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When you have to be right

2021 JULY

HONG KONG COMPANY LAW & PRACTICE

MANAGEMENT & ADMINISTRATION

- Misfeasance [[¶20-390M](#)] – Case report on Great Genius Industrial Ltd v LG Corporation Ltd & Ors [[2020](#)] HKCFI 2890.
- Corporate social responsibility [[¶20-390N](#)] – Case report on Wing Hong Construction Ltd v Hui Chi Yung & Ors [[2020](#)] HKCFI 2985; and Cyberworks Audio Video Technology Ltd (In Compulsory Liq) v Mei Ah (HK) Co Ltd [[2020](#)] HKCFI 398.
- The statutory derivative action [[¶20-395](#)] – Case report on Sevilleja v Marex Financial Ltd [[2020](#)] 1 All ER 585, UKSC; and Predicine Holdings Ltd v Bianchi (Hong Kong) Ltd & Ors [[2021](#)] HKCFI 123.
- Disqualification orders [[¶20-910](#)] – Case report on Securities and Futures Commission v Wong Ho Kwan & Ors [[2020](#)] HKCFI 727.

HONG KONG COMPANY LAW CASES [[2021 April & May selection](#)]

- 32 selected cases headnoted by team of barristers led by William Wong SC and Look Ho Chan from Des Voeux Chambers.
- First Hong Kong Decision Refusing to Assist Offshore Soft-Touch Provisional Liquidators: Re China Bozza Development Holdings Ltd

More details see [Hong Kong Company Law & Practice](#) and [Hong Kong Directors' Manual](#).

HONG KONG LEGISLATION AMENDMENT

1. Bankruptcy Ordinance ([Cap. 6](#)), revised
 - Part I Short Title and Interpretation
 - Part III Administration of Property
 - Part V Trustees and Provisional Trustees
2. Evidence Ordinance ([Cap. 8](#)), revised
 - Part III Admissible Documents
3. Oaths and Declarations Ordinance ([Cap. 11](#)), revised
 - Part II Oaths and Declarations in General
 - Schedule 1
 - Schedule 3
4. Insurance (Designation and Annual Fees for Designated Insurance Holding Companies) Regulation ([Cap. 41N](#)), revised
 - Whole
5. Insurance (Group Capital) Rules ([Cap. 41O](#)), revised
 - Part 1 Preliminary
 - Part 2 Group Capital Adequacy
6. Insurance (Special Purpose Business) Rules ([Cap. 41P](#)), revised
 - Whole
7. Public Lighting Ordinance ([Cap. 105](#)), revised
 - Whole
8. Telecommunications (Designation of Frequency Bands subject to Payment of Spectrum Utilization Fee) Order ([Cap. 106Y](#)), revised
 - Schedule

9. Telecommunications (Method for Determining Spectrum Utilization Fee) (Code Division Multiple Access Mobile Telecommunications Service) Regulation ([Cap. 106AB](#)), revised

- Whole

10. Telecommunications (Determining Spectrum Utilization Fees by Auction) Regulation ([Cap. 106AC](#)), revised

- Main
- Schedule 4 Frequency Bands

11. Telecommunications (Method for Determining Spectrum Utilization Fee) (Spectrum for Auction) Regulation ([Cap. 106AG](#)), revised

- Main
- Schedule Frequency Bands

12. Telecommunications (Registration of SIM Cards) Regulation ([Cap. 106AI](#)) (new legislation)

13. Inland Revenue Ordinance ([Cap. 112](#)), revised

- Part 1 Introductory
- Part 4 Profits Tax
- Part 6 Depreciation, etc.
- Part 6C Qualifying Amalgamations
- Part 6D Specified Assets
- Part 8 Double Taxation Relief, Exchange of Information and Other International Tax Cooperation
- Part 9 Returns, etc.
- Part 14 Penalties and Offences
- Schedule 17J Qualifying Amalgamations — Special Tax Treatment
- Schedule 45 Deduction of R&D Expenditures

14. Inland Revenue (Profits Tax Concessions for Insurance-related Businesses) (Threshold Requirements) Notice ([Cap. 112DO](#)), revised

- Whole

15. Building (Construction) Regulation ([Cap. 123Q](#)), revised

- Part 1 Preliminary

16. Societies Ordinance ([Cap. 151](#)), revised

- Main

17. Pounds Ordinance ([Cap. 168](#)), revised

- Whole
18. Prevention of Bribery Ordinance ([Cap. 201](#)), revised
- Part II Offences
 - Part III Powers of Investigation
 - Part V Miscellaneous
19. Independent Commission Against Corruption Ordinance ([Cap. 204](#)), revised
- Whole
20. Theft Ordinance ([Cap. 210](#)), revised
- Main
21. Employees' Compensation Ordinance ([Cap. 282](#)), revised
- Part II Compensation for Injury
22. Tax Reserve Certificates (Rate Of Interest) (Consolidation) Notice ([Cap. 289B](#)), revised
- Schedule
23. Ozone Layer Protection Ordinance ([Cap. 403](#)), revised
- Main
24. Ozone Layer Protection (Controlled Refrigerants) Regulation ([Cap. 403B](#)), revised
- Whole
25. The Education University of Hong Kong Ordinance ([Cap. 444](#)), revised
- Part VII General
26. Mutual Legal Assistance in Criminal Matters (Mongolia) Order ([Cap. 525AI](#)), revised
- Main
27. United Nations Sanctions (Yemen) Regulation 2019 ([Cap. 537CI](#)), revised
- Part 1 Preliminary
 - Part 2 Prohibitions
 - Part 7 Other Offences and Miscellaneous Matters
28. Electoral Affairs Commission (Nominations Advisory Committees (Legislative Council)) Regulation ([Cap. 541C](#)), revised
- Part 1 Preliminary
 - Part 2 The Committee
 - Part 3 Procedure of the Committee and Miscellaneous Provisions
29. Electoral Procedure (Chief Executive Election) Regulation ([Cap. 541J](#)), revised
- Part 6 Counting of Votes

- Part 10 Election Advertisements

30. Electoral Affairs Commission Ordinance ([Cap. 541](#)), revised

- Part 1 Preliminary
- Part 2 Establishment of Commission
- Part 3 Functions, Power and Duties of Commission
- Part 5 Recommendations of Commission

31. Electoral Affairs Commission (Electoral Procedure) (Legislative Council) Regulation ([Cap. 541D](#)), revised

- Part 1 Preliminary
- Part 2 Nomination of Candidates and Other Stages of an Election before the Poll: General Election and By-elections
- Part 3 Contested Elections: General Election and By-elections
- Part 4 Counting of Votes: General Election and By-elections
- Part 5 Disposal of Documents: General Election and By-elections
- Part 6 Miscellaneous and Supplemental Provisions: General Election and By-elections
- Part 7 Election Advertisements
- Part 8 Electronic Copy or Extract of Final Register for Purposes of Section 53(7)(b)
- Schedule 2 Postponement and Adjournment of General Election and By-election
- Schedule 3 Forms of Ballot Papers for a General Election/By-election
- Schedule 4 Forms for the Notice of Election Result under [Section 58](#) of the [Legislative Council Ordinance \(Cap. 542\)](#)

32. Electoral Affairs Commission (Electoral Procedure) (District Councils) Regulation ([Cap. 541F](#)), revised

- Part 1 Preliminary
- Part 3 Contested Elections: Ordinary Election and By-elections
- Part 4 Counting of the Votes: Ordinary Election and By-elections
- Part 5 Disposal of Documents: Ordinary Election and By-elections
- Part 6 Miscellaneous and Supplemental Provisions: Ordinary Election and By-elections
- Part 7 Election Advertisements
- Part 8 Electronic Copy or Extract of Final Register for Purposes of Section 56(3)(b)
- Schedule 1 Postponement and Adjournment of Ordinary Election and By-elections

33. Electoral Affairs Commission (Electoral Procedure) (Election Committee) Regulation ([Cap. 541I](#)), revised

- Part 1 Preliminary
- Part 1A Registration as Ex-Officio Members
- Part 2 Nominations and Supplementary Nominations and Other Stages of Subsector Election Before Poll
- Part 3 Contested Subsector Elections
- Part 4 Counting of Votes: Subsector Elections
- Part 5 Disposal of Documents: Subsector Elections
- Part 6 Miscellaneous and Supplemental Provisions: Subsector Elections
- Part 7 Election Advertisements
- Part 8 Electronic Copy or Extract of Subsector Final Register for Purposes of Section 53(5)(b)
- Schedule 1 Postponement and Adjournment of Subsector Elections
- Schedule 2 Form of Ballot Paper and Form of Notice of Result of Subsector Election

34. Particulars Relating to Candidates on Ballot Papers (Legislative Council and District Councils) Regulation ([Cap. 541M](#)), revised

- Part 1 Preliminary
- Part 2 Request to Print Particulars Relating to Candidates on Ballot Papers
- Part 3 Application for Registration of Name and Emblem as Particulars to be Included as Subject of Request Made under Section 3
- Part 4 Processing of Application
- Part 5 Registration and De-registration of Name, Emblem, etc.
- Part 6 Miscellaneous
- Schedule Particulars Relating to Candidates

35. Legislative Council Ordinance ([Cap. 542](#)), revised

- Part 3 Establishment of Constituencies
- Part 11 Miscellaneous
- Schedule 3 (Omitted as spent)

36. Legislative Council (Subscribers and Election Deposit for Nomination) Regulation ([Cap. 542C](#)), revised

- Whole

37. Legislative Council (Election Petition) Rules ([Cap. 542F](#)), revised

- Main
 - Schedule Election Petition
38. Maximum Amount of Election Expenses (Chief Executive Election) Regulation ([Cap. 554A](#)), revised
- Whole
39. Maximum Amount of Election Expenses (Legislative Council Election) Regulation ([Cap. 554D](#)), revised
- Whole
40. Securities and Futures Ordinance ([Cap. 571](#)), revised
- Part III Exchange Companies, Clearing Houses, Exchange Controllers, Investor Compensation Companies and Automated Trading Services
 - Part VIII Supervision and Investigations
 - Part XIII Market Misconduct Tribunal
 - Part XIV Offences Relating to Dealings in Securities and Futures Contracts, etc.
 - Part XIVA Disclosure of Inside Information
 - Part XV Disclosure of Interests
 - Part XVII Repeals and Related Provisions
 - Schedule 1 Interpretation and General Provisions
 - Schedule 5 Regulated Activities
 - Schedule 10 Savings, Transitional, Consequential and Related Provisions, etc.
41. Securities and Futures (Price Stabilizing) Rules ([Cap. 571W](#)), revised
- Part 1 Preliminary
42. Securities and Futures (OTC Derivative Transactions—Clearing and Record Keeping Obligations and Designation of Central Counterparties) Rules ([Cap. 571AN](#)), revised
- Part 2 Clearing Obligation
43. Companies (Residential Addresses and Identification Numbers) Regulation ([Cap. 622N](#)) (new legislation)
44. Court Proceedings (Electronic Technology) (Specification of e-Courts) Rules ([Cap. 638A](#)) (new legislation)
45. Court Proceedings (Electronic Technology) (Magistrates' Court) Rules ([Cap. 638B](#)) (new legislation)
46. Court Proceedings (Electronic Technology) (District Court Civil Proceedings) Rules ([Cap. 638C](#)) (new legislation)

47. Court Proceedings (Electronic Technology) (District Court Criminal Proceedings) Rules (Cap. 638D) (new legislation)

48. Court Proceedings (Electronic Technology) (District Court) (Electronic Fees) Rules (Cap. 638E) (new legislation)

49. Court Proceedings (Electronic Technology) (Magistrates' Court) (Electronic Fees) Rules (Cap. 638F) (new legislation)

50. Mercury Control Ordinance (Cap. 640) (new legislation)

51. University Of Hong Kong Ordinance (Cap. 1053), revised

- Schedule Statutes of the University of Hong Kong

More details see [Updated Legislation: June 2021](#) and [Updated Legislation: July 2021](#)

FOREIGN INVESTMENT IN CHINA

FOREIGN INVESTMENT

- Foreign investment scales [[¶25-015](#)]

2021 LEGISLATIVE AND POLICIES DEVELOPMENT

- Nationwide implementation of the “Full Coverage List” management of enterprise business license [[¶100-059](#)]
- Adjust the approval of entertainment venues and Internet service business premises [[¶100-060](#)]
- Hainan Free Trade Port Law [[¶100-061](#)]
- Shenzhen encourages establishment of headquarters companies [[¶100-062](#)]

More details see [China Business Law Guide](#).

CHINA INTELLECTUAL PROPERTY LAW

RECENT IP LEGISLATION DEVELOPMENT

- Support claims for attorneys' fees from abusive plaintiffs [[¶15-034](#)]
- Foreigners taking the patent attorney qualification examination [[¶15-035](#)]
- Chongqing Intellectual Property Court established [[¶15-036](#)]

TRADEMARKS

- Trademark infringement standard [[¶21-368](#)]

PATENTS

- Guideline to handle administrative cases involving patent infringement disputes [[¶43-935](#)]

More details see [China Intellectual Property Law Reference Service](#).

CHINA TAX

LEGISLATION AND POLICY TRACKER

- The Stamp Duty law officially released [[¶8-062](#)]
- Land value-added tax policy for enterprise restructuring [[¶8-063](#)]
- Amendment to the Measures for the Trial of Major Tax Cases [[¶8-064](#)]
- Shanghai implements pilot infrastructure REITs program [[¶8-065](#)]

More details see [China Tax and Customs Law Guide](#).

HONG KONG REVENUE - BOARD OF REVIEW CASES

1. Profits Tax: D16/19

Case#: X143

Citation: [\[2021\] HKRC ¶81-531](#)

2. Profits Tax: D15/19

Case#: X142

Citation: [\[2021\] HKRC ¶81-530](#)

3. Salaries Tax: D14/19

Case#: X141

Citation: [\[2021\] HKRC ¶81-529](#)

4. Salaries Tax: D12/19

Case#: X140

Citation: [\[2021\] HKRC ¶81-528](#)

5. Profits Tax: D11/19

Case#: X139

Citation: [\[2021\] HKRC ¶81-527](#)

6. Salaries Tax: D10/19

Case#: X138

Citation: [\[2021\] HKRC ¶81-526](#)

7. Salaries Tax: D8/19

Case#: X137

Citation: [\[2021\] HKRC ¶81-525](#)

More details see [Hong Kong Inland Revenue Legislation Commentary](#).

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