



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

Wednesday, April 19, 1995

<u>Contents</u>	<u>Page No.</u>
Public entertainment licensing system to be simplified	1
More CCTV cameras to enhance traffic surveillance	3
More time for submission of views on the implementation of Covenant	4
Police duties related fees to be revised	6
52 fined for breaching anti-pollution law	6
Advanced anti-drug course for teachers	8
Harbour to feature first 21-Gun salute afloat	9
37 VMs return home voluntarily	10
Fresh water cut in Sham Shui Po	11
Hong Kong Monetary Authority money market operations	11

Public entertainment licensing system to be simplified

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The licensing system for public entertainment will be simplified if the proposed Public Entertainment and Amusement (Miscellaneous Provisions) Bill is passed into law.

Under the new bill, the power of the Commissioner for Television and Entertainment Licensing to issue permits to govern the form and content of public entertainment under the Places of Public Entertainment Ordinance will be abolished.

"Organisers of public entertainment will in future only need to obtain a licence from the Licensing Authority (the Urban Council in the urban area and the Regional Council in the New Territories) to cover the safety and hygiene of the venue, and safety of the participants," a spokesman for the Recreation and Culture Branch explained today (Wednesday).

"Public live performances will continue to be controlled by Section 12A of the Summary Offences Ordinance which stipulates that it is an offence to take part in, provide or manage public live performance of an indecent, obscene, revolting or offensive nature.

"Police officers acting under a warrant can enter premises where it is suspected that such a performance is or may be taking place, conduct a search and seize articles related to the performance."

The spokesman pointed out that the proposed abolition of the permit system was part of Government's continued efforts in promoting freedom of expression and simplifying governmental procedures.

"Under the existing permit system, because of the nature of the performance, the permit is ineffective to guard against impromptu indecent content in public entertainment anyway," he added.

The bill also aims at including mechanical devices which are driven by human physical power but which carry potential danger under the control of the Amusement Rides (Safety) Ordinance.

Subsequently, the definition of amusement ride in the ordinance will be amended to introduce legislative controls over mechanical devices like multi-axis chairs which are solely driven by human power but can be potentially dangerous.

"The proposed amendment will put manually driven amusement devices like multi-axis chair under comprehensive safety regulation but still exempting simple devices like swings or see-saws from unnecessary legislative controls," the spokesman said.

The bill further proposes to update the list of entertainment governed by the legislation and empower the Licensing Authority to impose licensing conditions concerning crowd control and the provision of first aid services for better ensuring the safety of participants.

Outdated forms of entertainment such as exhibition of abnormal persons or animals will be removed and a new form of entertainment, i.e. laser projection display, will be added.

"The Licensing Authority's power to imposed licensing conditions concerning crowd control and the provision of first aid services is to give effect to Mr Justice Bokhary's recommendations as a result of the Lan Kwai Fong incident," the spokesman said.

The bill will be gazetted this Friday (April 21) and introduced into the Legislative Council on May 3.

End/Wednesday, April 19, 1995

More CCTV cameras to enhance traffic surveillance

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The Transport Department has awarded a contract in connection with the installation of 22 closed-circuit television (CCTV) cameras as part of the programme to enhance traffic surveillance in Tsuen Wan and Kwai Tsing districts.

The contract, worth \$5.47 million, is for electrical works only. It was signed by the Assistant Commissioner for Transport (Technical Services and Planning), Mr Lee Shu-chee, and representatives of the contractor.

A spokesman for the department said under the project, estimated to cost \$12 million, 18 new cameras would be installed at various strategic roadside locations in Tsuen Wan, Kwai Chung and Tsing Yi.

The existing four cameras in the Container Port area will be integrated, with central monitoring facilities to be provided under the contract at the Transport Department's New Territories Area Traffic Control Centre in Tsuen Wan, and at the New Territories Police Regional Command and Control Centre in Tai Po.

"With these facilities, Transport Department staff and the Police will be able to monitor centrally the traffic conditions, adjust traffic signal timings, and respond to traffic incidents quickly to minimise traffic congestion," the spokesman said.

Work under the contract will start soon and is scheduled to complete by early next year.

At the same time, the first phase of a CCTV system for centrally monitoring the traffic conditions and incidents along Tuen Mun Road came into operation today.

Under this first phase, eight cameras have been installed at various locations along Tuen Mun Road. They will relay live pictures to the New Territories Police Regional Command and Control Centre in Tai Po, and to the Transport Department's New Territories Area Traffic Control Centre in Tsuen Wan.

Works under this phase started in July last year and were completed recently.

The second phase of the system will involve the addition of 11 cameras to provide better and full coverage of Tuen Mun Road.

Work is already underway and the full system is expected to be operational in July this year.

The system will enable the Police and the Transport Department to monitor the traffic conditions from their central control centres, and at times of traffic congestion or incidents, take necessary actions quickly.

End/Wednesday, April 19, 1995

More time for submission of views on the implementation of Covenant

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The period for the submission of views on the state of the implementation of the International Covenant on Civil and Political Rights (ICCPR) in Hong Kong will be extended to allow interested parties more time to prepare their submissions.

The Legislative Council, non-government organisations (NGOs) and other interested parties will now have until May 15 to express their views before the Administration prepare and submit its draft report to the United Kingdom Government.

A government spokesman said today (Wednesday): "We understand the Legislative Council is planning to hold special meetings to receive representations from NGOs before formulating their submission to the Administration.

"We attach great importance to LegCo and NGOs' views. To enable us to consider their views before we prepare and submit our draft report to the UK, we have decided to extend the deadline for submission of views to May 15, 1995."

The United Kingdom Government intends to submit its Fourth Periodic Report under the ICCPR in respect of Dependent Territories to the United Nations in summer this year. The report will cover development up to December 31, 1994.

The Hong Kong Government will contribute to the report by preparing a draft submission to the UK on the state of the implementation of the Covenant in Hong Kong.

"To enable the Administration to take into account views during the drafting of the report, and also to meet the deadline of submission set for this summer, further extension beyond May 15 will not be possible," the spokesman said.

To facilitate comments, the Administration has prepared an outline of topics which it intends to include in the draft report.

NGOs or individuals who would like to express their views can write to the Secretary for Home Affairs before 15 May 1995. Copies of the outline of the draft report can be obtained from the Home Affairs Branch, 31st floor, South Centre, Wan Chai, on request.

End/Wednesday, April 19, 1995

Police duties related fees to be revised

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Fees for the issue and renewal of temporary liquor licence and massage establishment licence will be revised from May 25 this year, a Government spokesman announced today (Wednesday).

In addition, fees related to licences issued and storage services provided under the Firearms and Ammunition Ordinance will be adjusted on the same day.

Details of the revised fees are set out in the Dutiable Commodities (Amendment) Regulation 1995, Firearms and Ammunition (Amendment) Regulation 1995, Firearms and Ammunition (Storage Fees)(Amendment) Order 1995 and Massage Establishments (Amendment) Regulation 1995 to be gazetted on Friday (April 21).

The spokesman said the revised fees were set at levels sufficient to recover the full costs of providing the services.

End/Wednesday, April 19, 1995

52 fined for breaching anti-pollution law

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A total of 52 convictions were recorded in the courts last month for breaching anti-pollution legislation enforced by the Environmental Protection Department.

Among them, 18 were made under the Air Pollution Control Ordinance, 16 under the Noise Control Ordinance, 15 under the Water Pollution Control Ordinance, two under the Ozone Layer Protection Ordinance and one under the Waste Disposal (Livestock Waste) Regulations.

The fines ranged from \$2,000 to \$100,000. Topwide Engineering Limited was fined \$100,000 upon its second conviction for permitting the use of power mechanical equipment for construction work without a permit.

The company had earlier committed a similar offence and was fined \$75,000 - the highest fine imposed on a first conviction since the Noise Control Ordinance came into force in November 1989.

Attention News Editors :

Enquiries on specific cases can be directed to the following officers

Cases	Officers	Tel
Cases 1 - 5 19 38 - 40	Ms Mable Mak	2516 1800
Cases 6 - 13 20 - 26 41 - 43	Mr Dick Rootham	2755 2200
Cases 14 - 17 27 - 29 44 - 46	Mr Fung Sang	2411 9601
Cases 18 30 47 - 51	Mr Perry Lai	2417 6074
Cases 31 - 34 37 52	Mr Patrick Lei	2685 1133
Cases 35 - 36	Mr Raymond Leung	2594 6401

However, enquiries on general issues should be directed to the department's Media Relations Unit.

End/Wednesday, April 19, 1995

Advanced anti-drug course for teachers

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Secondary school teachers attending a new advanced drug education course organised by the Education Department will explore ways to help students say 'no' to drugs by strengthening their assertiveness, self-esteem and self-confidence.

The two-day activity-oriented course, which will start tomorrow (Thursday), is part of the Government's effort to step up anti-drug education as mentioned at the Governor's anti-drug summit last month.

The course will be attended by 20 secondary school teachers, most of whom are responsible for handling drug education in their respective schools.

The course will stress that drug taking has an attraction for young people who lack an optimistic perception of the future or worthwhile opinion of themselves. On the other hand, people with a strong sense of identity and feeling of being in control of their lives are more likely to adopt health-enhancing behaviours.

Discussion on how to help students to view themselves as worthwhile and to give the classroom a non-threatening, non-judgmental atmosphere to foster acceptance of students will also be conducted.

Participants of the "Life Skills Training Course for Secondary School Teachers" will take a look at the decision-making process in respect of taking or resisting drugs, together with the values and feelings associated with different alternatives to drugs.

Also discussed will be the importance of self-esteem, assertiveness, self-confidence, interpersonal relationships and ability to tackle stress in beating drugs.

The course is jointly organised with the Community Drug Advisory Council. It is in addition to two courses for secondary school teachers in the package of anti-drug measures at the Governor's anti-drug summit.

End/Wednesday, April 19, 1995

Harbour to feature first 21-Gun salute afloat

After a break of at least 40 years, the Royal Navy's annual series of 21-gun salutes are to be fired from a commissioned warship as it steams through the heart of Hong Kong harbour.

The first such salute will be fired on Friday (April 21) by HMS Starling to mark the official birthday of Her Majesty Queen Elizabeth II.

Hong Kong is an officially-designated saluting base and as such the Royal Navy maintains the ancient British tradition of firing a series of 21-gun salutes each year to mark a number of Royal anniversaries.

For at least the last 40 years the salutes have been fired by three historic saluting cannon dating from before World War I.

The guns were mounted initially shore-mounted on the waterfront of the original HMS Tamar, now the Prince of Wales Barracks in Central.

Since the move of the Royal Navy to Stonecutters Island in 1993 they have been fired from a site on the south shore of that island.

However the site was unsatisfactory since it was invisible to the public. In addition it has now been enveloped by preparatory work for the new naval base being built for the People's Liberation Army Navy.

New saluting cannon brought out from Britain have been installed, initially aboard HMS Starling, so that the salutes can be fired from a sea-going warship in the full view of much of the city.

The salute will begin at noon as HMS Starling passes between Tsim Sha Tsui and Central. The ship will be on a westerly heading through the main harbour channel.

Attention News Editors:

Your representatives are invited to cover the salute. A second vessel will be provided as a photographic platform. This photographic vessel will formate on HMS Starling as she fires the salute. The photographic vessel can provide a stable platform despite harbour conditions but photographers should be prepared for a distance from themselves to the saluting deck aboard HMS Starling of about 100 to 300 metres.

Reporters and photographers should arrive at the Main Gate, Prince of Wales Barracks, by not later than 10.45 am. The photographic vessel will sail at 11 am. Representatives may expect to disembark after the facility at about 12.30 pm.

End/Wednesday, April 19, 1995

37 VMs return home voluntarily

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A group of 37 Vietnamese Migrants today (Wednesday) returned to Vietnam under the Voluntary Repatriation Programme of the United Nations High Commissioner for Refugees.

Comprising 15 men, eight women, nine boys and five girls, they were the 228th batch to go back under the programme.

The group brought to 714 the total number of Vietnamese Migrants who had returned voluntarily this year, and to 44,908 the total number of returnees since the programme started in March 1989.

End/Wednesday, April 19, 1995

Fresh water cut in Sham Shui Po

Fresh water supply to some premises in Sham Shui Po will be temporarily suspended from 11 pm on Friday (April 21) to 6 am the following day to facilitate water mains leakage detection.

The suspension will affect all the premises at Fuk Wing Street, Cheung Sha Wan Road, Kweilin Street, Nam Cheong Street and Pei Ho Street.

End/Wednesday, April 19, 1995

Hong Kong Monetary Authority money market operations

	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	3,275	0930	-331
Closing balance in the account	2,554	1000	-331
Change attributable to :		1100	-492
Money market activity	-491	1200	-490
LAF today	-230	1500	-490
		1600	-491

LAF rate 4.25% bid/6.25% offer TWI 117.7 *-0.3* 19.4.95

Hong Kong Monetary Authority

EF bills

EF notes/Hong Kong Government bonds

Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.19	13 months	2605	6.35	100.49	5.95
1 month	5.18	22 months	2702	7.50	102.02	6.41
3 months	5.39	27 months	3707	6.95	100.89	6.62
6 months	5.58	33 months	3801	8.00	103.10	6.86
12 months	5.92	59 months	5003	7.75	101.73	7.46

Total turnover of bills and bonds - \$19,085 million

Closed April 19, 1995

End/Wednesday, April 19, 1995



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SUPPLEMENT

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<u>Contents</u>	<u>Page No.</u>
<u>Legislative Council meeting :</u>	
No extension to the operating hours of the airport	1
Motion debate on aircraft movements at airport	2
Review of the planning for North West New Territories	8
Motion debate on Sewage Services (Sewage Charge) Regulation	12
Bills seeking to provide greater protection for vulnerable witnesses	14
Criminal Procedure (Amendment) Bill 1995	17
Evidence (Amendment) Bill 1995	20
Personal Data (Privacy) Bill	21
Companies (Amendment) Bill 1995	23
Second reading of Occupational Deafness (Compensation) Bill 1995	25
Rating (Amendment) Bill 1994	25
/"Hung Lau"	

Contents

Page No.

"Hung Lau" recommended as a monument	27
Franchised bus drivers	28
Local branch of Chinese Communist Party not registered	30
Importation of labour scheme	31
Cigarette smuggling	32
Directional signs on expressways	33
Student exchange scheme to improve oral English skills	34
Practice of handcuffing suspects	35
Number of housing units produced	36
Engineering graduates joining the Government	38
Expenses on Code on Access to Information	40
Smoking areas in schools	42
Education for the blind and mentally handicapped	43
Model Scale I civil servants	44
Five-day working week	46
Finding of anti-collision equipment to vehicles	47
Pedestrian passageway obstruction	49
Foreign domestic workers undertaking non-domestic work	50
Land allocated rent free for container truck operators	51
Delays in completion of HOS estates	53

No extension to the operating hours of the airport

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The Administration has decided not to pursue the proposal for an one hour extension to the operating hours of the Kai Tak airport suggested in the consultation document on maximising Kai Tak capacity in the light of the strong body of public opinion against the proposal, and, in particular, the concerns expressed about the possible impact on the health of residents, the acting Secretary for Economic Services, Mrs Elizabeth Boshier, said today (Wednesday).

In other words, the existing curfew on landings and take-offs between midnight and 6.30 am will be maintained.

Replying at the Legislative Council meeting to the motion on "Aircraft movements at Kai Tak Airport", Mrs Boshier said on the other hand, the Administration had not yet reached any final decisions on whether to implement some increase in the number of landings and take-offs in the hours of 6.30 to 7 am and 9 to 11.30 pm.

She said: "We believe that before final decisions on this issue are taken, further work should be carried out to see whether there are ways of reducing still further the disturbance to residents - not just from possible additional flights, but also from existing aircraft movements.

Mrs Boshier said steps had already been taken to reduce noise disturbance caused by existing flights. The Director of Civil Aviation already monitors strictly the time-keeping of late evening movements and takes action, when necessary, with the airlines concerned.

Further measures will now be examined in greater details.

These measures will include a more detailed assessment of the degree of noise nuisance to the residents in particular areas; the possible installation of more sophisticated noise monitoring equipment, to help ensure that aircraft operate in accordance with the relevant noise abatement procedures; and the establishment of more effective procedures for the recording and investigation of complaints from the public about aircraft noise.

"Once we have completed examination of these issues, the next step will be for the Administration to seek the advice of the Advisory Council on the Environment (ACE) on the impact of the possible introduction of additional flights between 6.30 am to 7 am and between 9 - 11.30 pm," she said.

"Until this step has been taken, no additional flights will be programmed during these hours.

Mrs Boshier said contrary to the assertions of some members who had spoken in support of the motion this afternoon, the discussion was not about whether economic considerations should prevail over environmental concerns.

"It is a question of finding the right point of balance between the two. It is also, in my view, quite wrong to depict the issue as one of big business interests versus the rights of the ordinary man in the street.

"There is no one in this community who does not benefit, in some way, from the fact that Hong Kong is home to one of the most efficient and well-managed airports in the world.

"It is for this reason that the Government has continued to invest in the physical expansion of Kai Tak, to invest in new state-of-the-art navigational and meteorological equipment and in the training of competent airport management and air traffic control staff in order to ensure that the airport functions at maximum efficiency."

End/Wednesday, April 19, 1995

Motion debate on aircraft movements at airport

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Following is the speech by the acting Secretary for Economic Services, Mrs Elizabeth Boshier, in the Legislative Council motion debate on aircraft movements at Kai Tak Airport today (Wednesday):

Mr President,

When the Administration launched a public consultation exercise on 19th December 1994 to assess public opinion on proposals to enhance the operating capacity of Kai Tak Airport, we knew the question we were putting to the community was not an easy one. I am not surprised, therefore, that this evening's debate has produced strongly expressed views both for and against the motion.

A combination of history, sustained economic growth and the rapid pace of urban development in Hong Kong have combined to place the fourth busiest airport in the world - in terms of international passengers - and the second busiest - in terms of international freight handled - right in the heart of a densely populated city.

Every day of the year, those living under, or in close proximity to the flight paths in and out of the airport suffer disturbance from aircraft noise, so it is small wonder that there are those in the community, and in this Council, who consider that it would be adding insult to injury to increase this level of nuisance in any way.

The good news, of course, is that all such disturbance will disappear for good on the opening of our new airport at Chek Lap Kok. Unfortunately, we cannot simply sit back and wait for our new airport to open. In the interests of the growth of our economy and maintaining Hong Kong's position as one of Asia's leading financial and commercial centres, we must do all we can to ensure Kai Tak keeps up with the increasing demands upon it.

This is why the Administration initiated public consultation, in December last year, on the possibility of:

- (a) providing a total of 26 additional slots within the airport's existing operating hours in the periods between 6:30 to 7:00 a.m. and between 9:00 and 11:30 p.m.; and
- (b) extending the airport's operating hours by one hour to provide 6 additional departure slots.

In the consultation paper the Administration set out clearly the problem which we face: namely that Kai Tak is now operating close to capacity and that, as a result, during the 1994/95 winter scheduling season, we were already having to turn away some 300 flights a week. Incidentally, we expect this figure will increase to over 400 per week later this year. We also explained that, although the Administration - and in particular the Civil Aviation Department - have done their best to increase the throughput of aircraft, and hence passengers, at the airport, during the hours of 7 a.m. - 9 p.m., there is little more that can be done because virtually all the runway time slots for takeoffs and landings during these hours are either now occupied, or cannot be taken up because of scheduling difficulties at the other end.

The Administration will continue to do all we can to enhance the handling capability of Kai Tak:

- by continuing to improve air traffic control systems in order to increase the number of aircraft movements that can be programmed each hour (an increase from 28 to 29 movements per hour was introduced on 30th October 1994 and a further increase to 30 movements per hour is planned);
- by continuing to expand and improve the efficiency of the passenger terminal;

- by encouraging airlines to deploy larger aircraft; and
- by encouraging airlines to make use of unused runway capacity in the early morning.

As a result of these efforts, we expect Kai Tak to be able to handle an additional 98 movements per week by the end of 1995. Unfortunately, this is still not enough and we will still be turning away over 300 flights per week or approximately 2.5 million passengers a year.

The proposals contained in the Administration's consultation paper would, if implemented in full, make available an additional 224 slots per week. They would also help to achieve a better utilisation of some early morning slots by enabling more planes to arrive in the late evening, stay overnight in Hong Kong and depart early the next day.

However, as the Administration has freely acknowledged, the proposals in the consultation paper would create a degree of additional noise disturbance to residents living near the airport in the early morning and late evening hours, when the number of aircraft movements has traditionally been restricted for noise mitigation reasons.

Mr President, contrary to the assertions of some honourable Members who have spoken in support of the motion this evening, this discussion is not about whether economic considerations should prevail over environmental concerns. It is a question of finding the right point of balance between the two. It is also, in my view, quite wrong to depict the issue as one of big business interests versus the rights of the ordinary man in the street.

There is no one in this community who does not benefit, in some way, from the fact that Hong Kong is home to one of the most efficient and well-managed airports in the world. It is for this reason that the Government has continued to invest in the physical expansion of Kai Tak to invest in new state-of-the-art navigational and meteorological equipment and in the training of competent airport management and air traffic control staff in order to ensure that the airport functions at maximum efficiency.

Kai Tak is our gateway to the world. In 1994, Hong Kong people made more than 7.1 million air trips - to visit friends and relatives overseas, to travel on business, to go on holiday. Each week, 63 airlines provide about 3,000 regular flights to some 100 destinations world-wide. We take for granted the ability to be able to go out and make air reservations to almost any corner of the world, in the time it takes to tap a few keys on a computer terminal. The ease and efficiency of our air links both within the region and to the rest of the world is one of the reasons why so many major companies choose to base themselves in Hong Kong.

An efficient airport is also essential to our manufacturers and exporters of high value-added products. Their business depend on regular and reliable air links to meet delivery dates. In 1994, HK\$448 billion worth of cargo was shipped into and out of Hong Kong by air.

Last but not least, the airport is fundamental to the success of our tourism industry. Of the 9.3 million visitors who came to Hong Kong last year, over 68% entered and left via the airport. While in Hong Kong they contributed to a total visitor spending of HK\$64 billion on accommodation, shopping, dining and entertainment - contributing some 7% to our Gross Domestic Product. Let's not forget that this expenditure creates jobs for the over 200,000 people in our community - whom it is estimated, are employed in tourism related employment in shops, restaurants, hotels, places of entertainment and transportation.

If Kai Tak cannot continue to grow to cope with increasing demand in the last few years of its life then the whole community will pay an economic price. For example, as a number of members this afternoon have already said

- we will forego HK\$4.3 billion a year in income from spending by additional overseas visitors;
- businesses and industries associated with airport operations such as freight forwarders and shippers will face constraints in growth and increased difficulties in meeting consignment delivery dates;
- flights which cannot be accommodated at Kai Tak may increasingly divert to other neighbouring airports - business which may not come back to Hong Kong even when our new airport is open; to this extent, I cannot agree with Dr Huang's assessment;
- the development of new or expanded air links with our aviation partners might also be held back.

Having said all this, Mr President, the Administration has no intention of riding roughshod over the views of those Hong Kong residents who have to bear the burden of aircraft noise on a day-to-day basis. It is for this reason that we have already taken steps to reduce the noise disturbance caused by existing flights :

- by no longer permitting airlines to schedule their arrivals after 10:30 p.m. - this is a measure of particular benefit to the residents of North Kowloon;

- by requiring all aircraft programmed to operate after 9 p.m. to comply with the most stringent noise abatement standards laid down by the International Civil Aviation Organisation - and some 97% of aircraft operating in and out of Kai Tak already meet these standards; and

- by making mandatory on airlines, with effect from November last year, the adoption of ICAO approved noise abatement procedures on take-off.

At the same time, Mr President, we are openly and sincerely soliciting the views of the public before deciding whether to implement measures which may add to that burden, as I spoke of earlier.

I would now like to turn to the outcome of the public consultation exercise. As of today, we have received over 100 responses including 8 from District Boards and 73 from groups and organisations. Some 54 % of these responses are supportive of the proposals in the Administration's consultation paper, with representations from the business sector - which includes trade organisations, chambers of commerce and travel and tourism-related companies - unanimous in their support for measures which they consider will stimulate business and bring substantial direct and indirect economic benefits to the whole community.

31% of the responses, including those from three District Boards; residents groups; and a number of non-business organisations are opposed to any increase in the number of flights programmed. A further 12% of responses are opposed to the proposed 1 hour extension of airport operating hours, but do not rule out some increase in capacity during existing operating hours.

Mr President, in the light of the strong body of public opinion against the proposal, and, in particular, the concerns expressed about the possible impact on the health of residents, the Administration has decided not to proceed with implementation of the 1 hour extension to the operating hours of the airport suggested in the consultation document. In other words, the existing curfew on landings and take-offs between mid-night and 6:30 a.m. will be maintained.

On the other hand, the Administration has not yet reached any final decisions on whether to implement some increase in the number of landings and take-offs in the hours of 6:30 to 7 a.m. and 9 to 11:30 p.m. We believe that before final decisions on this issue are taken, further work should be carried out to see whether there are ways of reducing still further the disturbance to residents - not just from possible additional flights, but also from existing aircraft movements.

I have already outlined, earlier in this speech, the measures which have already been introduced to reduce noise nuisance. The Director of Civil Aviation already monitors strictly the time-keeping of late evening movements and takes action, when necessary, with the airlines concerned. The further measures which will now be examined in greater detail will include :

- a more detailed assessment of the degree of noise nuisance to residents in particular areas;
- the possible installation of more sophisticated noise monitoring equipment, to help ensure that aircraft operate in accordance with the relevant noise abatement procedures; and
- the establishment of more effective procedures for the recording and investigation of complaints from the public about aircraft noise.

In answer, Mr President, to a point raised by Dr Huang and Mr Peter Wong, we have also looked into the possibility of how much it would cost to provide double-glazing and air-conditioning to residents which are most affected by aircraft noise. Apart from the cost which would be very considerable, we have estimated that it would probably take between three to five years to complete work of this sort which I think therefore rules it out as possible mitigation measures.

Once we have completed examination of these issues, the next step will be for the Administration to seek the advice of the Advisory Council on the Environment (ACE) on the impact of the possible introduction of additional flights between 6:30 a.m. to 7:00 a.m. and between 9:00 - 11:30 p.m. Until this step has been taken, no additional flights will be programmed during these hours.

Mr President, I would respectfully suggest that, until the Administration has had an opportunity to complete its evaluation of the public response to our consultation exercise and has undertaken the further studies which I have just outlined, it would be premature for members of this Council to rule out entirely the proposals contained in the consultation paper. Official members of the Council will be voting against the Honourable Martin Lee's motion and I would ask other members to do the same.

End/Wednesday, April 19, 1995

Review of the planning for North West New Territories

Following is the speech by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council motion debate on review of the planning for North West New Territories today (Wednesday):

President,

I welcome this debate because it gives me an opportunity to set out the Government's position on planning in the Northwest New Territories. In particular, I welcome the positive spirit behind the motion which is by and large consistent with the Government's strategic planning intentions for the Northwest New Territories. I will deal with the motion under four headings. First, I will present the Government's planning for the Northwest New Territories, highlighting the relationship between the territory-wide planning, the problems and the potential for the future. Second, I will describe the Government's infrastructure plans for the Northwest New Territories, particularly in respect of transport infrastructure and port development. Thirdly, I will deal with land use in the area, focusing on the characteristics, constraints and possibilities. Fourthly, I will update Members on the latest developments in cross-border infrastructure co-ordination by referring to the work of the Infrastructure Co-ordinating Committee.

Northwest New Territories planning

The Government's strategic planning intentions for the Northwest New Territories are four-fold. First, to take advantage of the vast amount of flat land in the area, particularly in Tin Shui Wai. The Northwest New Territories will provide a strategic growth area to accommodate part of the anticipated increase in population. Secondly, lying between Hong Kong's Central Business District, the port and the airport and the Pearl River Delta, the Northwest New Territories is strategically located to serve as a transport node for cross-border traffic. Thirdly, taking advantage of this location factor, the Northwest New Territories is also a good service centre for the container trade and China-related business activities. Fourthly, the Northwest New Territories is highly significant in terms of natural conservation, country parks and recreation. The Mai Po Marshes and wetland are internationally important wildlife habitat and nature conservation areas. There are beautiful Country Park areas, attractive enclosed valleys and scenic coastal areas. These are important areas to satisfy the growing demand for an improved living environment and an alternative lifestyle.

Infrastructure

Recognising the strategic location of the Northwest New Territories in the context of cross-border transportation links, the Government has firm plans to provide new road and rail systems which would facilitate the passage and access of passengers and freight between Hong Kong and China. These projects will also improve the transportation between the Northwest New Territories and the Metro area.

The dual 3 lane Route 3 (Country Park Section) is due to open in mid 1998. It will greatly reduce the journey time from the Northwest New Territories to the urban area and will improve transportation links between the border and the container port. In the meantime, we will relieve traffic congestion on the Tuen Mun Highway by constructing additional climbing lanes in the most congested uphill sections by July 1996. There are other plans to facilitate cross-border traffic, including for example improvements to the Lok Ma Chau border crossing point by adding 10 extra channels by early 1998, providing an extra lane in the Tolo Highway from Sha Tin to Tai Po for completion also by 2001, constructing Route 16 from Sha Tin to Cheung Sha Wan by 2001, and building a new link from the New Territories Circular Road to the Man Kam To border crossing.

Following the announcement of the Railway Development Strategy in December last year, the Kowloon-Canton Railway Corporation has been invited to submit proposals for building a new Western Corridor Railway from the border to West Kowloon, with a spur line to Tuen Mun north. This new railway will allow the transportation of freight containers direct from the border into the container port, thus relieving the New Territories road system. It will also greatly enhance cross-border passenger travel and will provide a commuter service to carry Northwest New Territories residents to the urban area. Completion of the railway will enhance the land development potential in the area, and will relieve pressure on external road links.

To cope with the rapidly increasing volume of cargo traffic between the Pearl River Delta and the port of Hong Kong, shippers are also seeking alternative means to transport containers to and from China. They are increasingly looking to the Pearl River. This is reflected in the dramatic increase in containerisation of river cargoes in recent years. Tuen Mun in the Northwest New Territories provides an ideal location for a river trade terminal handling cargo to and from Pearl River Delta ports. By using Tuen Mun, river vessels will be able to avoid the busy Ma Wan Channel and will also operate away from the ocean-going vessels using Kwai Chung and the New Lantau Port. The Government will invite tenders for the building and operation of the river trade terminal later this year. The first phase of the terminal is expected to begin operation by late 1998.

To address the flooding problem in NT, the Government has carried out the Territorial Land Drainage and Flood Control Strategy Study which has produced a Basin Management Plan for each major drainage basin. The Plan provides the Government with a rational framework for managing the drainage systems in each basin, and for implementing structural and non-structural flood loss mitigation measures. In the Northwest New Territories a series of river training projects to alleviate flooding and a number of village flood protection schemes are being implemented at a total cost of some \$3.1 billion. In addition, we are carrying out a river regulation project of the Shenzhen River in co-operation with the Shenzhen authorities.

Land Use

Turning now to land use. I have to mention the very serious problem of uncontrolled use of rural land for open storage and container related activities. This problem is prominent in the Northwest New Territories where large areas of flat land are readily available, particularly in strategic locations near the border. Another problem is flooding which I have mentioned. Until such time as the flooding problem is contained, land use in the rural area is subject to this constraint. Another constraint is the lack of sewers outside new towns. Again this puts a limit on the level of development. I have also mentioned the importance of conservation areas such as Mai Po and the Country Parks, which also limit the potential for development. Indeed, the Government has decided to designate Mai Po as a wetland of international importance under the Ramsar Convention. Apart from these factors, land use in Yuen Long in particular is further constrained by the fact that the Kam Tin Valley and Yuen Long South are topographically enclosed, resulting in poor air dispersion.

Taking these characteristics and constraints into account, what then are the possibilities for co-ordinated land use planning for the Northwest New Territories? The Government's plan is for high density development in new towns, medium density in areas around transport nodes, and low density in other areas. Land in strategic locations will have to be used for transport and other infrastructure. Suitable sites will be identified for container storage and container lorry parking. Conservation areas like Mai Po and Country Parks will be maintained. Outdoor recreation sites on the outer edges of the rural-urban fringe will be developed in due course.

Cross-border Infrastructure Co-ordination

The motion has rightly highlighted the rapid economic development in China and Hong Kong and the need to improve the transportation links between the two places. I would like to take this opportunity to update Members on the work of Infrastructure Co-ordinating Committee (ICC) which is tasked with improving the co-ordination between Hong Kong and the Mainland in respect of major infrastructure projects straddling the border.

The ICC has made a very good start. Both sides have taken this valuable opportunity to seek new contacts and good working relationships with each other. Channels of communication and foundations for co-operation and co-ordination have been firmly established. Both sides recognise that there is much to be done. In particular, Hong Kong needs to consider the complementary provision of infrastructure within the territory to help facilitate development in the Pearl River Delta. The Pearl River Delta itself will probably need to focus on the co-ordination of its own infrastructure development and how the various projects should be co-ordinated with Hong Kong. In this connection, the ICC and its four panels would provide a valuable platform for a regular exchange of views. With the good will and professionalism which have characterised the early stages of the Committee's work, I am sure that the ICC will continue to be a successful feature of the close relationship between Hong Kong and China.

Concluding Remarks

Mr President, I have set out the Government's position on planning, infrastructure development and land use in the New Territories. I have outlined the Government's strategic planning intentions for the Northwest New Territories. I have highlighted the problems to be overcome as well as the characteristics, constraints, and possibilities for future development. The Government's plans recognise the strategic location of the Northwest New Territories in terms of cross-border economic relationships in the provision of transport infrastructure, new port development and land for container back-up activities. However, these plans have to take into account ownership pattern, flooding and the lack of basic infrastructure in the rural areas outside new towns. I have emphasised the need to preserve conservation areas and country parks.

The Government will keep under review the planning tools such as the Territorial Development Strategy and the Northwest New Territories Development Statements Study and will do all it can to make sure that the infrastructure planned for the area will be completed on time. I would like to point out, however, that in so doing the Government has a duty to strike a balance between the development of Northwest New Territories and other areas in Hong Kong. With these remarks and in line with the positive spirit behind the motion, the ex-officio Members will support the motion.

Thank you, Mr President.

End/Wednesday, April 19, 1995

Motion debate on Sewage Services (Sewage Charge) Regulation

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Following is the speech by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council motion debate on Sewage Services (Sewage Charge) Regulation today (Wednesday):

Mr President,

I would like to start with a brief statement on the history of this legislation.

As Members will recall, the Administration has for several years been advising this Council - and the community at large - of the need to apply the Polluter Pays Principle and to introduce this principle to sewage charges. Most modern communities pay such charges and the time has now come for Hong Kong to pay them too.

Consequently, the Administration held very detailed discussions with Members of the Bills Committee to study the Sewage Services Bill, the enabling Bill for the Sewage Charge Regulation, which was introduced into this Council on 6 July 1994. The outcome of these discussions was agreement on a simpler charging scheme for the majority users of sewage services so as to keep the effect of charges on domestic users as low as reasonably possible. That is to say, after six meetings of the Bills Committee, we agreed with Members to amend the Bill in order to simplify the tariff structure by deleting the fixed charges - which would have varied with meter size and user category - and by calculating the sewage charges for all consumers based on a simple uniform volumetric charge only. Subsequently, the Sewage Services Ordinance was passed in this Council on 14 December 1994.

The revised scheme therefore proposes a uniform rate of \$1.2 per cubic metre of water supplied for all service users. This revision further reduced what was already a modest and affordable charge to households. Consequently, the draft Regulation setting out the revised scheme was considered by the Sewage Services Bills Committee at its meeting on 22 November 1994 and was accepted by the majority of the Bills Committee Members. As I have noted, the Ordinance was then duly passed in December last year.

After the passage of the Ordinance, the subsidiary legislation were approved by the Executive Council in February 1995 and tabled in this Council on 1 March 1995. A Sub-committee was formed to consider the charging regulations and, during its four meetings, considered the effect of the Sewage Services (Sewage Charge) Regulation on heavy water users, especially the bleachers and dyers.

After discussions, the Administration agreed to amend section 2(2) of the Sewage Charge Regulation, to reduce the discharge factor from 80% to 70%, to reflect the added financial burden on some heavy water users because of the simplification of the charging scheme. This will also help address the concern of heavy water users that sewage charges may significantly increase the operating costs of their businesses. The amendment regulation was subsequently approved by the Executive Council on 11 April 1995 and gazetted on 13 April 1995.

As I have said, Mr President, the sewage charging scheme in its present form is based on volumetric consumption. The logic of the scheme is that polluters should pay. In other words, the less water one uses, the less one pollutes the environment, the less one uses sewage services, and the less one has to pay. As a result, under the revised charging scheme, the first 12 cubic metres of water for households will be exempted from charges, 16% of domestic account holders will in fact pay nothing, 50% will pay less than \$8 a month, and 85% will pay less than \$18 a month. I think this is far from the straw that breaks the camel's back. This is a very modest charging scheme by any measure and is acceptable to a large majority of the community, an acceptance clearly reflected in a public opinion survey in November 1994. The survey found that an overwhelming majority of the 500 respondents (about 85%) supported the polluter pays principle. The majority also expressed a willingness to pay sewage charges of up to \$30 a month, a sum which is substantially more, indeed nearly double, what 85% of households will have to pay.

It is therefore surprising that it is now proposed to further reduce charges for households alone. This proposal breaches the Polluter Pays Principle - which this Council has in the past soundly endorsed. It also ignores the fact that households as a whole contribute to about 60% of the organic pollution in Hong Kong, and that as they too contribute to pollution, they too should contribute to its solution. It ignores too the fact that we agreed with the Bills Committee to simplify the charging scheme to further reduce sewage charges for households.

But the amendment proposed is unacceptable for other reasons as well. Members will recall that, in March 1994, they approved the establishment of the Sewage Services Trading Fund under the Trading Funds Ordinance. This Ordinance requires the Trading Fund to fund itself through charges, a requirement accepted by Members during the thorough discussions on this Ordinance. The motion now proposed would result in an annual loss of some \$100 million to the Trading Fund - clearly an unacceptable loss - and breach of a key objective of the Fund.

It has been suggested that recurrent subsidies could be credited to the Trading Fund by taxpayers. As was explained during the thorough discussions with Members on this Ordinance, such subsidies are outside the framework of the Sewage Services Trading Fund. Moreover, to meet the objectives of the Trading Fund, it would be necessary to recover the charges foregone by either increasing the charges on other service users, or increasing the charges significantly in subsequent years to make up for the shortfall, which would be clearly unacceptable.

Last but not least, I would like to mention that according to the legal advice of the Attorney General's Chambers, the proposed amendment to the Regulation is ultra vires as mentioned by Members. Under section 12 of the Sewage Services Ordinance, which was passed in this Council on 14 December 1994, the Governor-in-Council may make a regulation to prescribe 'the rate' to be used for sewage charges and, under section 3 of the Ordinance, a consumer shall pay to the Government 'a sewage charge at a prescribed rate', based on the volume of water supplied by the Water Authority. There is no provision under the Ordinance to allow the imposition of different sewage rates for different service users.

In concluding my remarks, Mr President, I invite this Council, once again, to accept that the time has come for the community to meet its responsibility and to support a sewage charging scheme which is modest and which is in line with the polluter pays principle. As I have said, most other modern cities pay these charges - now it is Hong Kong's turn.

The sewage charges we now propose are modest and affordable - less than twenty-five cents per day for an average household. These levels are, I am sure, acceptable to this Council and to the community as a whole.

Thank you. Mr President.

End/Wednesday, April 19, 1995

Bills seeking to provide greater protection for vulnerable witnesses

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Two bills seeking to provide greater protection for vulnerable witnesses when giving evidence in criminal courts were introduced into the Legislative Council today (Wednesday).

Moving the second reading of the Criminal Procedure (Amendment) Bill 1995 today, the Attorney General, the Hon Jeremy Mathews, said vulnerable witnesses, including children, the mentally handicapped and those who feared for their safety if they gave evidence, might feel intimidated by the atmosphere of the court; upset by the presence of the offender and dismayed at having to give an account of the facts firstly to the police and secondly in court.

He said an additional problem was caused by the rule that a defendant could not be convicted on the unsworn evidence of a child, no matter how reliable it might be, in the absence of corroboration.

These problems were addressed by way of the Criminal Procedure (Amendment) Bill 1995 and the Evidence (Amendment) Bill 1995, he said.

The amendments proposed by the two bills were based on the recommendations made by Committee on the Evidence of Children in Criminal Proceedings; the working party appointed by Chief Justice and chaired by Mr Justice Wong to study mentally handicapped people giving evidence in court and the Fight Crime Committee.

Mr Mathews said that the purpose of the Criminal Procedure (Amendment) Bill was to provide greater protection for vulnerable witnesses when giving evidence in criminal courts, by introducing four new procedures.

The first procedure, he said, would enable vulnerable witnesses, with the leave of the court, to give evidence at trial in a room separate from the court room through a live television link.

This would allay their anxiety arising from giving evidence in court and child victims, in particular, would be spared the trauma of being close to the alleged abuser again, he said.

Mr Mathews said: "Secondly, interviews with children and mentally handicapped witnesses can be conducted and video recorded in informal surroundings.

"The video recording can later be accepted as evidence in court. This will mean that the witness will not have to repeat the ordeal of describing the incident," he said.

"A third procedure will prevent child or mentally handicapped witnesses from being required to give evidence in court twice in relation to serious abuses - once at the committal proceedings and again at the trial.

"Committal proceedings will not be needed when the prosecution issues a "notice of transfer" certifying that the evidence is sufficient for the accused to be committed for trial," he said.

"In cases where it was unavoidable that a trial could be heard without delay, or where exposure to a full trial would endanger the physical or mental health of the child or mentally handicapped witness, a written deposition taken by a magistrate could be admissible as evidence without further proof," Mr Mathews said.

Mr Mathews also emphasised the introduction of the new procedures would not prejudice the accused's right to a fair trial.

He said, for example, where a video recording was used as evidence, the witness had to appear in court so that cross-examination was possible.

He noted that the question of whether the maximum penalty for the offence of child abuse under the Offences Against the Person Ordinance should be increased was currently under urgent consideration by the Administration as a separate exercise.

Mr Mathews added that the problems surrounding vulnerable witnesses were being tackled vigorously on a number of fronts.

They included a comprehensive range of preventive and family support services to combat child abuse; professional assistance such as counselling before, during and after the trial by clinical psychologists or social workers provided for mentally handicapped witnesses; and the establishment of a central Witness Protection Unit within the Police Force to formulate, co-ordinate and implement witness protection measures.

Mr Mathews, when moving the second reading of the Evidence (Amendment) Bill 1995, said that the bill proposed a change to the law of evidence which was considered essential to ensure that justice might be done in cases involving child witnesses.

He said: "Under the existing law, children under seven years of age are not competent to give evidence, and unsworn evidence given by children under the age of 14 years must be corroborated by some other independent evidence before the accused may be convicted."

He said that the bill abolished the two rules and provided that all children under the age of 14 years were able to give evidence unsworn.

He added: "If a child is able to give relevant and understandable evidence, the court or jury will evaluate that evidence, even in the absence of other corroborative evidence, and decide how much reliance to place upon it."

"I believe that these proposed amendments will, by abolishing unjustifiable technicalities, enable the courts to do justice in cases involving child witnesses," said Mr Mathews.

Debate on the two bills was adjourned.

End/Wednesday, April 19, 1995

Criminal Procedure (Amendment) Bill 1995

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Following is the speech by the Attorney General, the Hon Jeremy Mathews, in moving the second reading of the Criminal Procedure (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

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

In the Policy Commitments I made last October, I told Honourable Members of this Council that one of the immediate issues I would address was a scheme to ensure that vulnerable witnesses in criminal cases can give their evidence without fear and without suffering emotional distress.

There are three classes of witnesses who are particularly vulnerable when giving evidence in criminal courts: children, those who are mentally handicapped and those who fear for their safety if they give evidence. These vulnerable witnesses may feel intimidated by the atmosphere of the court; upset by the presence of the offender and dismayed at having to give an account of the facts firstly to the police and secondly in court. An additional problem is caused by the rule that a defendant cannot be convicted on the unsworn evidence of a child, no matter how reliable it may be, in the absence of corroboration. Recently, serious concern has been expressed by the community, the courts, and Members of this Council about the law and procedure relating to vulnerable witnesses.

Mr President, these problems are being addressed by the Administration by way of two Bills: the Criminal Procedure (Amendment) Bill 1995, which I am now introducing, and the Evidence (Amendment) Bill 1995, which I will introduce later this afternoon. The amendments proposed in these two Bills spring from recommendations made by three committees.

In September 1993 I set up a Committee on the Evidence of Children in Criminal Proceedings chaired by Mr I G Cross, QC. It was clear to me then that reforms were needed in respect of child witnesses. The Committee recommended that procedures similar to those set out in the English Criminal Justice Acts of 1988 and 1991 should be adopted in Hong Kong in cases involving children who are witnesses of offences involving sexual abuse, physical abuse or cruelty.

In March 1994, a working party appointed by the Chief Justice and chaired by Mr Justice Wong published a Report on Mentally Handicapped People Giving Evidence in Court. The working party also recommended the introduction of procedures, similar to those recommended by the Cross Committee, in order to allay the anxiety of mentally handicapped witnesses giving evidence in criminal proceeding.

As members of this Council are aware, the need for improved witness protection arrangements was considered by the Fight Crime Committee which made a number of recommendations in April 1993. Whilst many of the recommendations have been implemented administratively, a recommendation that a witness who is in fear should be able to testify by a live television link in a room separate from the courtroom requires legislation.

The two Bills I have referred to propose to introduce desirable changes in the law, but they are not the only measures being taken. The problems surrounding vulnerable witnesses are being tackled vigorously on a number of fronts. I would like to describe briefly the other measures which are being taken to deal with child abuse, the mentally handicapped, and witnesses in fear.

Mr President, this Administration is committed to combating child abuse through a comprehensive range of preventive and family support services. We will spend around \$1.1 billion on family and child welfare services in this financial year, an increase of almost 20% over last year.

The handling and treatment of child abuse cases require multi-disciplinary cooperation, and a comprehensive set of guidelines has been compiled for use by the professionals concerned. A task force was set up last month to examine procedures and to work out guidelines to improve the handling of child sexual abuse cases. The Child Protective Services Unit of the Social Welfare Department has been charged with the operational and coordinating role in handling child abuse cases. The unit will be strengthened by more workers in this financial year to improve its capacity to protect vulnerable children. To promote better understanding of child abuse among different professionals and to tackle the problem on a district basis, the Social Welfare Department will set up multi-disciplinary district committees on child abuse in five districts in this financial year. The department has also set up a Public Education Subcommittee on Child Abuse to coordinate publicity and public education programmes on the prevention of child abuse. The first stage of the programme was launched last month focusing on educating the general public on the early detection and reporting of child abuse cases. In order effectively to implement the proposed legislative changes in handling child abuse cases in court, intensive training courses will be conducted for the various types of professionals concerned, to better equip them in this specialized area of work.

Turning now to mentally handicapped witnesses, these witnesses will continue to receive professional assistance as appropriate. This includes counselling before, during and after the trial by clinical psychologists or social workers. Support will also be provided to carers and family members of mentally handicapped witnesses throughout the process.

The protection of witnesses in fear is now the responsibility of a central Witness Protection Unit which has been set up within the Police Force to formulate, coordinate and implement witness protection measures. The unit comprises a headquarters element, an operational support group and a cadre of operational staff on reserve.

The purpose of the Criminal Procedure (Amendment) Bill is to provide greater protection for vulnerable witnesses when giving evidence in criminal courts, by introducing four new procedures. First, vulnerable witnesses will, with the leave of the court, be able to give evidence at trial in a room separate from the court room through a live television link. This will allay their anxiety arising from giving evidence in court and child victims, in particular, will be spared the trauma of being close to the alleged abuser again. Secondly, interviews with children and mentally handicapped witnesses can be conducted and video recorded in informal surroundings. The video recording can later be accepted as evidence in court. This will mean that the witness will not have to repeat the ordeal of describing the incident.

A third procedure will prevent child or mentally handicapped witnesses from being required to give evidence in court twice in relation to serious abuses - once at the committal proceedings and again at the subsequent trial. Committal proceedings will not be needed when the prosecution issues a "notice of transfer" certifying that the evidence is sufficient for the accused to be committed for trial. In cases where it is unavoidable that a trial cannot be heard without delay, or exposure to a full trial would endanger the physical or mental health of the child or mentally handicapped witness, a written deposition taken by a magistrate will be admissible as evidence without further proof.

I should emphasise that the introduction of the new procedures will not prejudice the accused's right to a fair trial. For example, where a video recording is used as evidence, the witness must appear in court so that cross-examination is possible.

Mr President, another aspect of the law relating to children that has caused concern is the maximum penalty for the offence of child abuse under the Offences Against the Person Ordinance. The question of whether the penalty should be increased falls outside the ambit of the two Bills I am introducing today but is currently under urgent consideration by the Administration as a separate exercise.

I believe that the proposed amendments in this Bill will go a long way to assist vulnerable witnesses to give evidence free from intimidation and anxiety, thereby enhancing the proper administration of justice.

End/Wednesday, April 19, 1995

Evidence (Amendment) Bill 1995

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

Mr President,

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

The Bill proposes a change to the law of evidence which is considered essential to ensure that justice may be done in cases involving child witnesses. A moment ago, when introducing the Criminal Procedure (Amendment) Bill 1995, I explained that a problem exists in respect of the evidence of children. Under the existing law, children under seven years of age are not competent to give evidence, and unsworn evidence given by children under the age of 14 years must be corroborated by some other independent evidence before the accused may be convicted. This rule has been recently described by one judge as a "child molester's charter". The Evidence (Amendment) Bill abolishes the two rules I have described and provides that all children under the age of 14 years are able to give evidence unsworn. If a child is able to give relevant and understandable evidence, the court or jury will evaluate that evidence, even in the absence of other corroborative evidence, and decide how much reliance to place upon it.

I believe that these proposed amendments will, by abolishing unjustifiable technicalities, enable the courts to do justice in cases involving child witnesses.

End/Wednesday, April 19, 1995

Personal Data (Privacy) Bill

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Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, in moving the second reading of the Personal Data (Privacy) Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Personal Data (Privacy) Bill be read a second time.

The purpose of the Bill is to protect the privacy interests of individuals in relation to personal data. The Bill will also contribute to Hong Kong's continued economic well being by safeguarding the free flow of personal data to Hong Kong. This is because an increasing number of countries have data protection laws with provision to restrict the transfer of personal data to places without similar protection for personal data.

The Bill implements most of the recommendations of the Law Reform Commission in its report on reform of the law relating to the protection of personal data published in August 1994. That report was based on more than four years' work by the Law Reform Commission, including a thorough public consultation exercise in 1993.

In common with such legislation elsewhere, the Bill gives statutory effect to internationally accepted data protection principles. These are set out in Schedule 1. The data protection principles provide for: the fair collection of personal data; requirements that personal data be accurate and not kept for longer than necessary; limits on the use of personal data; security of personal data; openness by data users about the kinds of personal data they hold and purposes to which they are put; and for data subjects to have rights of access and correction with respect to their wrong personal data. Detailed provisions to enable individuals to obtain access to and to seek correction of their personal data held by data users in both the private and public sectors are contained in Part V of the Bill.

Part II of the Bill establishes an independent statutory body, the Privacy Commissioner for Personal Data, to promote and enforce compliance with the legislation. Schedule 2 of the Bill makes provision for financial matters with respect to the Privacy Commissioner. It also gives the Director of Audit the power to examine the economy, efficiency and effectiveness with which the Privacy Commissioner has expended his resources.

Part III of the Bill provides for the Privacy Commissioner to approve and issue codes of practice giving guidance on compliance with the Bill. Part IV provides for the Privacy Commissioner to specify classes of data users required to submit annual returns on the kinds of personal data they hold and purposes to which the data are put. The Privacy Commissioner is required to compile such returns in a register and to provide facilities for any person to have access to the register.

Part VI of the Bill subjects the automated comparison of personal data and the transfer of personal data to places outside Hong Kong to suitable control to protect the privacy interests of subject data. It also contains provision for individuals to require the erasure of personal data used for direct marketing purposes.

Part VII of the Bill makes provision for the Privacy Commissioner to inspect personal data systems and to investigate suspected breaches of the Bill's requirements either on complaint from an individual or on the Privacy Commissioner's own initiative. It also provides for the Privacy Commissioner to be able to enter premises for an inspection or investigation, to take evidence and make reports, and where necessary to issue enforcement notices. The Bill provides for appeals against certain decisions of the Privacy Commissioner to be dealt with by the Administrative Appeals Board.

Part VIII of the Bill contains exemption provisions. A broad exemption from the requirements of the Bill is provided for personal data held for domestic purposes, which include the management of personal affairs and recreational purposes. There are several exemptions from the subject access provisions in order to ensure continued efficient and effective human resources management. For example, in relation to staff planning and personal references. In addition, there is provision for a transitional exemption from the subject access provisions for employment-related personal data provided in confidence by third parties prior to the coming into effect of the Ordinance.

Part VIII of the Bill also provides for exemption from the subject access and use limitation provisions of the Bill where their application would be likely to prejudice a variety of specified public interest purposes. Such purposes include: security, defence and international relations in respect of Hong Kong, the prevention and detection of crime, the assessment or collection of taxes and financial regulation. In essence, these provisions seek to strike a balance between the individual's right to privacy with respect to personal data and the public interests involved.

The Bill also seeks to strike a balance between privacy with respect to personal data and the right to gather and report news. Accordingly, in Part VIII there is an exemption from the subject access provision for personal data held for news gathering and reporting purposes prior to the publication or broadcasting of the data concerned. Provision is also made for an exemption from the use limitation provisions to allow personal data collected for other purposes to be passed on for publication where this is in the public interest. In addition, personal data held for the purposes related to news gathering and reporting are exempt from the Privacy Commissioner's power to inspect personal data systems and investigate suspected breaches of the Bill's requirements other than on complaint.

Part IX of the Bill provides for offences and compensation. The offences include non-compliance with an enforcement notice issued by the Privacy Commissioner, which carries a fine in the range of \$25,001 to \$50,000 and imprisonment for 2 years. Provision is made for an individual who suffers damage, including injury to feelings, as a result of a contravention of a requirement of the Bill to be entitled to compensation. This would be assessed by the court under normal civil proceedings. Provision is made for reasonable care by a user of personal data to be a defence in such proceedings.

Mr President, I move that the Second Reading debate for this Bill be now adjourned.

End/Wednesday, April 19, 1995

Companies (Amendment) Bill 1995

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Following is a speech by the Secretary for Financial Services, Mr Michael Cartland, in moving the second reading of the Companies (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Companies (Amendment) Bill 1995.

There are three main objectives in these proposed amendments to the Companies Ordinance. They first of all seek to introduce a new class of preferential payment for depositors in the event of the liquidation of a bank. Secondly they provide for the use of either Chinese or English under various provisions in the Ordinance; and thirdly they enable the use of certificates of incorporation with pre-printed signatures by the Companies Registry.

The new preferential class would enable eligible depositors of licensed banks to receive priority payment of up to \$100,000 for their net deposits in the event of the liquidation of a bank. The new class should rank immediately after the existing classes for remuneration and other payments to employees and statutory debts. The proposal is intended to provide a measure of comfort for depositors, which would in turn contribute to the stability of the banking sector.

The proposal covers all depositors except persons and companies that are connected with the bank being liquidated, for example its directors and its subsidiary companies. Also excepted is the Hong Kong Monetary Authority as the bank regulator, which places deposits with banks in the name of the Exchange Fund. Certain banking institutions are also excluded, such as licensed banks, restricted licensed banks, deposit-taking companies and multilateral development banks.

Where less than full dividend is paid to creditors, the new class will somewhat diminish dividends to very large creditors, excluded depositors and ordinary creditors. However, the proposal would contribute to a more speedy liquidation by reducing the number of creditors very considerably at an early stage of the winding up. Past research has shown that some 80% to 90% of deposit accounts of retail banks have a balance of \$100,000 or below. Hence the notional loss of having to give up a certain percentage of dividend payment may be more than offset by the accelerated receipt of their money by the other creditors and the reduction in administrative costs of the liquidation.

Besides the introduction of the new preferential class, other aspects of the liquidation are not affected by the Bill and will continue to be governed by established liquidation law and practice.

The Bill also amends a number of provisions in the Ordinance to permit the use of either Chinese or English to file documents with the Companies Registry, thereby placing both languages on an equal footing. The proposal to use certificates of incorporation with preprinted signatures would allow the Registry's resources to be used in a more cost effective and efficient manner.

Mr President, this is a package of useful amendments, necessary to increase confidence in the banking system and to facilitate access to the Companies Registry.

End/Wednesday, April 19, 1995

Second reading of Occupational Deafness (Compensation) Bill 1995

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Following is the speech by the Secretary for Education and Manpower, Mr Michael Leung, on the second reading debate on the Occupational Deafness (Compensation) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I am grateful to Members for their support of this important Bill. I am sure Members will share with me the gratitude that we can finally at long last bring into operation a compensation scheme for our workers for occupational deafness which has been discussed for the last six years. I am sure members will agree with me also that whilst the scheme is not perfect, this is only the beginning of the improvements and I'll certainly promise to review the scheme after one year's operation. I would like to thank Mr Michael Ho and Members of the Bills Committee for their efforts in making a detailed examination of the Bill and for their very useful suggestions and views. Having considered the views and suggestions from the Bills Committee, I will be moving a number of amendments to the Bill at the Committee Stage later, and will explain these in more detail. Thank you, Mr President.

End/Wednesday, April 19, 1995

Rating (Amendment) Bill 1994

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Following is the speech by the Secretary for the Treasury, Mr K C Kwong, in the resumption of second reading debate on the Rating (Amendment) Bill 1994 in the Legislative Council today (Wednesday):

Mr President,

I thank the Hon Moses Cheng for the clear exposition of the purposes of the Bill, the discussion of the Bills Committee, and the administration's views on the points raised by members of the Bills Committee.

The Bills Committee chaired by the Honourable Moses Cheng has offered valuable advice to us. We are grateful for the Committee's support for the proposed transfer of the Collector of Rates' functions to the Commissioner of Rating and Valuation. Subject to Members' approval, we are keen to implement the proposal as soon as possible so as to provide a one-stop service for ratepayers and to allow better use of the resources of the departments concerned.

We also welcome the Committee's backing of the miscellaneous amendments to streamline the procedures for rates assessment, service of notices and rating appeals. The aim of these amendments is to improve efficiency and the quality of service to the public. In the light of the Committee's views, we agreed to reinstate the provision relating to the power to make regulations under the Rating Ordinance so that the power will remain with the Executive Council. This Council will, of course, retain the right to scrutinise (and amend if appropriate) the regulations in the usual way. The Committee Stage Amendments which I shall move later this afternoon will give effect to the agreement.

There is, however, one area where the Administration and some Members of the Bills Committee have not been able to reach a consensus. That is the proposed abolition of half-refund of rates for vacant non-domestic properties. As the Hon Moses Cheng pointed out, we believe that rates are a general charge on properties to finance the costs of government and municipal council services. Both occupied and vacant buildings benefit from these services, such as fire protection and police cover. It is therefore reasonable for the owners of vacant properties to pay a fair share whether they are domestic or non-domestic properties.

There have been suggestions that the proposal will hit our industry severely. With respect, I cannot agree. Rates have an insignificant effect on the property market. Rates represent about 4% of rental value of non-domestic premises; so half rates amount to only about 2% of the rental value or 0.1% of the capital value. According to information available to us, the proposal will only affect very few industrial properties. In the third quarter of 1994, owners claim half refund for only 5% of total stock of industrial buildings subject to rates assessments. In 90% of these cases, the properties are vacant pending sales or letting. These are commercial decisions and should not affect their duty to pay rates.

For the reasons I have set out, I hope Members will support our proposal to abolish the half refund of rates on non-domestic properties. Mr President, I commend this Bill to the Council, subject to the amendments which I shall move shortly.

End/Wednesday, April 19, 1995

"Hung Lau" recommended as a monument

* * * * *

The following is a question by the Hon Man Sai-cheong and a reply by the Secretary for Recreation and Culture, Mr James So, in the Legislative Council today (Wednesday):

Question :

It is learnt that the Antiquities Advisory Board has agreed that a recommendation should be made to the Recreation and Culture Branch for declaring the "Hung Lau" building at the Castle Peak Farm in Tuen Mun as a monument. In this connection, will the Government inform this Council what specific follow-up actions it has taken, and what decision it has made, on the Board's recommendation?

Reply :

Mr President

I would first like to clarify that the AAB did not specifically recommend the declaration of Hung Lau itself as a monument. At its meeting on 28 February 1995, the Antiquities Advisory Board recommended for preservation as a monument the former Castle Peak Farm, within which boundaries Hung Lau stands.

The Administration now proposes to invite the Regional Council to establish and manage a public park on part of the site of the old Castle Peak Farm in keeping with the local surroundings and the history of the Farm for the benefit of the people of Hong Kong. We aim to include the Hung Lau building as a focal point within this park. A concrete proposal will be drawn up for the Regional Council's consideration in due course.

Since February 1995, the Antiquities and Monuments Office has taken various steps to follow-up on this matter. The AMO is consulting all interested branches and departments within government to ascertain the precise boundaries, ownership, occupation, use, zoning and any future plans for the various publicly and privately owned lots lying within the old Castle Peak Farm's boundaries. In addition, the owners of the various lots are now being contacted to obtain their views on the declaration. This process is rather complex and must be done thoroughly. It will therefore take some time to complete.

Preliminary discussions have also been held with the owner of the private lot on which Hung Lau stands. We have now obtained agreement in principle from the owner to surrender to Government the relevant part of this lot, including Hung Lau itself, subject to certain aspects, such as the handling of the existing tenants in Hung Lau, being satisfactorily resolved.

We hope to be able to resolve most of the key issues within the next 12 months or so to enable us to formally declare part of the former Castle Peak Farm in Tuen Mun as a monument.

End/Wednesday, April 19, 1995

Franchised bus drivers

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Following is a question by the Hon Miriam Lau and a written reply by the acting Secretary for Transport, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

Under the current system for the licensing of drivers, holders of driving licences for vehicles of classes 9 and 10 (Private Bus and Public Bus) are authorized to drive vehicles of classes 4 and 5 (Private Light Bus and Public Light Bus) without having to submit separate applications for the latter type of licence. However, holders of driving licences for vehicles of class 17 (Public Bus-Franchised) are required to pass a driving test before they are permitted to drive vehicles of classes 4 and 5. The Transport Department maintains that this system will help to ensure an adequate pool of drivers for franchised buses. In this connection, will the Government inform this Council:

- (a) whether it is aware of any difficulties encountered by the franchised bus companies in the recruitment of bus drivers in the past three years; if so, what was the wastage of drivers of franchised buses during this period;
- (b) whether the Transport Department is in possession of any information to show that the wastage rate in respect of franchised public bus drivers who are also holders of driving licences for vehicles of classes 4 and 5 is higher than that of those franchised public bus drivers without the latter type of licence;

- (c) what are the differences in the driving standard requirements between a driving licence for vehicles of classes 9 and 10 (Private Bus and Public Bus) and a driving licence for vehicles of class 17 (Public Bus-Franchised);
- (d) whether it will consider permitting holders of driving licences for vehicles of classes 17 to drive vehicles of classes 4 and 5 on the same basis as holders of driving licences for vehicles of classes 9 and 10?

Reply :

Mr President,

There has always been an overall shortage of franchised bus drivers. Over the past three years, 1700 bus drivers left franchised bus companies representing a wastage rate of about 8%. During the same period, franchised bus driver requirement increased at an annual rate of over 2% to meet the need arising from service improvements. Despite constant recruitment exercises conducted by franchised bus companies the driver requirement could not be fully met and on average there were over 150 vacancies during the 3-year period.

The Transport Department does not have any information to show that the wastage of franchised bus drivers who hold private and public light bus driving licences is higher. As 74% now working with franchised bus companies are licensed to drive franchised buses only, the comparison would not provide a meaningful indicator.

As far as driving tests are concerned, there is no difference between the standards required for driving private, public and franchised buses.

An ample and continuous supply of qualified bus drivers is essential for maintaining proper bus services. The primary concern of the Transport Department is that bus services provided to the travelling public are adequate and reliable. A separate and distinct category of franchised bus driving licence is therefore necessary to safeguard the interest of the vast majority of the travelling public who use franchised bus services.

The franchised bus companies provide free and specialised training to new recruits and make arrangements for them to attend Transport Department's driving test. These arrangements constitute an important part of the obligations of the companies to ensure that there is a stable and secured pool of manpower. By providing free training, allowances and job opportunities to unqualified trainees, it is only reasonable to expect that resources devoted to these programmes are not wasted.

Any potential drain on the supply of franchised bus drivers therefore must be a matter of concern. Nevertheless, the Transport Department has indeed examined the possibility of direct issue of private and public light bus driving licences to holders of franchised bus driving licences. In principle, and subject to franchised bus services not being adversely affected, consideration may be given to relaxing the licensing conditions governing franchised buses when it is opportune to do so.

End/Wednesday, April 19, 1995

Local branch of Chinese Communist Party not registered

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Following is a question by the Hon Christine Loh and a reply by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council today (Wednesday):

Question:

Will the Government clarify the status under Hong Kong law of the local branch of the Chinese Communist Party, which is commonly stated to be under the leadership of a body called the Hong Kong and Macau Work Committee, and state whether such an entity is registered under the Societies Ordinance or another law; if not, why not?

Answer:

No such entity is registered under any Hong Kong Ordinance. Nor has any such entity applied for registration, or notified the Societies Officer of the particulars required under the Societies Ordinance.

End/Wednesday, April 19, 1995

Importation of labour scheme

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Following is a question by the Hon Lee Cheuk-yan and a reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question :

With regard to the importation of labour scheme, will the Government inform this Council :

- (a) of the current distribution of imported workers by job titles in each of the industrial and service sectors;
- (b) whether the list of employers of imported workers will be disclosed; if not, why not; and
- (c) whether the 500 health-care workers, which the Social Welfare Department has indicated that it plans to import for privately-operated homes for the aged, will come under the quota of the 25,000 workers to be imported?

Reply :

Mr President,

- (a) The latest statistical breakdown of imported workers by sectors and by job titles are in the Annex tabled with this reply. Because this annex runs to 104 pages, members will appreciate that we can't translate this in time. I hope to have it ready as soon as possible.
- (b) The General Scheme has been operating smoothly over the years and with a high degree of transparency. The classification of industry groups, the quota allocation criteria and the allocation results by industry groups are already made public including of course to this Council. However, disclosure of information about individual employers of imported workers would involve disclosure of their own manpower planning policies and practices within the companies concerned which some companies may not wish to make public. Members will appreciate as the employers had not been notified of such an arrangement before they applied for the quota allocation, we cannot do this without their consent.

We will however consider the feasibility of disclosing the names of employers in the next allocation receive when we review the allocation operation in the coming few months.

- (c) Importation of health-care workers are allowed under the General Scheme and are subject to the same application procedures and quota allocation criteria and including the ceiling of 25,000 workers.

End/Wednesday, April 19, 1995

Cigarette smuggling

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Following is a question by the Hon Chim Pui-chung and a reply by the Secretary for the Treasury, Mr K C Kwong, in the Legislative Council today (Wednesday):

Question :

With regard to the problem of cigarette smuggling, will the Government inform this Council of :

- (a) the total number of smuggled cigarettes seized by the law enforcement departments, together with the loss in revenue, in the past three years;
- (b) what effective measures does the Government have to eradicate cigarette smuggling activities?

Answer:

Mr President,

During the past three years, the Customs and Excise Department has seized a total of 249 million sticks of cigarettes with duty potential of \$144 million.

The Government tackles cigarette smuggling in three ways:

- * first, by taking vigorous enforcement action both at the border control points and at street level.

- * secondly, by encouraging the public to participate by operating an incentive scheme which rewards informers.
- * thirdly, by close co-operation with neighbouring Customs bodies to share information and intelligence on both a regular and ad hoc basis.

End/Wednesday, April 19, 1995

Directional signs on expressways

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Following is a question by the Hon Roger Luk Koon-hoo and a written reply by the acting Secretary for Transport, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

Will the Administration inform this Council whether there is any plan to introduce a system of identification numbers for the exits and entrances along the territory's major expressways so as to reduce the chances of drivers losing their orientation?

Reply:

Mr President,

At present, directional signs are provided for all major roads in the territory. The format adopted for such signs is consistent with international practice in terms of their size, location, layout and the indication of destinations.

Directional signs on expressways show both route numbers and destinations. Once a destination has been indicated on a directional sign, it is retained on subsequent signs until the destination is reached. In addition, on major routes, these include exit markings for local destinations. For example, Route 1, which runs from Hong Kong Island to Lok Ma Chau, shows turn-offs for Ma On Shan, Tai Po North, Fanling and Sheung Shui.

Identification or junction numbers are allocated to interchanges on motorways in the United Kingdom and in some other countries. These numbers appear on directional signs and in route maps. They are useful as an aid to motorists and also, for example, in relation to public announcements about road closures and accident locations. With the expansion of the expressway system in Hong Kong, the Transport Department is looking into the desirability of including junction numbers on expressway directional signs.

End/Wednesday, April 19, 1995

Student exchange scheme to improve oral English skills

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The following is a question by the Hon David Li and a written reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today Wednesday):

Question :

The American Chamber of Commerce has launched an English conversation programme in a bid to increase the use of spoken English in the territory. This pilot programme will involve matching two English speaking volunteers with eight to ten participants to brush up their English skills through conversation about different topics and interests. Will the Government inform this Council whether consideration will be given to adopting a similar programme in primary and secondary schools in the territory through student exchanges among these schools so as to increase the use of spoken English in schools?

Reply:

Mr President,

The American Chamber of Commerce English conversation programme is designed to assist people at work. At the school level, there are a number of English speaking skills programmes organised for students, which can be considered as broadly comparable to the American project.

Since October 1993, the Education Department and the Radio Television Hong Kong (RTHK) have been running a programme "Teen Time" which provides opportunities for both local and expatriate students to practise English. Earlier this month the Education Department and RTHK have started another English radio programme "The Reading Ear" for local and expatriate students to discuss together literature, poetry, drama and films.

A number of local secondary schools also organise joint activities with English Schools Foundation schools and other international schools in Hong Kong.

With the support of the Language Fund, a number of new initiatives will be implemented in 1995-96. They include:

- (a) a three-year joint project, between the Education Department and the Chinese University of Hong Kong, starting from July 1995. The project involves 12 English-speaking summer camps for 2200 junior secondary students from 90 secondary schools, with native-speaking senior form students as camp leaders; and
- (b) a Chatteris Education Foundation programme to provide 16 local secondary schools with native-speaking English language teaching assistants over a period of 3 years.

End/Wednesday, April 19, 1995

Practice of handcuffing suspects

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The following is a question by the Hon Tam Yiu-chung and a written reply by the Security for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

Regarding the practice of handcuffing certain suspects and putting chains around their waists while they are under police escort, will the Government inform this Council whether it will consider changing such practice so as to avoid giving the public the impression of the Police abusing their power?

Reply:

Mr President,

Police General Orders specify that personal restraints such as handcuffs or handcuff transport belts may be used on prisoners/arrested persons:

- (a) to ensure the safety and control of a person whom the police officer has reason to believe is likely to escape; and.
- (b) to protect the Police officer or any other person, including the person to be restrained, from injury.

It is the duty of police officers to ensure that prisoners/arrested persons do not escape from lawful custody, and that they will not harm themselves or others whilst in custody. It should be borne in mind that the escape of a prisoner/arrested person would very likely result in disciplinary action against the officer responsible for the prisoner/arrested person.

The Police have issued strict guidelines governing the use of the wrist restraints. The use of handcuff transport belts must be authorised by the Duty Officer at a police station or an officer of the rank of Sergeant or above. These are normally used for prisoners/arrested persons with a tendency to become violent or to attempt escape and thus require a high degree of security. In so far as the use of handcuffs is concerned, a police officer is expected to exercise his professional judgement on whether this is necessary.

Any abuse of police powers in this respect may be subject of a complaint to the Complaints Against Police Office which will then be thoroughly investigated. Disciplinary action may result if abuse of police powers could be established.

The existing guidelines governing the use of wrist restraints are considered adequate. We will, however, keep the matter under review.

End/Wednesday, April 19, 1995

Number of housing units produced

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Following is a question by the Hon Frederick Fung Kin-kee and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

The Housing Branch has indicated that 84,000 housing units will be produced each year from 1995-96 to 2000-01. In this connection, will the Government inform this Council of -

- (a) the respective numbers of public rental housing units, Home Ownership Scheme (HOS) flats, Private Sector Participation Scheme (PSPS) flats, Sandwich Class Housing (SCH) flats and private housing units to be produced on newly developed land annually during the above-mentioned period;

- (b) the respective numbers of public rental housing units, HOS flats, PSPS flats, SCH flats and private housing units to be produced in redeveloped areas annually during the above-mentioned period; and
- (c) the respective numbers of public rental housing units and private housing units expected to be demolished annually during the above-mentioned period?

Answer

The Housing Branch has indicated that the target for the next six years is to provide 141,000 rental flats and 168,000 subsidised flats for sale in the public sector, and to enable the production of 195,000 flats in the private sector. This is equivalent to an average production of 84,000 new flats a year. Specific figures requested are given below.

- (a) The estimated annual flat production from 1995-96 to 2000-01 on newly developed land is as follows -

Financial year ending	Public ⁽¹⁾				Private ⁽²⁾
	Rental	HOS ⁽³⁾	PSPS ⁽³⁾	SCH ⁽³⁾	
3/1996	8,400	8,800	4,300	1,000	11,800
3/1997	3,800	4,400	2,400	900	12,300
3/1998	14,300	11,800	13,400	8,500	
3/1999	14,000	10,700	15,300	2,300	64,000
3/2000	14,200	16,800	12,600	5,400	
3/2001	19,100	11,100	6,600	1,900	
Total	73,800	63,600	54,600	20,000	88,100

- (b) The estimated annual flat production from 1995-96 to 2000-01 on redevelopment sites is as follows -

Financial year ending	Public ⁽¹⁾				Private ⁽²⁾
	Rental	HOS ⁽³⁾	PSPS ⁽³⁾	SCH ⁽³⁾	
3/1996	6,800	4,300	0	0	14,400
3/1997	11,400	9,200	0	0	15,000
3/1998	9,500	1,500	0	0	
3/1999	15,200	1,700	0	0	78,000
3/2000	13,800	5,800	0	0	
3/2001	10,900	7,300	0	0	
Total	67,600	29,800	0	0	107,400

Notes

- (1) The figures in (a) and (b) above are subject to regular review in terms of exact timing and split between different public housing categories. This is particularly true of the later part of the period, i.e. financial years 1999-2000 and 2000-01, where the forecast split between rental and HOS/PSPS categories is tentative. All the figures may also be subject to refinement upon completion of a comprehensive assessment of housing demand later in 1995.
- (2) All private housing figures are based on calendar year provisional estimates.
- (3) HOS - Home Ownership Scheme
PSPS - Private Sector Participation Scheme
SCH - Sandwich Class Housing
- (c) According to the Housing Authority's latest Comprehensive Redevelopment Programme, the numbers of public rental housing units to be demolished each year from 1995-96 to 1998-99 are as follows -

Financial year ending	No. of units to be demolished
3/1996	15,363
3/1997	14,388
3/1998	7,756
3/1999	13,695

The corresponding figures for private housing are not available.

End/Wednesday, April 19, 1995

Engineering graduates joining the Government

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Following is a question by Dr the Hon Samuel Wong Ping-wai, and a written reply by the acting Secretary for the Civil Service, Mr Chris Jackson, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council :

- (a) of the respective number of graduate apprenticeships offered by the Government to engineering graduates from the local universities in the civil, structural, mechanical and electrical disciplines, in the past three years; and
- (b) how many of such graduate apprentices were able to join the Government as engineers in the respective disciplines at the end of their training period?

Reply

Mr President,

My reply to the two questions is as follows : -

- (a) Number of graduates from local universities offered engagement as Engineering Graduates in Works Group and Housing departments in 1992, 1993 and 1994

<u>Discipline</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Civil	37	35	30
Geotechnical	1	1	3
Building Services	4	5	6
Electronic	3	1	2
Electrical	3	4	6
Mechanical	3	2	3

- (b) Number of Engineering Graduates in (a) who joined the Government as Assistant Engineers through selection exercises

<u>Discipline</u>	<u>Normal Training Period (Year)</u>	<u>1992</u>	<u>1993</u>	<u>1994</u>
Civil	3	*	#	#
Geotechnical	3	*	#	#
Building Services	2	3	*	#
Electronic	2	1	*	#
Electrical	2	1	*	#
Mechanical	2	3	*	#

* The actual number of Engineering Graduates to be appointed as Assistant Engineers will depend on the number of vacancies and applications from these Engineering Graduates upon completion of their training in August/September 1995.

Still under training.

End/Wednesday, April 19, 1995

Expenses on Code on Access to Information

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The following is a question by the Hon Christine Loh and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question :

The Government has recently asserted that in order to implement my proposed Access to Information Bill, 24 new posts and an additional \$21 million per annum are estimated to be required for the Office of the Commissioner for Administrative Complaints (COMAC). Will the Government inform this Council :

- (a) how does the Government arrive at those figures; whether reference has been made to other jurisdictions and if so, how does the Government transpose any such examples into the Hong Kong context;
- (b) what the specific responsibilities and remunerations of the different posts are;
- (c) whether the additional \$21 million includes what the Government is planning to spend on the Code on Access to Information; if not, whether the additional amount is above and beyond what the Government will spend on the Code;
- (d) whether the Government has consulted COMAC in arriving at these estimates; if so, what was the basis of COMAC's estimates; if not, why not;

- (e) what portion of the estimated resources will be allocated to the extension of COMAC's jurisdiction to include public bodies not already covered under the COMAC Ordinance;
- (f) whether the estimated additional expenditure of \$21 million includes any amount attributable to COMAC assuming the responsibility of making a binding determination?

Reply:

Mr President,

- (a) In assessing the possible charging impact of the bill in so far as the review mechanism is concerned, because of the lack of a suitable precedent in Hong Kong we referred to a number of similar arrangements in other places. The estimate is essentially based on the staff costs incurred by the Ontario Information and Privacy Commissioner who has functions similar to those set out for COMAC under the bill, with adjustments for the difference in population size. (The population in Ontario is about 10 million.)
- (b) We have assumed for the purposes of this estimate that complaints under the bill would be handled by a separate division headed by a D2 officer. Under him would be 3 investigation teams, each comprising a team leader at Chief Executive Officer (CEO) level and four investigators at Senior Executive Officer (SEO) level. These officers would be supported by 1 translator and 7 secretarial/ clerical staff. The breakdown of the annual staff cost of \$18.8 million is as follows:

	<u>\$M</u>
D2	2.0
3 CEOs	4.0
12 SEOs	10.7
1 Translator	0.6
7 secretarial/clerical staff	<u>1.5</u>
	18.8
	====

(The remaining \$2.2 million would be for rental and other expenses.)

- (c) The estimate of \$21 million was calculated quite separately from our calculations of the expenditure required for the implementation of the Code on Access to Information.
- (d) We have not consulted COMAC. As stated above, the estimate was made with reference to the costs of similar arrangements in other places. The bill would confer new powers and responsibilities on COMAC. COMAC would not be in any better position than us to estimate the resources required to cover these responsibilities.
- (e) The number of complaints arising from requests for information made in relation to public bodies was not a factor in arriving at the estimate.
- (f) The basis of the estimate has been explained above. We have not estimated separately the additional cost arising from COMAC's responsibility to make a binding determination.

End/Wednesday, April 19, 1995

Smoking areas in schools

Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

According to the "Youth Smoking and Health Survey - Report No.2" published in March this year, 30% of secondary school students have seen their teachers smoking. Will the Government inform this Council whether it will consider requesting all schools in the territory to designate school premises as non-smoking areas, and to set aside special smoking areas outside the main student activity areas for teachers with smoking habits so that they cannot be seen by students whilst smoking?

Reply:

Youngsters are easily influenced to start smoking, particularly if they see adult role models doing so. In this regard, teachers are regularly reminded of the importance of setting a good example for the younger generation. Teachers who are smokers are requested to refrain from smoking in school premises, especially in front of students.

Regulation 51 of the Education Regulations stipulates "no smoking shall be permitted in any classroom during school hours". Offenders are punishable on conviction by a fine not exceeding \$5,000 and a term of imprisonment not exceeding 2 years. The Education Department also issues a circular at the beginning of every school year to remind school heads and supervisors that staff of schools should not be seen smoking when appearing in public in an official capacity.

Individual schools are encouraged to make their premises smoke-free or to set aside no-smoking areas for the benefit of their non-smoking staff, and many schools have already done so. The Education Department is currently in the process of consulting the Professional Teachers' Union and school councils on whether all schools should be designated as no-smoking areas. If the response is positive, we shall amend the Smoking (Public Health) Ordinance (Cap 371) to give this statutory effect.

End/Wednesday, April 19, 1995

Education for the blind and mentally handicapped

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The following is a question by the Hon Peggy Lam and a written reply by the Secretary for Education and Manpower, Mr Michael Leung, in the Legislative Council today (Wednesday):

Question :

Regarding the present arrangement of putting some blind and mentally handicapped children together to be taught in the same school, will the Government inform this Council:

- (a) how many schools are at present adopting such an arrangement;
- (b) whether there are any differences in the curricula taught to the blind and the mentally handicapped children in these schools; and
- (c) whether the Government has considered separating the handling of resources allocated to the education of blind and mentally handicapped children in these schools; if not, why not?

Reply:

Mr President,

- (a) Under our present policy, blind children are placed in special schools for the blind and mentally handicapped children in special schools for the mentally handicapped. The only exception is one special school, the Pokfulam Training Centre, which caters specifically for blind children who are also mentally handicapped.
- (b) The curricula for the blind children and mentally handicapped children are designed to meet their specific needs. In addition to orientation and mobility training, blind children generally follow the regular academic curriculum as far as possible. For mentally handicapped children, the Education Department has specifically designed programmes to prepare them for living and functioning in their homes and in the community, and to equip them with basic academic skills, functional mathematics and work habits for further vocational training. The curriculum used in the Pokfulam Training Centre is basically the same as the one for mentally handicapped children, with additional elements on orientation and mobility training.
- (c) As explained in (a) above, blind children and mentally handicapped children will not be placed in the same school. Under the present funding arrangement, special schools for the blind and special schools for the mentally handicapped receive different levels of Government subsidies to meet their specific needs.

End/Wednesday, April 19, 1995

Model Scale I civil servants

The following is a question by the Hon Cheung Man- kwong and a written reply by the acting Secretary for Civil Service, Mr Chris Jackson, in the Legislative Council today Wednesday):

Question:

Regarding civil servants remunerated on the Model Scale I (MOD I), will the Government inform this Council:

- (a) of the number and ranks of MOD I staff in various Government departments;
- (b) of the number of MOD I staff in various Government departments who have reached the maximum salary points of their ranks, together with the number of years of service since attaining the maximum salary points; what is the percentage of these staff out of the total number of MOD I staff; and
- (c) what specific measures the Government will put in place in the near future to improve the situation of MOD I staff who have reached their maximum salary points and without any incremental increase for many years?

Reply:

Mr President,

My reply to the question is as follows:

- (a) There are altogether 24,169 staff remunerated on the Model Scale 1 (MOD 1) pay scale. A breakdown of the number and ranks in Government departments is shown in the attached list.
- (b) The total number of staff who have reached the maximum point of their pay scale is 21,921. A breakdown by ranks and departments is also shown in the attached list. We regret that we are not able to obtain within the notice available the number on the years of service these staff have attained since reaching their maximum salary points. The data would have to be compiled manually which would be time consuming and would divert valuable resources.
- (c) We had proposed to the staff sides a performance-related long service award scheme for junior civil servants who have reached their maximum salary points. The government was prepared to propose to the Finance Committee a one off injection of over \$80 million into the scheme to cover "catch up" costs while future funding would be taken into account in determining the annual pay adjustment. We consulted the staff sides on the proposal earlier this year. However, we have been unable to come to an agreement with the staff side - including the MOD 1 Council - on the principle of the recurrent funding. The scheme has therefore had to be shelved for the time being. We are considering other incentive measures but any proposal would have to be viewed against resource constraints.

End/Wednesday, April 19, 1995

Five-day working week

Following is a question by the Hon Steven Poon and a written reply by the acting Secretary for Civil Service, Mr Chris Jackson, in the Legislative Council today (Wednesday):

Question :

Regarding the feasibility of implementing a five-day working week, will the Government inform this Council whether :

- (a) it has conducted any study on the feasibility of implementing a five day working week in Government departments over the past 20 years; if so, what was the rationale behind its decision of maintaining a five-and-a-half-day working week;
- (b) it is still necessary for Government departments to maintain a five-and-a-half-day working week, in view of the adoption of a five-day-working week in China, Japan, Australia, and countries in North America and Europe; if so, what the reasons are ;
- (c) a study will be conducted to re-assess the possible effects of a five-day working week on the people's livelihood, economic activities, commerce and industry as well as government operations; and
- (d) it is aware of any major organisations in the territory currently adopting a five-day working week?

Reply:

Mr President,

My replies to the four questions raised are as follows:-

- (a) The Government has looked into the case of implementing a five-day working week in Government departments on various occasions in the past 20 years. (This issue was also discussed at a Legislative Council meeting in November 1979.) We believe that the working hours of the civil service should follow rather than lead the private sector and therefore the Government should continue to operate on five and a half days a week as long as the community it serves does so. That said, heads of departments may allow their staff to work on an alternate Saturday off system, provided that the required conditioned hours of work are not reduced. This system builds in a degree of flexibility for the civil servants while maintaining service to the public.

- (b) According to a survey in 1994, the five-and-a-half-day working week is still very common in the private sector in Hong Kong. 31% of private sector companies require their office staff to work five and a half days a week and a further 21% of companies require their employees to work five and a half days or six days every other week. We remain of the view that the Government should follow rather than lead private sector practice. We also believe that many of the people we serve continue to expect government offices to be open on Saturdays.
- (c) A regular study/review is in fact carried out by the Pay Survey and Research Unit of the Standing Commission on Civil Service Salaries and Conditions of Service when it conducts its regular fringe benefit surveys into private sector practice. We will continue to monitor the findings and will review the situation if and when the five-day working week becomes the norm in the private sector.
- (d) We are aware that there are certain companies in the territory adopting a five-day working week. However as pointed out above, a five-day working week is not yet a community norm.

End/Wednesday, April 19, 1995

Finding of anti-collision equipment to vehicles

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Following is a question by Dr the Hon Conrad Lam Kui-shing and a written reply by the acting Secretary for Transport, Mr Rafael Hui, in the Legislative Council today (Wednesday):

Question:

According to the findings of a survey, vehicles with anti-collision equipment installed in the front will cause more serious injury to pedestrians as well as more severe damage to other vehicles in a traffic accident. As the number of vehicles installed with anti-collision equipment is on the increase, will the Government inform this Council whether :

- (a) the Transport Department has granted approval for the installation of anti-collision equipment in vehicles during the past three years; if so, how many approvals have been granted and what are the reasons and guidelines for granting such approvals;

- (b) random inspections have been conducted during the past three years to check if there is any installation of anti-collision equipment in vehicles; if so, how many inspections have been conducted and what the results are; and
- (c) the Government will consider imposing a requirement that vehicle owners should obtain prior approval of the Transport Department for the installation of anti-collision equipment in their vehicles, so as to reduce the number of such vehicles?

Reply:

Mr President,

May I first clarify that the Administration has not commissioned any survey on this subject. The answers to the Hon Member's question are as follows :

- (a) There is no legislation governing the fitting of anti-collision equipment to vehicles. Government approval is not therefore required and, therefore, no records of the numbers of vehicles fitted with such devices have been kept.
- (b) Random inspections have not been conducted to check on the installation of anti-collision equipment. However, the Police may refer a vehicle to Transport Department for road-worthiness and safety inspection if it is suspected that anti-collision equipment has been insecurely mounted, obscures lights or registration plates, or has projections that constitute a danger to other road users. So far, records have not been kept on the number of such Police referrals, but the Transport Department is now establishing a database.
- (c) On the basis of information currently available both locally and from overseas, it is not possible to determine the effects of anti-collision equipment, beneficial or otherwise, in the event of traffic accident. While the Government has no immediate plans to require vehicle owners to seek approval prior to the installation of such equipment, its use is now being carefully studied with a view to establishing whether there is a need for more stringent regulation.

End/Wednesday, April 19, 1995

Pedestrian passageway obstruction

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The following is a question by the Hon Tik Chi-yuen and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

At present, quite a number of shop operators in shopping arcades and markets of public housing estates place their goods on pedestrian passage ways causing obstruction to pedestrians. This situation has not improved over the years. In this connection, will the Government inform this Council what specific measures the Housing Department will put in place to tackle the problem?

Answer:

Mr President,

The Housing Department now manages about 15,000 commercial premises in 151 public housing estates. The estate staff and Mobile Operations Teams regularly take enforcement action against shop front obstruction.

The first step is for Housing Department staff to try to persuade offending commercial tenants to remove obstructions to common areas and, where necessary, to issue oral or written warnings. When this fails to achieve the desired results, the Department is authorised (under section 24(1)(d) of the Housing Ordinance) to seize the concerned goods. Serious offences are prosecuted under section 4A of the Summary Offences Ordinance. Upon conviction, offending tenants are subject to a maximum fine of \$5,000 or imprisonment for three months. In 1994-95, the following action was taken against shop front obstructions -

70,972	warnings
6,748	seizures of goods
1,771	prosecutions

The Housing Department may also exercise the contractual right to terminate the tenancy, or not to renew the tenancy, of a persistent offender. In the last 12 months, five tenancies have been terminated for this reason.

Apart from punitive measures, the Housing Department is also working to improve the design of commercial premises in order to provide adequate space to meet the operational needs of different trades. In this way, the problem of encroachment on to common areas for displays of goods for sale will be reduced.

End/Wednesday, April 19, 1995

Foreign domestic workers undertaking non-domestic work

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

Question:

In regard to the problem of foreign domestic workers undertaking non-domestic work in the territory, will the Government inform this Council :

- (a) of the number of cases in the past year regarding foreign domestic workers found to be engaged in non-domestic work;
- (b) whether the Government has done any estimate of the total number of foreign domestic workers engaged in non-domestic work; if so, what is the percentage of such workers out of the total number of foreign domestic workers in the territory; and
- (c) whether the Government will review the existing monitoring measures so as to make them more effective in preventing and combating the problem of foreign domestic workers engaged in work not stipulated in their employment contracts?

Reply:

Mr President,

- (a) In 1994, 345 foreign domestic helpers (FDHs) were arrested in connection with unauthorised work, and 162 of them were subsequently prosecuted.
- (b) There is no reliable means of estimating the number of foreign domestic helpers engaged in non-domestic work. In addition to the arrest figures mentioned in (a) above, we estimate that there were approximately 4 000 FDH overstayers in 1994. It is possible that most of these overstayers were engaged in unapproved employment, including non-domestic work. These two figures represent 3% of the 1994 year-end population of 141 368 FDHs in Hong Kong.

- (c) To combat the problem of unauthorised work by FDHs, we have strengthened our enforcement efforts and carry out regularly raids at places of employment. An Immigration Task Force was formed in July last year; the Budget this year provides for the doubling of its size. This will enable more raids to be carried out at places of employment. We also encourage members of the public to pass us any relevant information by calling the Immigration Department's 24-hour hotline (Tel no. 2824 1551).

End/Wednesday, April 19, 1995

Land allocated rent free for container truck operators

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The following is a question by the Hon Lee Wing-tat and a written reply by the acting Secretary for Planning, Environment and Lands, Mr Canice Mak, in the Legislative Council today (Wednesday):

Question:

It is learnt that the Government has recently allocated a piece of land near the container terminal in Kwai Chung, which is intended to be used for relieving traffic congestion, to a trade union of container truck operators for use as a carpark by its members on a rent-free and short-term basis. In this connection, will the Government inform this Council:

- (a) whether the above-mentioned case is the first in which land is allocated rent-free to a trade union; and what the terms of the land allocation are;
- (b) of the policy on which such an allocation is based;
- (c) whether the Government is aware of the reported arrangement under which members of the trade union have to pay for parking on the land in question; if so, whether such an arrangement is in breach of the terms of the land allocation; and
- (d) whether the tenure of the land allocation will result in a delay in the land reverting to its original intended usage for relieving traffic congestion; if not, what the reasons are?

Answer:

Mr President,

- (a) The Container Transportation Employees General Union (CTEGU) was permitted to use a site in front of Container Terminal No. 7 at Kwai Chung for temporary parking of container trucks on an exceptional basis. The site in question is reserved for use as an emergency "vehicle holding area" when there is traffic congestion at Kwai Chung container port. It is locked up and is opened only when it is required to ease traffic congestion. Between August and October 1994, four container truck parking sites under Short Term Tenancies in Kwai Tsing were closed down to make way for Airport Core Projects (ACP). As a result, there was an acute shortage of parking spaces for container vehicles. On 29 September 1994, following negotiations between CTEGU and the relevant government departments, it was agreed that:
- (i) the CTEGU should be permitted to use the site on a temporary basis and without charge with effect from 1 October 1994 for parking container trucks. The site could accommodate about 200 trucks;
 - (ii) the CTEGU would be responsible for the management of the site and required to provide the licence numbers and driver details for the vehicles within the site; and
 - (iii) the CTEGU had to return the site to the Government once a short term tenancy of a new parking site at Stonecutter's Island was ready. It was expected at the time that this temporary arrangement would last about a month only. However, the tender of the new site was not completed until the end of December 1994 due to unforeseen boundary problems.
- (b) The temporary arrangements mentioned above were made on emergency traffic grounds, taking into account the very tight ACP Programme and the need to address the problem of shortage of parking spaces during the interim period.

- (c) The agreed temporary arrangements did not specifically cover any fee collection arrangement. However, the CTEGU agreed in writing to manage the site on a non-profit making basis.
- (d) Action is being taken to clear the site so that it can be put to its original use as an emergency vehicle holding area from 1 May 1995. Having further negotiated with the CTEGU on 13 April 1995, the CTEGU openly announced that it would surrender the site to Government by 28 April 1995.

End/Wednesday, April 19, 1995

Delays in completion of HOS estates

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The following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question :

There have been many instances of delay in the completion of estates under the Housing Authority's Home Ownership Scheme (HOS) in recent years, which have resulted in the deferral of the occupation dates of a number of HOS estates. In this connection, will the Government inform this Council -

- (a) of the number of HOS estates which were not completed on schedule in the past five years, together with their exact locations and the respective periods of delay;
- (b) of the reasons why the fines collected by the Housing Authority from the developer for the 6-month delay in the completion of Ko Chun Court in Yau Tong were not used to compensate owners of HOS flats in the Court; and
- (c) what long-term measures the Housing Authority will put in place to solve the problem of delays in the completion of HOS estates?

Answer:

- (a) A list showing the names of 53 Home Ownership Scheme (HOS) projects due for completion between 1990-91 and 1994-95, their locations, target completion dates, actual handover dates and periods of delay (if any) is annexed. The common reasons for delay in flat completion are changes in technical specifications, such as building finishes, during the contract period.
- (b) Under the terms of the Agreement for Sale and Purchase (ASP) of a HOS flat, the Housing Authority is entitled to extensions of the building completion period caused by factors beyond the control of the Authority. In the case of Ko Chun Court, the extension is due to factors beyond the control of the Authority, namely, delays on the part of the building contractor. As such, the Authority has no legal obligation to pay compensation to the purchasers.
- (c) The Housing Authority will consider measures to protect the interest of purchasers. These measures include, for example, minimising the number of variations in technical specifications permitted during the contract period, and paying compensation in clearly defined circumstances.

End/Wednesday, April 19, 1995