



DAILY INFORMATION BULLETIN

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113 VMs depart on orderly repatriation flight

A group of 113 Vietnamese migrants (VMs) returned by air to Hanoi, Vietnam today (Wednesday) on the 27th flight under the Orderly Repatriation Programme (ORP).

All but one of the returnees, comprising 51 men, 27 women, 19 boys and 16 girls, are from south and central Vietnam.

Most of the returnees were transferred from High Island Detention Centre to Victoria Prison on November 30. The majority of them arrived in Hong Kong in 1991, with the remaining in 1988, 1989 and 1990.

The group, which is the largest on any single flight so far, brought to 1,737 the total number repatriated on ORP flights since November 1991.

The Refugee Co-ordinator, Mr Brian Bresnihan, stressed the commitment of the Hong Kong Government to the Comprehensive Plan of Action and the return of non-refugees to their home country.

End

Monitors' Report submitted to Chief Secretary

The monitors appointed to observe the Orderly Repatriation Programme operation this (Wednesday) morning have submitted their report to the Chief Secretary.

The monitors were Mrs Lisa Chee Leung Siu-ling, a Justice of the Peace; and the Rev John A Aldis from Christian Action.

End

District Festival facilitates community building: DHA

* * * * *

The Sham Shui Po District Festival has been a major vehicle to community building in the district, the Director of Home Affairs, Mrs Shelley Lau, said this (Wednesday) evening.

Officiating at the opening ceremony of the annual festival at Hong Kong Coliseum, Mrs Lau said this was because the festival had strengthened residents' sense of belonging towards their district.

Members of the public, Mrs Lau said, could be involved in community affairs while they joined the various programmes designed to promote the theme of this year's festival - Building A Better Sham Shui Po.

The opening ceremony was followed by a variety show produced by the Metro Broadcast Corporation which featured performances by famous singers and local groups.

As many as 46 cultural and recreational activities will be organised by local groups between today and January 14 next year, including carnivals, outings, feasts for the elderly, singing and dancing contests, as well as photo and drawing competitions.

Residents wishing to know more about the festival activities can obtain a programme leaflet at the Sham Shui Po District Office and its sub-offices, or telephone 2720 4251 extension 35.

The festival is organised by the Sham Shui Po District Festival Co-ordinating Committee with the assistance of the Sham Shui Po District Office.

It is sponsored by the Sham Shui Po District Board and China Light and Power Company and subsidised by the Urban Council.

End

Water cut in Yuen Long

Fresh and flushing water supply to some premises in Yuen Long will be temporarily cut off from 11 pm on Saturday (December 16) to 11 pm the following day to facilitate watermain works.

The suspension will affect Fung Chi Tsuen, Chung Hing San Tsuen, Chung Hau Tsuen, Tung Tau Wai San Tsuen, Kwan Lok San Tsuen, Wang Chau Tung Tau industrial area, Wang Chau Yeung Uk Tsuen, Yeung Uk San Tsuen, Wang Chau Tai Tseng Wai, Tai Tseng Ng Uk Tsuen, Wang Chau Fuk Hing Tsuen, Shing Uk Tsuen, Lam Uk Tsuen, Sai Tau Wai, Chung Sam Wai and Ting Fuk Garden.

In addition, water supply pressure to Long Ping Estate will be reduced.

End

Hong Kong Monetary Authority money market operations

	\$ million	Time (hours)	Cumulative change (\$million)
	-----	-----	-----
Opening balance in the account	1,832	0930	-560
Closing balance in the account	1,617	1000	-561
Change attributable to :		1100	-561
Money market activity	-570	1200	-560
LAF today	+355	1500	-560
		1600	-570

LAF rate 4.25% bid/6.25% offer TWI 122.4 *-0.1* 6.12.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.79	2 years	2711	5.60	100.07	5.64
1 month	5.68	3 years	3810	6.15	100.93	5.88
3 months	5.56	5 years	5009	6.95	102.80	6.36
6 months	5.54	7 years	7211	6.82	100.86	6.77
12 months	5.53	5 years	M502	7.30	102.58	6.79

Total turnover of EF bills and notes - \$20,712 million

Closed December 6, 1995

End

Bill to codify preliminary offences introduced into LegCo

* * * * *

A bill seeking to codify the preliminary offences of conspiracy, attempt and incitement was introduced into the Legislative Council today (Wednesday).

Moving the second reading of the Crimes (Amendment) Bill 1995, the Attorney General, the Hon Jeremy Mathews, said the offences of incitement, conspiracy and attempt formed an important part of the criminal law. "They provide sanctions against those who are engaged in activities preparatory to objectives which are prohibited by law," he said.

However, he noted that in Hong Kong, the law governing these preliminary offences was based almost entirely on judicial precedents and was in certain respects unclear and lacking in precision.

The Bill seeks to implement the recommendations in the Law Reform Commission's (LRC) Report published in March last year.

Mr Mathews said that as the LRC recommended, codification of these preliminary offences would enhance accessibility of the law in that it would no longer be necessary to consult a large number of cases to find out what the law was.

The law would also become more comprehensible to lawyers and non-lawyers alike and more certain in its operation, he noted.

Explaining the offence of conspiracy, Mr Mathews said the offence at common law consisted of an agreement between two or more persons to effect some unlawful purpose.

In respect of the offence of conspiracy, the Bill provides for:

- * a statutory definition of the elements constituting the offence of 'conspiracy', which is essentially an agreement by two or more persons to do an act amounting to or involving an offence; and
- * abolition of the two common law offences of conspiracy to corrupt public morals and conspiracy to outrage public decency.

On the latter proposal, Mr Mathews noted that the LRC recommended the abolition of these offences on the grounds that they were "of extreme and uncertain width", were "largely subjective and could evolve into a means of suppressing unpopular or religious beliefs".

In addition, it was pointed out that the offences served little purpose as they had not been employed in recent years, if at all and there were in any case existing statutory provisions which adequately dealt with obscene public performances, displays and publications.

Turning to the offence of attempt, the Attorney General said the Bill provided for a definition of "attempt" as an act which was more than merely preparatory to the commission of an offence.

It also provided that, where it is an offence to do something recklessly, it would also be an offence for a person to be reckless in attempting to do that thing, he said.

On the offence of incitement, Mr Mathews said the Bill provided for a statutory definition of the offence.

It also sought to retain the offence of incitement to conspire as recommended by the LRC because of its importance in the context of triad crime, which related to long term conspiracies such as those involving gambling, prostitution and drugs, he added.

Mr Mathews said in respect of each of the three offences, the Bill sought to remove the defence of impossibility, in line with the LRC's proposal on the basis that "it leads to the acquittal of individuals who would otherwise be considered a danger to society".

Debate of the Bill was adjourned.

End

AG moves second reading of Crimes (Amendment) Bill

* * * * *

Following is the speech by the Attorney General, the Hon Jeremy Mathew's, in moving the second reading of the Crimes (Amendment) Bill 1995, in the Legislative Council today (Wednesday):

Mr President,

I move that the Crimes (Amendment) Bill 1995 be read a second time.

The purpose of the Bill is to codify the preliminary offences of conspiracy, attempt and incitement.

These offences, which are generally referred to as the preliminary offences, form an important part of the criminal law. They provide sanctions against those who are engaged in activities preparatory to objectives which are prohibited by law. In Hong Kong, the law governing these preliminary offences is based almost entirely on judicial precedents. That law is in certain respects unclear and lacking in precision.

In March 1994, the Law Reform Commission published a report recommending the codification of the preliminary offences, based largely on relevant legislation in the United Kingdom. Such a codification would result in the following benefits -

- * it would enhance accessibility in that it would no longer be necessary to consult a large number of cases to find out what the law was;
- * it would be more comprehensible to lawyers and non-lawyers alike; and
- * it would be more certain in its operation.

In addition to setting out the law in legislative form, the Commission recommended its amendment and improvement in two key areas. First, the defence of impossibility (which at present can lead to anomalous results) should be abolished in respect of all three preliminary offences and secondly, the common law offences of conspiracy to corrupt public morals and outrage public decency should be abolished.

The Commission's proposals followed extensive consultation within the legal profession, the Judiciary, the tertiary institutions and law enforcement agencies.

Mr President, there was clear support for the recommended codification of the offences of conspiracy, attempt and incitement and for abolition of the common law offences of conspiracy to corrupt public morals and outrage public decency. The Bill now before the Council seeks to implement the recommendations in the Law Reform Commission's report.

Conspiracy

Let me say briefly what those preliminary offences mean and the proposed codification of the relevant laws. The offence of conspiracy at common law consists of an agreement between two or more persons to effect some unlawful purpose. The Bill's provisions for the codification of the offence of conspiracy are set out in new sections 159A - 159E under clause 2 and are based on the provisions in Part I of the English Criminal Law Act 1977. The more significant provisions provide for:

- * a statutory definition of the elements constituting the offence of 'conspiracy' is set out in new section 159A(1). Essentially it is an agreement between two or more persons to do an act amounting to or involving an offence. The Law Reform Commission considered that such a definition gives a greater degree of clarity to the law and recommended its adoption;
- * secondly, the abolition of the two common law offences of conspiracy to corrupt public morals and conspiracy to outrage public decency. This is dealt with in new section 159E. The Law Reform Commission recommended the abolition of these offences on the grounds that they were "of extreme and uncertain width", were "largely subjective and could evolve into a means of suppressing unpopular or religious beliefs". In addition, it was pointed out that the offences served little purpose as they had not been employed in recent years, if at all. There were in any case existing statutory provisions which adequately dealt with obscene public performances, displays and publications.

Attempt

Turning to the offence of attempt, a person attempts a crime if he takes more than preparatory steps towards the commission of that crime. The Bill's provisions for codification of the offence of attempt are based on the English Criminal Attempts Act 1981 (as amended) and the draft criminal code contained in a report entitled "A Criminal Code for England and Wales" published by the English Law Commission. They provide for:

- * a definition of 'attempt' as an act which is more than merely preparatory to the commission of an offence. This is contained in new section 159H. The definition gives flexibility. It is designed to be wide enough to cover two varieties of case:
 - First, where a person has taken all steps which he believes to be necessary toward the commission of a crime, as when a person fires a gun at another and misses; and
 - Secondly, where a person has to take some further step to complete his crime, assuming he has the necessary mental element to commit it. An example would be where the defendant has raised a gun to take aim but has not squeezed the trigger.
- * that, where it is an offence to do something recklessly, it will also be an offence for a person to be reckless in attempting to do that thing. For example, since it is already an offence for a man to have intercourse with a non-consenting woman if he realises that she may not be consenting, it will also be an offence for a man to attempt to have intercourse in such circumstances; and
- * retention of the offence of attempt to conspire. The English Law Commission has cited a good example of a charge of attempt to conspire : where A agrees with B to commit an offence and B is a police informer who tries to prevent the offence from being committed, there is no completed conspiracy because B lacks the necessary intention. However, A has done all he can to conspire and does have the necessary intention. There is in such a case no reason why A should not be guilty of an attempt to conspire. The Law Reform Commission recommended the retention of this offence.

Incitement

The offence of incitement takes place when one person seeks to persuade another to commit a crime. The provisions for codification of the offence of incitement are based on clauses in the English Law Commission Draft Criminal Code. The more significant provisions provide for:

- * a statutory definition of the offence of incitement, set out in new section 159M; and
- * retention of the offence of incitement to conspire as recommended by the Law Reform Commission because of its importance in the context of triad crime, which relates to long term conspiracies such as those involving gambling, prostitution and drugs.

Defence of Impossibility

In respect of each of the three offences, the Bill removes the defence of impossibility, in line with the Commission's proposal. New section 159H, for instance, deals with that defence in relation to attempt and addresses the situation where the offender has the necessary guilty mind to commit an offence but because of some fact of which he is ignorant or about which he is mistaken, the result he intended could not be achieved, or if it could be achieved, would not give rise to the crime he intended to commit. Under current law, for instance, a would-be pickpocket who attempts to steal from an empty pocket could plead the defence of impossibility. The Bill proposes to remove such a defence, on the basis (as argued by the Commission) that "it leads to the acquittal of individuals who would otherwise be considered a danger to society".

The Bill is part of an on-going process in my department of keeping the criminal law under constant review and reform to ensure that it is more accessible, comprehensible, consistent and certain.

Mr President, I commend the Bill to the Council.

End

Pneumoconiosis (Compensation) (Amendment) Bill

* * * * *

Following is the speech by the Secretary for Education and Manpower, Mr Joseph W P Wong, in moving the second reading of the Pneumoconiosis (Compensation) (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Pneumoconiosis (Compensation) (Amendment) Bill 1995.

The Bill seeks to make a number of improvements to the Pneumoconiosis Compensation Scheme following a review of the scheme we completed earlier this year.

First, we propose to introduce a separate compensation item for pain, suffering and loss of amenities (PSLA) at \$2,100 per month and to provide that all eligible pneumoconiotics under the Scheme will receive the same monthly compensation payment of \$2,100 irrespective of their degree of incapacity assessed under the Scheme. Currently, the amount of \$2,100 is included in the compensation formula without being specified as compensation for PSLA but the actual amount payable is calculated according to the degree of incapacity. As a result, only about 3.5% of the total number of pneumoconiotics assisted under the Scheme can receive the full amount of \$2,100. This proposal will be a substantial improvement to the Scheme in that all eligible pneumoconiotics will be able to receive the full amount of \$2,100 as compensation for PSLA. This includes more than half of the pneumoconiotics who opted into the Scheme after it was last amended in 1993, but who could not receive any part of \$2,100 because they had been assessed to have suffered no additional degree of incapacity.

Secondly, we propose to provide a certain degree of flexibility to the Pneumoconiosis Medical Board in its assessment of incapacity. Under the existing Ordinance, a pneumoconiotic's degree of incapacity is determined solely upon his loss of lung function measured by reference to the Forced Vital Capacity (FVC) figure obtained through a spirometric test. While we consider it appropriate to continue using the FVC test to assess the pneumoconiotics' degree of lung function loss, we also consider it necessary to provide a certain degree of flexibility to the Medical Board in its assessment so as to take account of the varying physical conditions of patients. We therefore propose to empower the Medical Board to consider, where necessary, the findings of not only the FVC test but also other lung function tests or clinical findings relevant to a pneumoconiotic's loss of lung function, and to adjust the degree of incapacity as assessed by reference to the FVC test by no more than 5%. We further propose that where a pneumoconiotic cannot perform the FVC test at all due to certain co-existing medical conditions such as stroke or tracheostomy, the Medical Board should be empowered to assess the degree of that pneumoconiotic's loss of lung function on the basis of the findings of such other clinical examinations as it considers appropriate.

Thirdly, as rehabilitation is as important to the well-being of pneumoconiotics as the prevention of pneumoconiotics through educational, publicity and research programmes already financed by the Pneumoconiosis Compensation Board, we propose to expand the functions of the Pneumoconiosis Compensation Fund Board to cover the conduct and financing of rehabilitation programmes.

Fully, we propose to improve the operation of the Scheme in the right of the Fund Board's experience in the following areas:

* First, as to the payment of medical expenses. We propose that in the event a pneumoconiotic dies before receiving any payments for medical expenses claimed by him, the expenses for medical treatment or medical appliances which were incurred or paid for on his behalf by another person should be paid to that other person. This other person may be his family member, relative, friend or any supplier of medical equipment. This will be an improvement over the existing provision under the Ordinance whereby all such payment goes to the family members of the deceased pneumoconiotic regardless of whether they are the ones who have actually incurred such expenses.

* Second, the monthly interim payments of compensation payable to the family members of a deceased pneumoconiotic pending final settlement of compensation for death. At present, interim payments are required to be paid in equal shares. We propose that these interim payments should be distributed amongst these family members in the same proportion as the distribution of other compensation items under the Ordinance. This will serve to uphold the original intention underlying the provision of interim payments that the aggregate of such payments to the family members of a deceased pneumoconiotic should not exceed the total amount of the compensation for death to which they are entitled. It will also prevent cases of overpayments which have occurred as a result of the two different distribution systems under the existing Ordinance.

To finance the above proposed improvements to the Pneumoconiosis Compensation Scheme, we will submit to the Finance Committee of this Council a proposal to provide an interest-bearing loan of \$80 million to the Fund Board to enable it to overcome its cashflow problems arising from such improvements. It is also necessary to increase the rate of levy imposed on the value of construction works exceeding \$1 million and of quarry products from 0.3% to 0.4% so that the Fund Board will have sufficient funds to meet its long-term commitments. I intend to move a resolution of this Council under Section 36 of the Ordinance to give effect to such an increase after the enactment of the Bill.

Thank you.

End

Noise Control (Amendment) Bill

* * * * *

Following is the speech by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in moving the second reading of the Noise Control (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Noise Control (Amendment) Bill 1995 be read the second time.

Traffic noise is a major source of noise pollution in Hong Kong. While planning is the most effective means of preventing the problem, control on the noise from vehicles at source is equally important. However, the existing control on vehicle noise is limited and confined only to the mandatory installation of silencers on exhaust pipes. This measure is inadequate in reducing the noise levels of vehicles with inferior noise performance. It is therefore considered necessary to impose stringent but appropriate noise standards on vehicles at the registration stage.

Consequently, I propose to adopt Japanese and European noise emission standards as these are the most stringent in the world. Adoption of these standards enables Hong Kong to keep up with international standards and prevent importation of vehicles with inferior noise performance. In the long run, as old vehicles are replaced by new ones which meet the standards, noise pollution from vehicles can be minimised.

The proposed control will be integrated to form part of the "Motor Vehicle Type Approval" process which currently covers road worthiness and exhaust emission requirements. A noise certification report issued by vehicle manufacturers will be required for each type or model of new motor vehicle before the model can be registered in Hong Kong. The proposed control scheme will not have a major economic implications as over 90% of the new motor vehicles are already able to meet the proposed noise emission standards. On the other hand, imported used vehicles will need to be individually tested at competent testing centres to ascertain that they meet the stipulated emission standards.

The noise emission standards to be applied to newly registered motor vehicles are prescribed in the Noise Control (Motor Vehicles) Regulation, an advance copy of which has been distributed to Members for reference. This Regulation will be tabled before this Council in early 1996 for the proposed control scheme to commence in March 1996. To make this Regulation, the Noise Control Ordinance and the Road Traffic Ordinance have to be amended to empower the Director of Environmental Protection to prescribe the noise emission standards and the Commissioner for Transport to refuse registration of vehicles which do not meet the stipulated standards. These amendments are enshrined in the Noise Control (Amendment) Bill 1995 and the Road Traffic (Amendment) (No. 2) Bill 1995. I will talk about the Road Traffic (Amendment) (No. 2) Bill 1995 separately when I move its second reading.

The Noise Control (Amendment) Bill seeks to elaborate on the regulation-making power of the Secretary for Planning, Environment and Lands under the Noise Control Ordinance to enable specific regulation to be made to control noise emission from motor vehicles for the purposes of first registration under the Road Traffic Ordinance. Under such regulation, the Director of Environmental Protection could be authorised to provide for the application of international or local noise emission standards and test procedures for control, to exempt certain motor vehicles from any requirements of the regulation, and to provide for the acceptance of other standards which are as stringent as or more stringent than the stipulated standards.

Traffic noise is a major cause of environmental nuisance and has an adverse impact on the quality of life. With increases in traffic flow, more stringent noise emission controls are necessary to minimise such pollution. I urge this Council to give this bill favourable consideration.

Thank you, Mr President.

End

Road Traffic (Amendment) Bill

* * * * *

Following is the speech by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in moving the second reading of the Road Traffic (Amendment) (No 2) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Road Traffic (Amendment) (No 2) Bill 1995 be read the second time.

I explained, in the context of moving the Noise Control (Amendment) Bill 1995, details of the proposed scheme to require newly registered vehicles to meet noise emission standards. To effect the scheme, a link has to be established between the Noise Control Ordinance and the Road Traffic Ordinance.

The Road Traffic (Amendment) (No 2) Bill 1995 provides this link. It empowers the Commissioner for Transport to refuse first registration of motor vehicles which do not comply with the noise emission standards specified in the Noise Control (Motor Vehicles) Regulation to be made later.

I look to Members to support this Bill which is necessary for the implementation of noise emission standards on newly registered vehicles.

Thank you, Mr President.

End

Prevocational schools curriculum

* * * * *

Following is a question by the Hon Henry Tang and a reply by the Secretary for Education and Manpower, Mr Joseph Wong, in the Legislative Council today (Wednesday):

Question:

In his 1995 Policy Address, the Governor indicated that the Government was conducting a comprehensive review of the practical and technical curriculum offered in prevocational schools. In this connection, will the Government inform this Council:

(a) how much manpower will be required for the review and which departments will participate in it;

(b) what are the terms of reference of the review and what is the timetable for conducting the review; and

(c) how it will improve the curriculum in prevocational schools to meet the needs of the territory's changing economy?

Reply:

Mr President,

(a) The Education Department will shortly commence a comprehensive review on the curriculum offered in prevocational schools. The review will involve staff of three divisions in the Department, namely the Curriculum Development Institute, the Advisory Inspectorate and the School Division. The review will take full account of public comments expressed on the subject. In addition, the Department will seek the views of all organisations concerned including the pre-vocational schools themselves, the Hong Kong Examinations Authority and the Vocational Training Council. The findings of the review will be submitted to the Board of Education and the Curriculum Development Council for advice before the Department puts forward firm recommendations for implementation.

(b) The review will critically examine the suitability and adequacy of the prevocational curriculum in meeting the needs of Hong Kong's changing economy and the role as well as the structure of prevocational schools in the education system vis-?-vis grammar and technical schools. The review is expected to be completed by mid 1996.

(c) The review will, among other things, result in recommendations to ensure that the curriculum offered in the pre-vocational schools will continue to meet the demands for knowledge and vocational skills of the territory's changing economy.

End

Building and demolition sites safety

* * * * *

Following is a question by the Hon Chan Yuen-han and a reply by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council today (Wednesday):

Question:

A number of accidents involving the collapse of external walls or canopies of buildings (including existing buildings and buildings under construction or demolition) have occurred recently, causing injury and death to several workers and passers-by. In this connection, will the Government inform this Council:

(a) whether the Government has any systems to monitor the structural safety of buildings and industrial safety at construction sites; if so, what are the details of such systems and why the accidents mentioned above still occur despite the existence of such systems;

(b) whether the Government will review the existing systems to find out if any loopholes exist;

(c) whether there are any cases where civil servants who have been negligent in enforcing the systems have been reprimanded or disciplined; and

(d) whether the Buildings Department will consider making the register of building contractors and the register of building owners available for public inspection, so that after the occurrence of accidents involving the collapse of external walls or canopies of buildings the public can pursue the question of liability with the contractors and the building owners concerned?

Reply:

Mr President,

(a) The structural safety of private buildings and industrial safety at construction sites are governed by the Buildings Ordinance and the Factories and Industrial Undertakings Ordinance and their subsidiary regulations. The Buildings Ordinance and its regulations place certain statutory responsibilities on building owners, authorised persons, registered structural engineers and registered contractors. It also requires buildings and sites with works in progress to comply with standards of health and safety, in regard to workers at site and members of the public. The Factories and Industrial Undertakings Ordinance and its regulations protect employees' safety and health in industrial undertakings including construction and demolition sites. They lay down minimum safety and health standards. They also require proprietors and contractors to provide safety training, protective equipment and supervision for their employees.

Staff of Buildings Department and Labour Department carry out regular inspections of buildings and construction/demolition sites. During these inspections, the Buildings Department staff search for any possibility of danger which will be removed once identified. The Labour Department staff inspect sites to ensure that the law is complied with by contractors and workers. Prosecution will be taken if a work situation is likely to cause risk of injury or where there is a blatant disregard of the law.

Enforcement of the laws is also accompanied by publicity and education efforts to promote the message of building safety and construction site safety. There is close liaison between the Buildings and Labour Departments and with the Occupational Safety and Health Council.

While there is always room for further improvement, the existing control over building and construction site safety is generally effective. Despite this, accidents may occur for a number of reasons such as human neglect and error.

(b) The answer is of course positive. The Government will review regularly the control system to plug any loophole and generally to make the system more effective. The Buildings (Amendment) (No. 3) Bill, which is now before the Bills Committee, is the result of such a review.

(c) I am not aware of any civil servant who has been reprimanded or disciplined in the past two years for being negligent in enforcing building and industrial safety legislation.

(d) The Buildings Department will disclose the identity of owners and contractors of buildings involved in collapses and the responsible authorised person or registered structural engineer upon request.

End

Ferry services for Tuen Mun

* * * * *

Following is a question by the Hon Edward Ho Sing-tin and a reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

Considerable inconvenience is often caused to residents of Tuen Mun when the Tuen Mun Highway is wholly or partially closed owing to traffic accidents. In this connection, will the Government inform this Council whether:

(a) it has any plan to expand the Tuen Mun Ferry Pier so as to improve the ferry service in the district; if so, when the plan will be implemented; if not, why not; and

(b) it has held any discussion with the Hongkong and Yaumati Ferry Company Limited about contingency measures to carry the large number of commuters to and from work during the closure of the highway; if so, what are the details?

Reply:

Mr President,

The Honourable Edward Ho is right. When there is a major accident on Tuen Mun Road, traffic flow could well be impeded resulting in congestion. When accidents occur, the Police try their best to get the traffic moving again as soon as possible.

Unless really long periods of delay are expected, the provision of special ferry services would not help because it would take at least an hour to mobilise extra ferries. Traffic on Tuen Mun Road should have returned to normal by then.

The busiest time at Tuen Mun Ferry Pier is during the morning rush, between 7:00 am to 9:00 am when there are a total of 27 sailings to Central and Wan Chai. There are more than adequate berthing facilities and queuing space to cope with demand.

Indeed, there is spare capacity. There is no need, and we therefore have no plans, to expand Tuen Mun Ferry Pier.

Transport Department has a 24 hour hotline with all major transport operators and, in fact, contingency plans to provide emergency transport services have been drawn up. Transport operators have been very co-operative. For example, during the partial closure of Tuen Mun Road in late August and early September, because of the danger of landslips, extra ferry services between Tuen Mun and Central were provided. On that occasion, a pontoon was tied to a viewing platform to the west of the Tuen Mun Ferry Pier to provide a temporary facility. This arrangement worked well and can be adopted again should circumstances so warrant. A special ferry service between Tuen Mun and Tsuen Wan was also provided.

With the temporary closure of one of the six lanes with effect from last Saturday, to facilitate slope stabilisation and climbing lane works at Sham Shing Hui and So Kwu Wat, HYF is providing 3 special ferry trips from Tsuen Wan to Tuen Mun during the evening peak on weekdays. In addition, HYF has standby arrangements to lay on extra sailings from Central to Tuen Mun to cope with the evening rush should there be such a demand.

End

Refusal of visas by United Arab Emirates to HKCI holders

* * * * *

Following is a question by the Hon Selina Chow and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

In regard to the refusal by the United Arab Emirates recently to grant visas to holders of the Hong Kong Certificate of Identity, will the Government inform this Council :

(a) whether prior notification of the refusal was given to the Government; if so, whether the Government has lodged a protest against the United Arab Emirates' action; and

(b) whether the Government has, subsequent to this incident, taken any action to resolve the issue either directly or through the British Government?

Reply:

Mr President,

(a) We have been receiving different messages from various sources about UAE's non-acceptance of Certificates of Identity for visa purposes. For example, an UAE official had in January informed our Immigration Department through the British Embassy in Abu Dhabi that C of Is would be accepted for visa purposes and had asked for samples of C of I for submission to the UAE Ministry of Foreign Affairs. However, in July, the UAE authorities informed us, through British Embassy, Abu Dhabi, that Certificates of Identity would not be accepted for visa purposes, because these documents do not prove the holder's nationality. Since we have received confirmation of the formal position in July, the British Embassy in Abu Dhabi, at our request, made representations to the UAE authorities, urging them to change their position.

(b) Following reports of the latest incident of non-acceptance of Certificate of Identity, we have again made representations to UAE Ambassador in London through the Foreign & Commonwealth Office, and to the UAE authorities through the British Embassy in Abu Dhabi. The British Minister of State responsible for Hong Kong Affairs, Mr Hanley, raised the matter with the UAE Minister of State at the Ministry of Foreign Affairs when he visited that country on 27 November. The UAE Minister of State has undertaken to look into the issue as a matter of priority. We will be monitoring further developments closely.

End

Measures to safeguard taxi drivers against robbery

* * * * *

Following is a question by the Hon Miriam Lau and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday): Question:

In view of the recent spate of robberies in taxis, will the Government inform this Council whether:

(a) the Police have put in place any special measures to safeguard the personal safety of taxi-drivers; and

(b) the Transport Department will consider permitting taxi-drivers to install safety devices such as anti-robbery plastic partitions in their taxis? Reply:

Mr President,

(a) The number of reported cases of taxi robbery has indeed increased recently. During the first nine months of the year, there were 228 such cases, which represents an increase of 45% over the same period last year. So far, 68 (or 30%) of these cases have been detected, resulting in 66 persons arrested.

We are concerned about the upsurge of such crime, and the Police are taking measures to tackle the problem. Police officers on patrol duties are briefed specifically on the latest intelligence on taxi robbery so that particular attention is given to this crime. In addition, covert observations are also conducted at identified blackspots. Special task forces have also been set up in districts where the taxi robbery problem is more serious; for example, a Task Force headed by a Senior Inspector, 2 Station Sergeants, 7 Sergeants and 47 PCs was recently established in Tai Po to deal with the problem. In the last four months, they have arrested three suspects who are involved with seven recent taxi robberies. In addition, during the first nine months of the year, the Police have mounted over 15,000 road block operations, especially during late evenings and early mornings when most taxi robberies take place.

The Police Crime Prevention Bureau has maintained close liaison with 42 taxi owners' and drivers' associations. The Bureau provides them with detailed information on the latest trends of the crime, and a list of the latest blackspots every month. Taxi drivers are also reminded to keep in touch with their taxi control centres and colleagues regularly, and alert them in covert code when they are in doubt of the passengers' intentions, so that the control centres or their colleagues can then report immediately to the Police for assistance.

(b) As to the second part of the question, I understand that neither the Transport Department nor the Police has any objection in principle to the installation of such safety devices in taxis. In fact, The Crime Prevention Bureau and the Transport Department have had detailed discussions with taxi associations on the feasibility of installing various anti-robbery devices in taxis. These include plastic partition at the driver's seat, vehicle tracking devices, and a covert device by which the drivers can cause the rooftop signs to flash to call for police assistance when in need. The Bureau has also introduced the sources of supply for such anti-robbery devices to the taxi associations. The Police have just conducted a questionnaire survey in September 1995 to seek the opinions of taxi drivers and their associations on these security measures. The survey has now been completed and its findings will be available by end of 1995. Results of the survey will be supplied to and discussed with the taxi associations in due course.

We will study the results of the survey carefully and continue to monitor the problem of taxi robbery closely to ensure that appropriate measures are taken to safeguard the personal safety of taxi drivers.

End

Government's position on British citizenship issue

* * * * *

Following is a question by the Hon Emily Lau and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

In a recent speech to the Hong Kong Management Association, a Preliminary Working Committee member mentioned that the Chinese Government might set up a Special Administrative Region provisional secretariat and a provisional legislature in the colony next year. This has given rise to public concern over a smooth transfer of power upon the change of sovereignty. Will the Government inform this Council whether it will step up efforts to persuade the British Parliament to consider giving full British citizenship to all citizens in the colony who are holders of the British Dependent Territories Citizen passport or British National (Overseas) passport?

Reply:

Mr President,

The Hong Kong Government's position is that British citizenship should be granted to all Hong Kong British Dependent Territories Citizens. We have stated our position clearly on a number of occasions in this Council, including at the debate on a motion moved by the Hon Emily Lau in October last year.

We will continue to put our position to the British Government, as effectively as we can and whenever the opportunity arises. As Honourable Members are aware, the British Government's position is that the grant of British Citizenship to 50,000 heads of household and their dependants was the right response. It does not accept the case for granting British citizenship to all Hong Kong BDTCs.

We believe that the best way to allay public concern about a smooth transition is to ensure that Hong Kong continues to be the place where Hong Kong people wish to remain. To this end we will seek to preserve its way of life, its prosperity and stability, and the rule of law; and ensure that the safeguards for these provided for in the Joint Declaration and the Basic Law are honoured in full.

End

Salaries tax system

* * * * *

Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for the Treasury, Mr Kwong Ki-chi, in the Legislative Council today (Wednesday):

Question :

Regarding the territory's salaries tax which is shouldered by a small number of salary earners and which is based on a system with a high degree of progressivity, will the Government inform this Council:

(a) whether it has carried out any comparisons of the progressivity of the territory's salaries tax system with that of other countries with a similar economic situation such as Singapore, Taiwan and the United Kingdom; if so, what the conclusions are; and

(b) if the answer to (a) is in the negative, whether it will obtain the necessary information from the countries in (a) above to work out the proportion of salaries tax to the total revenue paid by every 100,000 working population in the countries concerned, so as to compare these figures with the corresponding figures in the territory; if so, when it will submit the findings to the Panel on Financial Affairs of this Council for discussion; if not, why not?

Answer:

(a) Whilst we do keep abreast of developments in other tax jurisdictions, we have not to date carried out any detailed evaluation of the relative progressivity of the salaries tax system of other countries such as Singapore, Taiwan, United Kingdom etc. vis-?-vis that of Hong Kong.

(b) We are seeking the required information from the relevant tax administrations and would aim to submit the findings to the Legislative Council Panel on Financial Affairs when they are available. We would, however, wish to point out that, given the different socio-economic situations, we should take care in interpreting such comparative data.

End

Economic Advisory Committee

* * * * *

Following is a question by the Hon Sin Chung-kai and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

At the resumption of the debate on the Motion of Thanks this year, the Financial Secretary expressed doubts about the setting up of an Economic Development Committee suggested by some Members of this Council as the existing Economic Advisory Committee and the Governor's Business Council were already providing the Government with valuable views and suggestions on economic and related issues. In this connection, will the Government inform this Council:

(a) whether the Economic Advisory Committee has discussed the trend of the territory's future economic development as well as such issues as how to stimulate the economy and how to solve the unemployment problem; if so, what the conclusions are; if not, why not; and

(b) whether consideration will be given to changing the present modus operandi of the Economic Advisory Committee, which is not answerable to the public and which does not seek public opinions, so as to enhance its accountability and transparency?

Reply:

(a) The Economic Advisory Committee is set up with the remit of advising the Financial Secretary on matters relating to the economy. Pursuant to this remit, the Committee has deliberated on a large variety of economic issues. The trends and prospects of the Hong Kong economy are matters of continuous interest and are reviewed in depth on a regular basis. The unemployment problem is amongst the main current issues that the Committee has had thorough and comprehensive discussions and will continue to be closely monitored. As for measures to stimulate the economy, the general consensus was that ad hoc interventions by the Government would not be effective or could even be counter-productive, and the economy should be left to adjust to cyclical fluctuations through the market mechanism. On measures to tackle the unemployment problem, the Committee supports the Government's approach of enhancing employment counselling, job matching and placement, and retraining and upgrading of skills.

(b) The present modus operandi of the Economic Advisory Committee fits its basic remit very well and there is no reason for change. The Committee consists of experts, professionals and experienced practitioners in a wide range of economic affairs and provides advice to the Administration, which then formulates policy decisions. Public accountability therefore should rest with the Administration and not its advisory bodies.

End

Strength of medical and related personnel

* * * * *

Following is a question by the Hon Chan Wing-chan and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question

Will the Government provide this Council with a breakdown by rank of the annual actual strength in respect of :

- (a) medical doctors (except those performing administrative duties only);
- (b) nurses;
- (c) allied health professionals;
- (d) and administrative personnel remunerated at a salary point equivalent to point 34 or above on the Master Pay Scale in the Hospital Authority since its establishment in 1991?

Reply

The information requested is as follows:

	<u>1991-2</u>	<u>1992-3</u>	<u>1993-4</u>	<u>1994-5</u>
<u>Medical Doctors</u>				
Consultant	235	253	291	366
Senior Medical Officer	489	531	548	611
Medical Officer	1554	1578	1703	1798
Intern/Extern	273	273	283	288
Sub-total	2551	2635	2825	3036

Nurses

Nursing Officer and above	2497	2493	2569	2705
Registered Nurse	7010	7383	7696	8107
Student Nurse	2670	2570	2436	2294
Enrolled Nurse	2934	3023	3153	3294
Pupil Nurse	944	829	915	937
Midwife	141	129	116	100
Non-standard Nurse	83	77	50	37
Sub-total	16279	16504	16935	17474

Allied Health

Clinical Psychologist	20	19	21	35
Dietician	46	48	56	54
Dispenser	473	483	559	606
Medical Laboratory Technician	743	738	769	996
Mould Laboratory Technician	37	30	36	31
Occupational Therapist	212	227	267	304
Occupational Therapy Assistant	173	175	194	209
Pharmacist	81	88	103	127
Physicist	28	29	35	35
Physiotherapist	416	432	471	519
Prosthetist-Orthotist	77	79	84	89
Radiographer	549	558	591	619
Scientific Officer (Medical)	32	32	35	51
Social Workers	65	70	74	99
Others	60	64	64	69
Sub-total	3012	3072	3359	3843
<u>Administrative Personnel*</u>	179	225	286	346

* This is the total number of administrative staff who have a maximum pay point above point 34 of the Government's Master Pay Scale.

End

Demolition sites and dangerous canopies inspection

Following is a question by the Hon Chan Kam-lam and a written reply by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council today (Wednesday): Question:

In regard to the recent series of accidents involving the collapse of the external walls and canopies of buildings, will the Government inform this Council:

(a) of the number of buildings under demolition and the number of illegal and dangerous canopies at present;

(b) whether the Buildings Department will deploy staff to inspect buildings under demolition and speed up the removal of unauthorised structures with potential danger, so as to safeguard the public's safety;

(c) what are the details of the Government's plan to introduce legislation to require building owners to submit periodic building inspection reports to the Buildings Department; and

(d) whether there are sufficient qualified professionals in the territory at present to cope with the demand for their services arising from this requirement; if not, what measures the Government will put in place to resolve the problem of shortage of such professionals?

Answer:

Mr President,

The answers to the four parts of this question are as follows -

(a) There are about 150 demolition sites in Hong Kong at present.

Since no territory-wide survey on unauthorised canopies has been conducted, the Administration does not have data on the number of illegal or dangerous canopies.

(b) To protect public safety, staff of the Buildings Department regularly carry out planned surveys to locate dangerous unauthorised building works (UBW), including dangerous unauthorised canopies. All such structures are cleared once identified. In addition, we will launch an extensive publicity campaign in early 1996 to encourage the public to report suspected dangerous UBW cases to the Buildings Department.

Public safety is the prime concern of the Administration. A dedicated Site Monitoring Team constituting 34 staff was established in the Buildings Department in October 1995. The principal function of the Team is to regularly inspect construction and demolition sites to ensure that proper safety measures are provided. Since establishment, the Team has inspected some 350 sites, and the safety standards of the inspected sites have consequentially improved.

(c) Owners should have the duty to ensure that their properties are in proper maintenance condition. The Administration therefore proposes to introduce a mandatory scheme under which owners will be required to have their buildings inspected by professionals periodically. Details of this proposal are still being examined.

(d) There are at present 1,049 Authorised Persons and 363 Registered Structural Engineers in Hong Kong. Demand for their services will be taken into account before the Administration goes ahead with any mandatory building inspection scheme.

End

Clearance of landslides debris

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Following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Works, Mr Kwong Hon-sang, in the Legislative Council today (Wednesday):

Question:

During the rainy season this year, there were many landslips caused by rainstorms and typhoons. In particular, there were a number of landslips and tree-falling incidents in the squatter areas at Lei Yue Mun and Cha Kwo Ling in Kwun Tong. In this connection, will the Government inform this Council:

(a) what procedures does the Government have to clear the mud sent down by landslips; and

(b) which Government departments are responsible for inspecting and dealing with trees dangling under the influence of rainstorms which may cause danger to residents in squatter areas?

Reply:

Mr President,

(a) As a matter of principle, the Government departments or their agents which are responsible for the slopes have the responsibility to clear away the landslide debris arising from those slopes. However, for landslips which occur in squatter areas, the Highways Department (HyD) will be responsible for carrying out emergency repair as recommended by the Geotechnical Engineering Office (GEO) to remove any immediate danger to the public and clear away associated landslide debris in the course of the emergency repair works. For situations not involving emergency or where the emergency no longer exists, there is, at present, no department explicitly responsible for clearing debris from landslides occurring in unallocated government land. However, such cases will be dealt with individually and, wherever necessary, appropriate arrangement will be made in each case considering its particular circumstances.

(b) Trees in squatter areas are not maintained or managed by any government department and consequently there is no routine inspection of such trees.

For trees damaged or affected by a rainstorm which may cause danger to residents in squatter areas, the Police or Fire Services Department staff attending the scene will do what they can to remove the danger. The Agricultural and Fisheries Department (A&FD), the Urban Services Department (USD) and the Regional Services Department (RSD) will also respond to emergency requests to remove dangling branches of trees which may endanger residents in squatter areas.

End

Differences between GNP and GDP in HK's economy

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Following is a question by Dr the Hon Law Cheung-kwok and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

Regarding the collection of statistical data in recent years to compile the territory's Gross national Product (GNP) figures, will the Government inform the Council of the following:

- (a) when will the GNP figures be released; and
- (b) what are the major differences between the GNP and the Gross Domestic Product (GDP) in the present structure of the territory's economy?

Reply:

(a) Based on the latest results of the first round of the annual Survey of External Factor Income Flows, preliminary estimates of GNP, in respect of reference year 1993, are now available. They were released on 13 November 1995 while the final GNP estimates will be released in March 1996.

The timetable for releasing GNP estimates is as follows:

<u>Reference year</u>	<u>GNP</u>	
	<u>Preliminary Estimates</u>	<u>Release Date</u>
1993	Nov 1995	Mar 1996
1994	Aug/Sep 1996	Mar 1997
1995	May/June 1997	Mar 1998
1996**	Mar 1998	Mar 1999

Note: (*) To be released at the same time as the final estimates of GDP

(**) As from 1996, the preliminary GNP estimates will be released within 15 months from the reference year

(b) GNP is a measure of the total income of residents of a country or territory in a specified period, irrespective of whether the income is earned from investment and employment within the domestic boundary of that country or territory, or outside.

On the other hand, GDP is an aggregate measure of the total value of net output produced within the domestic boundary of a country or territory in a specified period. Since production is rewarded by income, GDP also measures the total income arising from such current production, irrespective of whether the factors (i.e. labour and capital) for producing the goods or providing the services are owned by residents or non-residents.

Hence, GNP is compiled by adjusting GDP by: (i) adding total income earned by Hong Kong residents from outside Hong Kong, and (ii) subtracting total income earned by non-Hong Kong residents from within Hong Kong.

GNP emphasises the composition of aggregate income of Hong Kong residents, while GDP emphasised the composition of aggregate production. They are both useful data, complementary to each other in supporting economic analyses.

Based on the preliminary estimates of GNP, the total inflow of external factor income in 1993 was HK\$318.4 billion, while the total outflow was HK\$308.5 billion. This resulted in a net income inflow of HK\$9.9 billion. Combining the net income inflow with the latest revised GDP estimate for 1993 of HK\$899.9 billion, the preliminary estimate of GNP for 1993 is therefore HK\$909.8 billion. Given the highly externally-oriented structure of the Hong Kong economy, such substantial external income flows are not unexpected. However, with only a small net income flow, the value of GNP in 1993 was only 1.1% above that of GDP.

End

Increase in production of Home Ownership Scheme flats

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Following is a question by Dr the Hon David Li and a written reply by the Secretary for Housing, Mr Dominic S W Wong, in the Legislative Council today (Wednesday):

Question:

A significant but temporary rise in government expenditure on affordable public housing would fulfil the public's aspirations to have their own homes, stimulate the economy, and mitigate the unemployment problem. In this connection, will the Administration inform this Council whether consideration will be given to building more Home Ownership Scheme flats in the short run, whilst at the same time ensuring that the Government spending is kept within 20% of the Gross Domestic Product (GDP) in the long run?

Answer:

Mr President,

Need and affordability are the guiding principles in the provision of, and charging for, public housing. We agree that subsidised home ownership schemes play an important role in promoting home ownership, which in turn fosters a sense of belonging and contributes to social stability in Hong Kong.

Since the introduction of these schemes in 1978, we have been building an increasing proportion of such flats in relation to public rental flats, and the split is now about 50% of each.

We have already announced the target of building 175,000 flats between April 1995 and April 2001 through various subsidised home ownership schemes. We are on course to achieve this target. As a lead time of around five years is required from initial planning to physical completion of flats, it would be difficult to add significantly to this target in the short term.

We are, however, examining ways to increase the production of home ownership flats in the longer term. In fact, we shall consider the future level of provision of all types of housing up to 2006 in the context of our current review of the Long Term Housing Strategy, which will be completed in the middle of 1996.

The Housing Authority's budget is separate from the Government's budget. The construction costs of home ownership flats form part of public expenditure rather than Government expenditure, because these flats are funded by the Housing Authority and not directly by the Government. Our medium range forecast up to 1998-99 projects that public expenditure as a percentage of GDP will remain well below 20%.

End

Safety of schools located near dangerous goods stores

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Following is a question by the Hon Cheung Bing-leung and a written reply by the Secretary for Education and Manpower, Mr Joseph Wong, in the Legislative Council today (Wednesday):

Question :

Following the recent incident of gas leaking from a liquefied petroleum gas (LPG) tank-truck in Tuen Mun, the public has expressed great concern about the safety of students studying in schools located near hazardous installations. In this connection, will the Government inform this Council:

- (a) how many schools are currently located near dangerous goods stores;
- (b) whether a comprehensive risk assessment of schools located near hazardous installations will be conducted; if so, how it will be conducted and when its findings will be made known; and
- (c) whether such schools will be given special guidelines on how to formulate measures to deal with evacuation and other emergencies?

Reply:

Mr President,

(a) There are at present 46 schools which are located near petrol filling stations, LPG storage tanks and other dangerous goods stores.

(b) All the existing petrol filling stations, dangerous goods stores and LPG installations in Hong Kong are constructed and operated to very stringent safety standards to ensure maximum safety to the public. We consider the current provisions adequate to safeguard the 46 schools in paragraph (a) above, and a comprehensive risk assessment of the relevant facilities located near these schools is not necessary. This notwithstanding, both the Fire Services and the Electrical and Mechanical Services Departments are conducting a thorough check on these installations. In addition, arising from the isolated incident of gas leakage of an LPG road tanker in Tuen Mun on 3 November, 1995, the Electrical and Mechanical Services Department is undertaking a review to see whether further safety improvements are necessary.

(c) Under Education Regulation 38, school heads are required to draw up a practical scheme for evacuation of the school premises in case of fire and to ensure that fire drills, including the use of all exits from the school premises, are conducted from time to time. In case of emergency other than fire, school principals are responsible for the prompt and orderly evacuation of their pupils as necessary, using similar procedure. A circular on 'Measures to be taken in case of leakage of gas' was issued in 1982 to all school heads for compliance. This circular sets out, among other things, circumstances where the emergency services e.g. Police and Fire Services are to be called.

End

Median wage of local workers

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Following is a question by the hon Lee Wing-tat and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of:

- (a) the median wage of local workers in 1975, 1985 and 1995 respectively;
- (b) the average price of a 500 sq. feet flat in a large private residential development in the urban area in each of the years mentioned above?

Reply:

- (a) The median wage of local workers is as follows:

	<u>HK\$/month</u>
1975	N.A.
1985 (average of March and September figures)	2,675
1995 (March figure)	8,691

Notes: (i) Including workers up to the supervisory level.

(ii) The Government started to compile statistics on median wage rate in September 1982. Information on the median wage rate in 1975 is therefore not available.

Source: Census & Statistics Department

- (b) The estimated average price of a flat of 500 sq feet in gross floor area in the urban area is as follows:

	<u>HK\$</u>
1975 (average for the year)	95,000
1985 (average for the year)	300,000
1995 (average up to the third quarter)	1,700,000

Note: Covering flats of all ages, and not necessarily confined to large residential developments the price information on which is not readily separable.

Source: Rating & Valuation Department

End

Transportation of LPG on roads

* * * * *

Following is a question by Dr the Hon Samuel Wong Ping-wai and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

In regard to the recent incident of gas leaking from a liquefied petroleum gas (LPG) tank-truck at Siu Hong Court in Tuen Mun, will the Government inform this Council whether the Government will carry out a quantifiable risk assessment study on the transport of LPG on roads; if so, when the study will be completed?

Reply:

Earlier this year, the Government commissioned an independent consulting firm to carry out a quantifiable risk assessment study on the transport of LPG throughout Hong Kong by road and sea. The objective of the study is to assess the risks to individuals, and to society as a whole, of hazardous incidents which might arise from the transport of LPG and what practical measures should be taken to minimise these risks. The study takes nine months and a study report will be submitted to the Government in early 1996. The Economic Services Panel of the Legislative Council will be briefed on the results of the study.

End

Cost of fringe benefits for civil servants

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Following is a question by Dr the Hon Leong Che-hung and a written reply by the Secretary for the Civil Service, Mr Michael Sze, in the Legislative Council today (Wednesday):

Question:

Will the Administration inform this Council of:

(a) the total cost of fringe benefits enjoyed by all civil servants (including the cost of such benefits as pension, vacation, quarters, etc.) in 1995/96; and the proportion of such cost to the total basic salary cost of all civil servants in the same year; and

(b) a break down of the average annual cost of fringe benefits and its proportion to the average annual basic salary cost for 1995/96 in respect of a civil servant in the following categories:

(i) directorate pay scale,

(ii) upper pay band (master pay scale point 34 and above),

(iii) middle pay band (point 10 to 33), and

(iv) lower pay band (below point 10)?

Answer:

Mr President,

(a) The main components of civil service fringe benefits are pensions, housing, leave, education allowances and medical and dental benefits. The costs of these benefits are assessed and reflected in the Government's Staff Cost Ready Reckoner. This reckoner is updated annually to take account of the most current salary revisions and fringe benefits. Some of the fringe benefits such as pensions are not payable until many years in the future in which case the cost is the estimated future liability of pensions now being earned. Some other benefits such as quarters are provided in kind and the cost reflects an appropriate valuation of the quarters provided. According to the 1995 Staff Cost Ready Reckoner, the total annual value of fringe benefits of the entire civil service for 1995-96 is about \$24,450 million or 56.7% of the total annual basic salaries.

(b) A breakdown of the average annual cost of fringe benefits and its proportion to the average annual basic salary for 1995/96 according to the pay bands as requested is as follows:

(i) Directorate and Equivalent

(annual average salary = \$1,210,130)

	\$	% of salary
Pensions & gratuities	371,330	30.68
Leave	194,310	16.06
Housing benefits	378,260	31.26
Education allowance	25,880	2.14
Other (note 1)	50,940	4.21
	-----	-----
	1,020,720	84.35

(ii) Upper pay band (MPS Pt 34 to Pt 49 and Equivalent)

(annual average salary = \$610,400)

	\$	% of salary
Pensions & gratuities	183,490	30.06
Leave	74,960	12.28
Housing benefits	173,540	28.43
Education allowance	9,980	1.64
Other (note 1)	7,740	1.27
	-----	-----
	449,710	73.68

(iii) Middle pay band (MPS Pt 10 to Pt 33 and Equivalent)

(annual average salary = \$242,060)

	\$	% of salary
Pensions & gratuities	75,000	30.99
Leave	27,850	11.50
Housing benefits	22,880	9.45
Education allowance	3,030	1.25
Other (note 1)	3,350	1.38
	-----	-----
	132,110	54.57

(iv) Lower pay band (below MPS Pt 10 and Equivalent)

	(annual average salary = \$130,910)	
	\$	% of salary
Pensions & gratuities	32,290	24.67
Leave	12,020	9.18
Housing benefits	1,790	1.37
Education allowance	840	0.64
Other (note 1)	3,610	2.76
	-----	-----
	50,550	38.62

Note 1: Medical & dental benefits and passages.

End

Complaints lodged with SFC on delisted companies

* * * * *

Following is a question by Dr the Hon Huang Chen-ya and a written reply by the Secretary for Financial Services, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

(a) of the number of listed companies which have been privatised or voluntarily delisted in the past 3 years;

(b) how many of the cases referred to in (a) above have given rise to complaints from minority shareholders; and

(c) how many of such complaints have been lodged directly with the Securities and Futures Commission (SFC); and whether the SFC has carried out investigations in order to find out if the interests of minority shareholders' have been damaged in such cases?

Answer:

(a) In the 3-year period ending 30 November 1995, 13 companies publicly listed on the Stock Exchange of Hong Kong have voluntarily delisted. Of these, five involved take-over action by major shareholders, or what the market has termed "privatised". In addition, there is one case of proposed take-over ultimately not proceeded with. Details are in the Appendix.

(b)&(c) The SFC has received a total of six complaints. The Stock Exchange of Hong Kong has not received any complaint, and we have no information of complaints directly lodged with the companies concerned.

Of the six complaints, one was against Lafe International Holdings Ltd. (Lafe). The complaint alleged that the take-over offer price was too low.

The remaining five complaints were in respect of Fountain Set (Holding) Ltd (Fountain) which was subsequently aborted. Here, the minority shareholders not only complained about the low take-over offer price, but also alleged that certain shareholders were not independent.

In both the Lafe and Fountain cases, the SFC conducted full investigations. To the extent that the SFC does not pass judgement on the commercial merits of the take-over offer prices, SFC's investigations were restricted to establishing whether all shareholders had been treated equally. In both cases, the SFC concluded that they were.

The SFC regulates all transactions involved in a take-over by ensuring that the parties concerned comply with the relevant provisions of the Hong Kong Code on Takeovers and Mergers. Under the Code, the board of the company being taken over is required to appoint an independent financial adviser to consider the merits of the proposal and give appropriate recommendations to the minority shareholders. It also requires a take-over proposal to be approved by a majority of shareholders in number representing 90% in value of those shares that are voted either in person or by proxy at a duly convened general meeting by shareholders other than the person seeking to privatise the company and persons acting in concert with him. The SFC routinely examines the relevant voting results, and where appropriate, would seek to confirm the independence of the shareholders who voted in the exercise.

Appendix

Voluntary delistings in the 3-year period ending 30.11.95

Companies privatised (5) : Month/Year

Evergo International Holdings Company Ltd	12/93
Novel Enterprises Ltd	01/95
B+B Asia Ltd	05/95
Paliburg International Holdings Ltd	08/95
Lafe International Holdings Ltd	11/95

Companies with alternative listings (8) :

The News Corporation Ltd	10/92
Tiphook Plc	05/94
Jardine Matheson Holdings Ltd	12/94
Jardine Strategic Holdings Ltd	12/94
Mandarin Oriental International Ltd	03/95
Hong Kong Land Holdings Ltd	03/95
Dairy Farm International Holdings Ltd	03/95
London & Pacific Insurance Company Berhad	10/95

Privatisation aborted (1) :

Fountain Set (Holdings) Ltd	10/95
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Measures to improve water quality of Deep Bay

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Following is a question by the Hon John Tse Wing-ling and a written reply by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council today (Wednesday):

Question:

Regarding the pollution problem in Deep Bay and the Shenzhen River which are in the vicinity of the Mai Po Nature Reserve, will the Government inform this Council:

(a) of the total resources allocated in the past three years to improve the water quality of Deep Bay;

(b) what plans or measures does the Government have to improve the water quality of Deep Bay and its wet land, so as to protect Mai Po against pollution; and what resources have been used for such purposes;

(c) whether the Government has co-operated with the relevant authorities in Shenzhen to prevent the Mai Po Nature Reserve from being polluted; if so, what is the progress and whether any specific plan has been drawn up; and

(d) what criteria are used in determining the area of the buffer zone in Mai Po, and what measures the Government will take to ensure that the minimum area of the buffer zone is maintained?

Reply:

Mr President,

(a) The resources that have been allocated to improve the water quality of Deep Bay in the past three years are as follows:

- * \$175 million on new sewerage and sewage treatment and disposal facilities;
- * \$656 million in ex-gratia allowances to livestock farmers who choose to cease farming rather than comply with new pollution control requirements;

- * \$7.2 million in capital grants to livestock farmers for the installation of pollution control equipment;
- * \$46.2 million on personal emoluments and \$3.9 million on departmental expenses to pay for the enforcement of controls over pollution caused by effluent discharges, chemical wastes and livestock wastes.

(b) We will continue to enforce the relevant pollution control legislation vigorously. Specific steps include the following:

- (i) The continued application of the livestock waste control scheme in the Deep Bay catchment. We estimate that we will spend a further \$230 million on ex-gratia payments and capital grants over the next few years.
- (ii) Spending a further \$1,300 million to provide new or improve existing sewerage and sewage treatment facilities in the catchment.
- (iii) Continue work on the development of a regional control strategy for Deep Bay. Consultants were commissioned in July 1995, at a cost of approximately \$12 million, to carry out this work. The study will be completed in mid 1997.

The resources devoted to the planning stages of the above programmes cannot be quantified because it involves input from a large number of government staff at various levels in different departments.

(c) The Hong Kong - Guangdong Environmental Protection Liaison Group was established in 1990 to provide a forum to discuss environmental protection issues of mutual concern. Both Hong Kong and Guangdong authorities recognised at a very early stage that proper environmental management of Deep Bay should be accorded a high priority. This being so a joint water quality monitoring exercise began in October 1993, whereby both sides carried out co-ordinated monitoring of water quality in the waters of the Deep Bay catchment falling in their respective jurisdictions. The programme has just been concluded and a report will be submitted to the Liaison Group in January next year. The Liaison Group has also agreed that it is important to determine the assimilative capacity of Deep Bay and then to derive a control strategy to ensure that that capacity is not exceeded. It has been agreed that Hong Kong will take the lead on this issue. The study referred to in (b)(iii) above is therefore initiated.

(d) The purpose of the buffer zone is to help protect and conserve the Mai Po Nature Reserve and the sites of special scientific interest. In determining the coverage of the buffer zone, we have taken into account the following factors:

- (i) In accordance with the precautionary principle, the buffer zone covers an area as large as practicable to ensure that the Mai Po Nature Reserve and Inner Deep Bay are protected and conserved as a natural habitat to enhance and sustain the wildlife in the area.
- (ii) No important ecological habitats should be left as isolated islands and should be linked with one another.
- (iii) In the immediate vicinity of Deep Bay -
 - (1) only land uses devoted to conservation management of the wetland areas and environmental education are permitted;
 - (2) semi-natural habitats such as fish ponds and gei-wais are preserved; and
 - (3) natural features and scenic qualities are conserved.
- (iv) In the wider area adjacent to (iii), an effective buffer should be created between the Mai Po Nature Reserve and Inner Deep Bay on the one hand and the built-up areas on the other by -
 - (1) preserving fish ponds in the wider area;
 - (2) controlling building development;
 - (3) protecting the overall amenity and water quality of the area; and
 - (4) preserving the rural setting.

The buffer zone is protected by law under the Town Planning Ordinance. The relevant Outline Zoning Plans have designated areas in the buffer zone as, respectively, "Conservation Area", "Site of Special Scientific Interest" and "Recreation" as appropriate. In Buffer Zone 1 i.e. the area referred to in (iii) above, no development other than that devoted to conservation management and environmental education is allowed. In Buffer Zone 2 i.e. the area referred to in (iv) above, no development which may pose a threat to the environment and ecology of the area is allowed. The Town Planning Board has issued guidelines to provide guidance to the public on the protection of the buffer zone.

End

Rainstorm and flood warnings

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Following is a question by the Hon Zachary Wong and a written reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

Currently a rainstorm red warning or black warning is issued according to the recorded average rainfall of the whole territory, but very often. However, serious flooding has already occurred in the Northwest New Territories and the Northern District during a torrential downpour before the relevant warning is issued. In view of this, will the Government inform this Council:

(a) whether the Government will consider issuing such warnings on a district basis instead of on a territory-wide basis, in view of the fact that the low-lying regions in the New Territories are particularly prone to serious flooding; if not, why not; and

(b) if the answer to (a) is in the negative, what other measures does the Government have which will give an early warning of a flood to villagers constantly threatened by flooding?

Reply:

Mr President

The rainstorm and flood warnings are now well established as territory-wide warnings. They are based on predicted and actual rainfalls throughout the territory as a whole. In addition, we have introduced siren warning systems in five particular flood-prone areas. These systems, in Tan Kwai Tsuen, San Tin, Kwu Tong, Tak Yuet Lau and Tai Tau Leng, automatically activate when local conditions produce a significant risk of local flooding.

We will continue to investigate options to develop further flood warning systems which take into account local needs and which would enhance the current rainfall and flood warning systems.

End