should allocate as much land as possible from the current land supply to the HA to build public housing and to cut down on the long waiting list.

The outsourcing of services in public housing has also become a topical issue. In late December 2017, cleaners of Hoi Lai Estate in Cheung Sha Wan went on strike. It was revealed that the service contractor has been exploiting the employees, and was allegedly involved in illegal bid-rigging while tendering for the HA contract. In view of the situation, in my capacity as a member of the Tender Committee, I urged the HA to improve the tendering system. The HA adopted a new policy to prevent bid-rigging behaviour, and the tendering procedure has been tightened up to ensure that the service contractors comply with all labour legislation and that its employees' rights are fully protected. Any failure to do so shall result in the contractor being banned from tendering for any future HA projects.

Unified Screening Mechanism for non-refoulement claims

The previous mechanisms to screen applications were struck down by the CFA; decisions made were re-opened under the new Unified Screening Mechanism (USM), hence creating a huge backlog of claims. For the integrity of the system, and for the fairness of all claimants, the USM must be done right.

The Government had introduced a number of policy changes, such as removing a person who had applied for judicial review against the appeal board's decision or legal aid, and was proposing amendments to the Immigration Ordinance to expedite the screening process, including significant tightening of timeframes for all stages in the process, allowing detention during screening of claim, etc. In fact, pending cases by the time of the proposal (January 2019) was down to 546, a significant improvement than before. By February 2020, there were only 245 pending cases. Over the years, various UN treaty bodies have raised concern over Hong Kong's screening mechanism, especially its low recognition rate, and the proposed legislative changes in 2018. I question strongly the necessity of introducing dramatic changes to expedite the process at the risk of failing the high standard of fairness and justice, hence exposing the mechanism to further legal challenges. Amongst other suggestions, I stressed that the Torture Claims Appeal Board should publish its redacted decisions to increase its transparency in handling appeals.



Our Lives Matter

My office and I have been in close contact with a group of asylum seekers who have been living in Hong Kong for over 10 years. They want to leave Hong Kong but are unable to.

These individuals have not committed any crime and have made consistent efforts to have their claims processed first through UNHCR mechanisms and then through the USM. They are unable to work. They receive allowances which barely cover their basic needs and in a society where sadly they are often labelled as criminals and see little opportunity for integration.

I am assisting these individuals in finding opportunities in third countries.

Financial Sector Reform

In 2018, the HKEx issued a consultation paper titled 'A Listing Regime for Companies from Emerging and Innovative Sector' and suggested 3 major reforms in the listing rules. First, to allow the listing of Biotech Companies that do not meet the Financial Eligibility Tests; second, to allow the listing of companies with Weighted Voting Rights (WVR) structure and; third, to create a new concessionary route to secondary listing for Qualifying Issuers.

I have expressed my concern over the new WVR structure in the LegCo meeting, especially that the rights of the small investors will be neglected. I have called for adding a sunset clause in the WVR regime for companies to review their corporate structures, and setting up a class action litigation fund for the small investors.

I will keep pushing for a regular review on the WVR structure and the introduction of a class action regime.

Hong Kong Conference 2019 - IPO Sponsors and Regulations

The Hon Kenneth Leung and I organised the **Hong Kong Conference 2019 - IPO Sponsors and Regulations** on 21 October 2019. We are happy to have more than 150 participants from the legal sector, accountancy sector, the banking sector and the regulators joining us and sharing with us their views on the IPO sponsors and regulations. This is especially significant after the SFC fined certain sponsors regarding their roles in various listing applications that were some of the heaviest in history.



Hong Kong Conference 2019 - IPO Sponsors and Regulations

Questions at Council meetings

W: Written question

O: Oral question

2016-2017

11 Jan 2017

The Government's stance on responding to the questions and comments from four Legislative Council Members

08 Feb 2017

Promoting bicycles as a mode of transport

15 Feb 2017

Air pollution and traffic congestion problems caused by vehicles

22 Mar 2017

Arrangements for the vehicles of the Chinese People's Liberation Army Hong Kong Garrison crossing the boundary

29 Mar 2017

Protection for victims of human trafficking

12 Apr 2017

Review of long-term and indeterminate sentences

24 May 2017

Regulation of person-to-person telemarketing calls

21 Jun 2017

Conviction records that may be withheld under the Rehabilitation of Offenders Ordinance

W

01 Mar 2017

Prevention of divulgence of government confidential information during the 2017 Chief Executive Election

O

2017-2018

01 Nov 2017

Review of long-term and indeterminate prison sentences

28 Feb 2018

Statistics and improvement measures relating to roadside air quality

28 Mar 2018

Replacement exercise for new smart Hong Kong identity cards

30 May 2018

Unsold first-hand private residential units

11 Jul 2018

Programmes for training educational psychologists

W

21 Mar 2018

Legislating against trafficking in persons and forced labour

23 May 2018

Assisting local residents in acquiring properties by levying new taxes

30 May 2018

Issuance of cryptocurrency

O

2018-2019

09 Jan 2019
Government's efforts in combating human trafficking

30 Jan 2019
Appointment of the Director of Public Prosecutions

20 Feb 2019
Enforcement of the Import and Export Ordinance

27 Feb 2019
Implementation of the sanctions decided by the Security Council of the United Nations

20 Mar 2019
Management of water resources

27 Mar 2019
Regulating the sale of first-hand private residential properties

03 April 2019
Regulation of financial technology applications

17 April 2019
Introduction of a mechanism for class actions

08 May 2019
Persons on remand pending trial

29 May 2019
Promoting the popularization of electric vehicles

14 Nov 2018
Reorganizing the duties of the Development Bureau and the Transport and Housing Bureau

23 Jan 2019
Bringing the Chief Executive within the ambit of sections 3 and 8 of the Prevention of Bribery Ordinance

2019-2020

06 Nov 2019
Law enforcement actions taken at the airport and on Lantau Island

27 Nov 2019
Law enforcement actions relating to the "anti-extradition to China" movement

04 Dec 2019
Operation of the Chinese People's Liberation Army Hong Kong Garrison

11 Dec 2019
Election Committee members representing the District Council subsectors

18 Dec 2019
The Police's arms and ammunition

15 Jan 2020
Trading funds

22 Apr 2020
Personal protective equipment

22 Apr 2020
Adjournment of court hearings

20 May 2020
Non-refoulement claims

24 Jun 2020
Support for children with special educational needs

24 Jun 2020
Remote hearings for court cases

27 May 2020
Enacting legislation on Article 23 of the Basic Law

Friday Tea Gatherings

2016-2017

02 Dec 2016

Third Party Funding Arbitration/Litigation

Ms. Kiran Sanghera

09 Dec 2016

The Latest Developments in Legal Aid

Mr. Thomas E. Kwong

17 Mar 2017

Brexit from the EU Perspective: Opportunities and Challenges for the European Union in 2017

Ms. Carmen Cano de Lasala



24 Mar 2017

Brexit from the British Perspective: Implications for the UK and HK as Financial and Legal Centres

Ms. Esther Blythe

31 Mar 2017

Everything you wanted to ask about advocacy but were afraid to ask

The Hon. Mr. Justice Zervos

21 April 2017

An In- depth Look at the Development of Human Trafficking and Forced Labour Laws in Hong Kong

Ms. Patricia Ho

05 May 2017

International Human Rights Law and the UN System: Observations on the Challenges and Opportunities of Human Rights Practice

Ms. Sharon K. Hom

12 May 2017

Resistance to Arbitration Agreement & Awards

The Hon. Madam Justice Mimmie Chan

26 May 2017

How to use Hong Kong e-Legislation

Ms. Theresa Johnson

16 Jun 2017

Lessons from the '2 laptops' and Updates on Cyber Security and Privacy Laws

Mr. Dominic Wai



2017-2018

08 Dec 2017

Stamp Duty Law Amendments

Mr. Tam Tai Pang

12 Jan 2018

Third Party Funding of Dispute Resolution: The Law Reform Experience in Hong Kong

Mr. Lee Tin Yan

23 Feb 2018

Corporate Governance – Sharing for Lawyers

Mr. Mohan Datwani



23 Mar 2018

Plugging the Expectation Gap – The Future of Charities Regulation in Hong Kong

Mr. Ambrose Ho SC

Mr. Justin Ismail

27 Apr 2018

International Conference on Combatting Human Trafficking 2018

Mr. Matthew Cheung, Lord McColl, Mr. Kurt Tong, Ms. Sara Goldsworthy, Mr. Tony Read, Ms. Patricia Ho, Mr. Jeremy Birch

14 Sep 2018

Defamation Law in Hong Kong – the Impact of the HKCFA’s Judgment in Chang Wa Shan v Esther Chan Pui Kwan

Mr. Kenneth K.Y. Lam

2018-2019

05 Oct 2018

Discrimination Law Review, EOC process and governance review

Mr. Mohan Datwani

Dr. Trisha Leahy BBS

26 Oct 2018

Artificial Intelligence (AI) in Law and Legal Practice

Mr. Antoine Blondeau

Mr. Daniel Walker



16 Nov 2018

ELM is not the only solution to solving HK’s future land needs

Mr. Roger Nissim

30 Nov 2018

My Experience in the Law

Mr. Justice Robert Tang Ching



15 Feb 2019

The Judicial Approach to Challenges to the Constitutionality of Legislation

The Hon. Mr. Justice Bokhary, GBM

29 Mar 2019
Mutual Legal Assistance in Criminal Matters Ordinance and Fugitive Offenders Ordinance
Ms. Margaret Ng

26 Apr 2019
What Singapore can teach us about tax policy and tax reform
Mr. Stefano Mariani

03 May 2019
Law Reform: Hearsay Evidence in Criminal Proceedings
Professor Simon Young
Mr. Wesley Wong SC



24 May 2019
Adults under the law - Is it just appropriate and just that 16 and 17 year old offenders be dealt with in Adult Courts?
Mr. John R. Reading SC



14 Jun 2019
Quick Guide to the Essentials of Competition Law in Hong Kong
Ms. Isabel Tam

21 Jun 2019
Anti-Money Laundering in a Nutshell
Mr. Michael Lintern-Smith

2019-2020

17 Jan 2020
Judicial Striking-down of Constitutional Legislation
The Hon. Mr. Justice Bokhary, GBM



***Friday Tea Gatherings were suspended in 2020 due to Covid-19**

I would like to express my deepest gratitude to all the distinguished speakers for their informative and insightful sharing.

LegCo Committees

Panels / Committee

House Committee +++
Finance Committee
Panel on Administration of Justice and Legal Services ++
Panel on Commerce and Industry
Panel on Constitutional Affairs
Panel on Economic Development
Panel on Education
Panel on Environmental Affairs
Panel on Financial Affairs
Panel on Security
Committee on Rules of Procedure

Investigation Committee

Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon Holden CHOW Ho-ding

Investigation Committee established under Rule 49B(2A) of the Rules of Procedure in respect of the motion to censure Hon HUI Chi-fung

Other subcommittees under the House Committee

2017-2018

Issues Relating to Shopping Centres, Markets and Carparks in Public Rental Housing Estates and Home Ownership Scheme Estates

Proposed Senior Judicial Appointments
Rights of Ethnic Minorities

Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions

Follow up Issues Relating to the Three-runway System at the Hong Kong International Airport

Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims

2018-2019

Issues Relating to Shopping Centres, Markets and Carparks in Public Rental Housing Estates and Home Ownership Scheme Estates

Proposed Senior Judicial Appointments
Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions

Follow Up Issues Relating to the Unified Screening Mechanism for Non-refoulement Claims

2019-2020

Examine the Implementation in Hong Kong of Resolutions of the United Nations Security Council in relation to Sanctions

+As Chairman

++ As Deputy Chairman

+++ As Deputy Chairman from 2016 to 18 May 2020

Bills Committee

2016-2017

Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 and Companies (Amendment) Bill 2017

Apology Bill

Arbitration (Amendment) Bill 2016

Arbitration and Mediation Legislation (Third Party Funding) (Amendment) Bill 2016 +

Cross-boundary Movement of Physical Currency and Bearer Negotiable Instruments Bill

Inland Revenue (Amendment) (No. 2) Bill 2017

Inland Revenue (Amendment) (No. 3) Bill 2017

Medical Registration (Amendment) Bill 2017

Statute Law (Miscellaneous Provisions) Bill 2017 +

2017-2018

Anti-Money Laundering and Counter-Terrorist Financing (Financial Institutions) (Amendment) Bill 2017 and Companies (Amendment) Bill 2017

Banking (Amendment) Bill 2017

Companies (Amendment) Bill 2018

Employment (Amendment) (No. 2) Bill 2017

Evidence (Amendment) Bill 2018

Financial Reporting Council (Amendment) Bill 2018

Guangzhou-Shenzhen-Hong Kong Express Rail Link (Co-location) Bill

Inland Revenue (Amendment) (No. 2) Bill 2018

Inland Revenue (Amendment) (No. 3) Bill 2018

Inland Revenue (Amendment) (No. 5) Bill 2017

Inland Revenue (Amendment) (No. 5) Bill 2018

Bills Committee on Inland Revenue (Amendment) (No. 6) Bill 2017

Bills Committee on Medical Registration (Amendment) Bill 2017

2018-2019

Discrimination Legislation (Miscellaneous Amendments) Bill 2018

Evidence (Amendment) Bill 2018

Financial Reporting Council (Amendment) Bill 2018

Fugitive Offenders and Mutual Legal Assistance in Criminal Matters Legislation (Amendment) Bill 2019

Inland Revenue (Amendment) (No. 5) Bill 2018

Inland Revenue (Amendment) (No. 6) Bill 2018

Judicial Officers (Extension of Retirement Age) (Amendment) Bill 2019

National Anthem Bill

Smoking (Public Health) (Amendment) Bill 2019

2019-2020

Discrimination Legislation (Miscellaneous Amendments) Bill 2018

Smoking (Public Health) (Amendment) Bill 2019

Subcommittees on subsidiary legislation under the House Committee

2017-2018

Practising Certificate (Solicitors) (Amendment) Rules 2018 +

Proposed Resolution under Section 3(1) of the Loans Ordinance (Cap. 61)

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

Proposed Resolutions under the District Court Ordinance and the Small Claims Tribunal Ordinance

Subsidiary Legislation Relating to the Commissioning of the West Kowloon Station of the Guangzhou-Shenzhen-Hong Kong Express Rail Link and Gazetted on 1 June 2018

Trainee Solicitors (Amendment) Rules 2017 (Commencement) Notice

2018-2019

Arbitration (Appointment of Arbitrators and Mediators and Decision on Number of Arbitrators) (Amendment) Rules 2019

Financial Institutions (Resolution) (Loss-absorbing Capacity Requirements-Banking Sector) Rules

Foreign Lawyers Practice (Amendment) Rules 2018 (Commencement) Notice, Solicitors' Practice (Amendment) Rules 2018 (Commencement) Notice and Summary Disposal of Complaints (Solicitors) (Amendment) Rules 2018 (Commencement) Notice +

Fugitive Offenders (France) Order

Insurance (Prescribed Fees) (Amendment) Regulation 2019

Proposed Resolution under Section 3(1) of the Loans Ordinance (Cap. 61)

Registration of Persons (Application for New Identity Cards) Order 2018 (Amendment) Order 2019

Registration of Persons (Application for New Identity Cards) Order 2018 and Registration of Persons (Application for New Identity Cards) Order (Repeal) Order

Securities and Futures (Financial Resources) (Amendment) Rules 2018 (2018-2019 as member)

Solicitors (Professional Indemnity) (Amendment) Rules 2019 and Solicitors (Professional Indemnity) (Amendment) (No. 2) Rules 2019

Subsidiary Legislation to Implement the Latest Requirements under Conventions of the International Maritime Organization

Toys and Children's Products Safety Ordinance (Amendment of Schedules 1 and 2) Notice 2019

2019-2020

Prohibition on Face Covering Regulation

A person in a dark suit is seen from the back, standing by a large window. The window looks out onto a city skyline with several tall buildings under a cloudy sky. The lighting is soft, suggesting late afternoon or early morning. The person's hand is resting on a white surface in the foreground, possibly a desk or table.

P.S.

As I write this message, I am not sure whether I would be able to continue to serve as your LegCo representative. There are some who say that most, if not all, Democrats would from now on be disqualified from serving as LegCo members.

Those in power have made these threats against me personally. I do not see any legal basis. However, politics and loyalty seem to trump everything else these days. This may be the final and last work report from me. Whatever happens going forward, I am sure the legal profession will continue to stand united together on matters of principle and the rule of law. Long may this tradition continue - a tradition laid down by my predecessors and upheld to the best of my ability in the past 8 years of service.

23 June 2020



E	POSTAGE PAID HONG KONG CHINA 中國香港 郵資已付	Permit No. 特許編號 NO.6986
---	--	-------------------------------

Legislative Council Office

Room 813, 8/F, Legislative Council Complex,
1 Legislative Council Road, Central, Hing Kong
Tel: 2243 5508 Fax: 2243 5509

 www.denniskwok.hk

 dennis@denniskwok.hk

 www.facebook.com/cpdenniskwok/

 denniskwok.wordpress.com

 www.youtube.com/user/DennisKwok2012

 <https://twitter.com/cpdenniskwok>