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CJ's statement on BORO

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The following is issued on behalf of the Chief Justice, Sir Ti Liang Yang:

"I have outside of court expressed some personal views on the Bill of Rights Ordinance. I repeat those views here to inform the general public of what I have said in private.

"I have expressed the view that S 3(2) of the Ordinance does two things which cause concern:

- (1) It gives the judicial organ legislative power.
- (2) It in effect raises the status of the Ordinance above the ordinary ordinances so that in reality the Ordinance occupies a position between the Basic Law (as from 1 July 1997) and the ordinary statutes.

"The New Zealand model may well be a more preferable solution.

"In other words, S 3(2) raises a number of concerns from a jurisprudential point of view:

(1) The power to repeal is a legislative function and not a judicial function. S 3(2) in effect gives the courts a legislative function though it does not specifically say so. A practical difficulty is that Magistrate A and Magistrate B may hold different views on the same issue in different cases. The resulting chaos need not be specified.

(2) The true effect of S 3(2) is to raise the Ordinance above Hong Kong's ordinary laws in spite of the fact that the Ordinance may be repealed or amended like any statute (unlike the Canadian Charter of Rights, which is incorporated into the Canadian Constitution). So instead of a "two-tier" system (that is, the Basic Law and the ordinary laws) the Bill comes in between and creates a three tier system.

"The gist of the views which I expressed (purely as my own) can be outlined as follows:

(i) It is cause for concern that our Bill of Rights Ordinance does not preserve the demarcation between the Judiciary and the Legislature as clearly as does, for example, New Zealand's Bill of Rights Act which, as I understand it, requires their Executive to bring to their Legislature's attention any bill (that is, proposed legislation) which appears to be inconsistent with their Bill of Rights. Therefore New Zealand's system may be preferable to ours.

(ii) While the Bill of Rights Ordinance (unlike the Letters Patent now and the Basic Law in future) cannot entrench anything against future repeal by ordinary legislation, it might be thought to give the Bill of Rights some quality higher than that of ordinary legislation. That too is cause for concern.

"There is an obvious difference between, on the one hand, views so expressed and, on the other hand, conclusions reached in an actual case after mature consideration having heard counsel and deliberated with other members of the court hearing an appeal. That difference is too obvious to require elaboration. It is equally obvious that I like every other judge would faithfully apply the law as he finds it. The Bill of Rights Ordinance is part of the fabric of the laws of Hong Kong and will be given effect to in the courts whenever the occasion arises in accordance with its provisions."

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CJ's views on BORO received

* * * * *

In response to press enquiries, a Government spokesman confirmed today (Friday) that the Administration had received Chief Justice's views on the Bill of Right Ordinance in writing.

"They will be passed to the Attorney General for him to consider whether any further comment is necessary," the spokesman said.

End/Friday, November 17, 1995

HK Government firmly committed to protecting human rights

* * * * *

The Hong Kong Government has long been committed, and remains strongly committed, to the policy of promoting, enhancing and protecting internationally recognised human rights in the territory.

Principal Crown Counsel, Mr Stephen Wong, said this to the United Nations Committee Against Torture in Geneva today (Friday, Geneva time).

In his opening statement at a hearing in Geneva on Hong Kong's initial report under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Mr Wong said this was a policy which the Hong Kong Government had pursued both by formal legal process and the adoption of appropriate administrative measures and social programmes.

He pointed out that the Crimes (Torture) Ordinance, which came into effect in January 1993, not merely specifically created and defined the offence of torture and stipulated an appropriately severe punishment for it, it also provided a number of procedural guarantees and safeguards which the Convention obliged States Party to have in place.

To supplement these various legal provisions which were especially relevant to the Torture Convention, he said, Hong Kong also had a number of institutions and administrative arrangements which were intended to make those provisions more meaningful and effective.

"In particular, a well-entrenched tradition of respect for the rule of law; a truly independent judiciary; and numerous channels for the redress of complaints, including a Commissioner for Administrative Complaints and an Independent Police Complaints Council (IPCC)," Mr Wong said.

He also noted that a number of special initiatives had already been taken, or were currently being taken, to facilitate the handling of cases where human rights violations had occurred - these included any allegation of torture.

"These initiatives include providing more resources to the Judiciary to ensure that cases are heard expeditiously and making legal aid more readily available to persons pursuing claims under the Bill of Rights Ordinance.

"The Hong Kong Government is also considering strengthening the monitoring role of the IPCC, particularly by the appointment of private citizens to observe the investigation of complaints," he said.

Meanwhile, Mr Wong also updated some of the latest developments concerning what had been said in the report:

- * Firstly, the Government has now completed a review on whether the extradition provisions in the Crimes(Torture) Ordinance adequately reflect the requirement of Article 8 of the Convention and has concluded that they do.
- * Secondly, work is in hand to amend the Prison Rules to delete the remaining reference to corporal punishment and the Administration aims to complete this task in the current legislative session.
- * Thirdly, the Government hopes that the bill seeking to make IPCC a statutory body will be introduced in the current legislative session.

Summing up, Mr Wong assured the Committee that comments or suggestions on particular aspects of the report would be faithfully reported back to London and to Hong Kong and that they would be given the most detailed and careful study.

"It will be done constructively, and positively, and with an open mind - and at all time with the aim, which the United Kingdom and Hong Kong governments share with the Committee, of securing and advancing the full enjoyment in Hong Kong of the rights set out in the Convention," said Mr Wong.

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Western Corridor Railway full proposal from KCRC

* * * * *

The Government today (Friday) received from the Kowloon-Canton Railway Corporation (KCRC) its formal proposal for the construction and operation of the Western Corridor Railway (WCR) project.

The proposal is KCRC's response to an invitation by the Government in January this year, following the announcement of the Railway Development Strategy in December last year. The Strategy accorded high priority to the WCR for completion by 2001.

"The Government welcomes KCRC's Proposal on the Western Corridor Railway. The proposal will form the basis for detailed discussions between the corporation and the Government, and for the corporation to proceed with more in-depth planning and design work," said the Secretary for Transport, Mr Haider Barma.

"The WCR will be the largest single rail project ever undertaken in Hong Kong. The total rail length of the WCR is about one and half times that of the Airport Railway. Given the enormous engineering, land acquisition, environmental and financial dimensions to the project, it will take some time for the Government to consider the proposal carefully and comprehensively. I expect that, over the coming months, there will be numerous and intense discussions among all concerned parties, with a view to developing KCRC's proposed scheme into concrete plans," he said.

KCRC's proposal is made on the basis of the findings of a Detailed Feasibility Study on the WCR project conducted by KCRC. Not only does it outline the corporation's intended scheme for the WCR, but it also serves as KCRC's letter of intent to take on the project implementation. The proposed scheme contains the following main features:

- * A domestic passenger service linking the Northwest New Territories and the urban area. The proposed rail line will run from Tuen Mun Town Centre to West Kowloon. In West Kowloon, the rail line will terminate initially at Yen Chow Street, and will be extended later to the West Kowloon Passenger Terminal at Jordan Road. Intermediate stations are proposed at Tuen Mun North, Tin Shui Wai, Long Ping, Yuen Long, Kam Tin, Tsuen Wan West, and Mei Foo. An interchange with the MTR Tsuen Wan Line is proposed at Mei Foo. There will also be two interchanges with the Airport Railway - Lantau Line. The first interchange will be at Yen Chow Street and the second interchange which will be provided at a later stage will be at the West Kowloon Passenger Terminal;

- * A cross border freight rail service from the proposed Port Rail Terminal at Kwai Chung to China, via Lo Wu;
- * A cross border passenger service from urban Kowloon to the proposed new terminal at Lok Ma Chau, and through Lo Wu.

"I am particularly pleased to note that KCRC has confirmed that it is feasible to extend the railway from Tuen Mun North to Tuen Mun Town Centre. The Administration certainly supports this in principle and will do its best to achieve this," said Mr Barma.

"We have made a good start, now that we have received KCRC's proposal, and with the concerted efforts of all concerned we will work towards implementing the project," he added.

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FS leaves for APEC Osaka meeting

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The Financial Secretary, Mr Donald Tsang, is delighted that an ambitious and comprehensive Action Agenda for achieving the free trade goal of the Asia Pacific Economic Co-operation (APEC) has been agreed by the ministers at Osaka, Japan, yesterday (Thursday).

Speaking at his departure for APEC Economic Leaders Meeting in Osaka this (Friday) afternoon, Mr Tsang said last year at Bogor in Indonesia, the APEC economic leaders had announced a visionary goal of free trade and investment flows in the Asia-Pacific region.

"The focus of this year's meeting is the consideration and adoption of an Action Agenda for achieving the goal of free and open trade and investment in the region by the year 2010 for developed countries and by 2020 for developing countries.

The Action Agenda agreed by the ministers will need to be endorsed by the Economic Leaders Meeting to be held on Sunday (November 19).

Mr Tsang said the economic leaders are expected to exchange views on the challenges facing APEC in ensuring the long-term prosperity of the region and on what they should do to meet these challenges.

"Each APEC leader will also present at Osaka some concrete actions that his economy has taken or will take towards achieving the free trade goal," he said.

Mr Tsang will visit Tokyo after attending the APEC Economic Leaders Meeting and return to Hong Kong on Wednesday (November 22).

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APEC ministers agree on ambitious draft Action Agenda

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The Secretary for Trade and Industry, Mr T H Chau, said he was delighted that the Asia-Pacific Economic Co-operation (APEC) ministers have agreed on an ambitious and comprehensive draft Action Agenda for submission to economic leaders.

Mr Chau, who was representing Hong Kong at the Seventh APEC Ministerial Meeting held on November 16 to 17 in Osaka, Japan, made the remark upon the conclusion of the meeting today (Friday).

Details on the draft Action Agenda will be announced after the Economic Leaders Meeting on November 19.

At the Ministerial Meeting, Mr Chau also called upon APEC members to reaffirm, in a practical way, their commitment to open regionalism and to strengthening the multilateral system.

He suggested two ways in which members could do this.

"We must challenge the world by leading the way in the rapid removal of all barriers and impediments to regional trade and investment. If we have the collective courage to accelerate the pace of change, others will follow," said Mr Chau.

"At the same time we must set an example in reducing trade tensions. We urge members to steer away from bilateral confrontation and insistence on reciprocity, and steer back toward multilateral co-operation." he added.

Besides the Action Agenda, the Ministerial Meeting also agreed on a set of guidelines for non-member participation in APEC Working Group activities.

Recognising the importance of continued co-operation and active involvement of the business/private sector in APEC activities, the ministers decided to set up an APEC business advisory council and agreed on a set of guidelines on the structure, funding and activities of the council.

Other members of the Hong Kong delegation included the Director-General of Trade, Mr Tony Miller; Principal Representative, Hong Kong Economic and Trade Office, Tokyo, Mr David Lan; and Deputy Director-General of Trade, Mr Tam Wing-pong.

APEC is an informal forum for high level government-to-government dialogue on trade and economic issues, and at present comprises 18 members.

Besides Hong Kong, other members are Australia, Brunei Darussalam, Canada, Chile, China, Indonesia, Japan, South Korea, Malaysia, Mexico, New Zealand, Papua New Guinea, the Philippines, Singapore, Chinese Taipei, Thailand and the United States.

At their meeting held at Bogor in November last year, APEC economic leaders set a goal of free and open trade and investment in the Asia Pacific region to be achieved by 2010 for industrialised economies and 2020 for developing economies. Leaders also directed the ministers and senior officials to devise a blueprint of measures to achieve this goal.

This blueprint, now called the Action Agenda for the implementation of the Bogor Declaration, will be submitted by the ministers to the economic leaders for consideration and adoption at their meeting on November 19 in Osaka.

The Financial Secretary, Mr Donald Tsang, will represent Hong Kong at this meeting.

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Bill to establish Estate Agents Authority

The Governor-in-Council has approved that legislation be introduced into the Legislative Council to set up an independent Estate Agents Authority (EAA) to regulate the trade with a licensing system.

The proposed regulatory system will improve the standard of service provided by the trade and give greater protection to consumers involved in property transactions. Under the Estate Agents Bill 1995, all estate agents and salespersons must obtain a licence from the EAA in order to practise.

An estate agent's licence may be granted to an individual or a company operating an estate agency business in Hong Kong, including those engaged in buying, selling and leasing of properties on behalf of others. A salesperson's licence may be granted to a person who performs estate agency work as an employee of a licensed estate agent.

The Secretary for Housing, Mr Dominic Wong, said today (Friday): "Licensing will be introduced in a gradual and planned manner to ensure that it will not cause unnecessary anxieties in the trade and disruption of service to the public.

"Initially the EAA will issue transitional licences to practising agents and their employees, subject to compliance of some basic and minimum requirements. There will be sufficient time for them to meet the full licensing requirements set by the EAA."

Mr Wong noted that under the proposed legislation, his approval will be required for the licensing requirements prescribed by the EAA and for arrangements to regulate the conduct and practice of estate agents.

Apart from operating as a licensing authority with the power to grant, revoke or suspend licences, the other primary functions of the EAA will be as follows:

- * to investigate complaints and conduct inquiries;
- * to take disciplinary action;
- * subject to the agreement of both parties, to settle disputes relating to the payment of commission or fees between a licensed estate agent and a client;

- * to regulate a licensed agent's advertisement to ensure that such advertisement is reasonably accurate and is placed in accordance with clients' instructions.

"To ensure impartiality, EAA members will be drawn from the trade (not more than one-third of members, excluding the Chairman and the Vice-Chairman), related professions and the community," Mr Wong said.

The proposed legislation will stipulate the duties of a licensed estate agent. These will include duties to supply specified information about a property to a client (for example: ownership, floor area and year of completion), to inform a vendor of any offer made, to fully disclose his pecuniary and other beneficial interests in a transaction, and to conduct transactions in a fair, open and honest manner.

"To avoid disputes arising from oral instructions, a written estate agency agreement between a licensed estate agent and a client will be required. The EAA will have power to prescribe the form and the particulars to be contained in such an agreement," he said.

The EAA will also make rules to require estate agents to keep clients' money in a separate bank account.

The proposed legislation will apply to transactions involving overseas properties conducted through a licensed agent in Hong Kong. The EAA will have power to make rules to regulate the conduct and practice of estate agents handling overseas properties.

Failure to comply with certain provisions of the proposed legislation or with the regulations to be made by the EAA will be subject to a fine of up to \$500,000 and imprisonment for up to two years.

As a redress channel for any person aggrieved by a decision of the EAA concerning matters such as renewal, refusal, suspension and revocation of a licence, the Estate Agents Bill will empower the Secretary for Housing to appoint an independent appeal panel to consider any such case, and confirm, vary or reverse the decision of the EAA.

The EAA will be set up as a self-financing authority which will fund its operation through licence fees and fees for other services provided, such as fees for inspecting the register of licensees.

To cover the expenses of EAA's initial operation, the Government will seek the Finance Committee's approval for a loan of \$40 million to the EAA.

"The EAA will be established within about three months after the enactment of the Estate Agents Bill which is gazetted today and introduced into the Legislative Council on November 29," Mr Wong said.

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Contractors warned on unauthorised building works

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The Director of Buildings, Mrs Helen Yu, today (Friday) addressed all registered contractors, direct and through the Hong Kong Construction Association, to remind them of their duty under the law in respect of unauthorised building works.

It is an offence under the Buildings Ordinance to carry out building works without approval and consent from the Building Authority.

"It is quite common for building owners to go direct to contractors for alterations and additions to their buildings. This may be a matter of convenience or ignorance on their part. However, registered contractors should know better," Mrs Yu stressed.

"They are required by law not to engage in unauthorised building works. They should tell their clients to seek professional advice from authorised persons or registered structural engineers," she said.

Mrs Yu has also asked District Offices to help in appealing to building owners, building management and owners' corporations to help stem this community problem. They should remember:

(a) that they must seek professional advice for alterations and additions to their property; and

(b) that carrying out of building works without approval is a criminal offence.

"Government cannot go it alone," Mrs Yu explained. "Government resources (including Buildings Department staff) are funded by taxpayers. We cannot expect taxpayers to give us unlimited funds or resources. We must have the co-operation of others. The problem of illegal structures is a community problem. We need community support in tackling the problem and, better still, in not creating the problem.

"Illegal structures may pose danger to their own life and property, their families and members of the public," Mrs Yu said.

The Government is tackling the problem by a three-prong strategy aimed at long-range and sustained measures :

- (a) containment by enforcement on priorities;
- (b) deterrence by legal and disciplinary action; and
- (c) promotion of awareness of attitude change by public education and public information efforts.

This approach is both responsive (to public reports) and proactive (in clearances and in prosecutions).

Through this overall strategy, illegal building activities have been reduced in newly-completed buildings. Buildings Department inspections have almost doubled from 11,000 in 1988 to 21,000 in 1994. Public compliance with demolition orders has tripled from 2,200 to 6,400 during the same period.

Meanwhile, the Government is working out proposals for introducing a mandatory scheme to require building owners to have their property inspected and certified by authorised persons and registered structural engineers at regular intervals. This scheme envisages that owners will also be required to remedy any defects and to remove unauthorised building works.

The Buildings Department had also reviewed fines under the Buildings Ordinance in August 1994 and recommended that they be increased about three times their present levels.

Regarding the Yan Oi Court collapse case, the Buildings Department today obtained five closure orders from the District Court to facilitate the demolition of the illegal structures found on the first floor of the building involved in the incident. The demolition will commence soon afterwards.

The department has also completed the survey of the buildings in the vicinity and will issue 112 statutory orders to effect removal of 194 illegal structures projecting from the external walls.

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Residential status issue still being discussed

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In reply to press enquiries on a newspaper report about cut-off date for returning emigrants, a government spokesman today (Friday) reiterated that the question of the future residential status of non-Chinese nationals is still under discussion in the Joint Liaison Group.

"The British side has not taken any position on the cut-off date proposal," he said.

"The implications and practical difficulties posed by such a proposal have not yet been addressed.

"We will continue our discussion with the Chinese side in the JLG with the objective of reaching an agreement acceptable to both sides as well as the Hong Kong public."

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New Chemical Control Ordinance to come into operation

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The Acetylating Substances (Control) Ordinance has been expanded into a new Control of Chemicals Ordinance, which will come into operation on January 1, 1996.

The existing scope of control on the three acetylating substances will be extended to cover an additional 21 chemicals used in the manufacture of narcotic drugs and psychotropic substances. These 24 controlled chemicals are grouped under three Schedules under the new ordinance and are subject to different licensing requirements.

Schedule 1 chemicals consist of three acetylating substances currently covered by the Acetylating Substances (Control) Ordinance - acetic anhydride, acetyl chloride and acetyl bromide. The requirement of a licence or a permit for import, export, supply, procurement, dealing in or with, manufacture, possession and transshipment of these substances remains unchanged.

Schedule 2 chemicals consists of 14 substances - ephedrine; ergotamine; ergometrine; pseudoephedrine; lysergic acid; 1-phenyl-2-propanone; N-acetylanthranilic acid; 3, 4-methylenedioxy-phenyl-2-propanone; safrole; isosafrole; piperonal; anthranilic acid; phenylacetic acid; and piperidine. The import, export, manufacture or transshipment of these substances is required to be covered by a licence or a permit.

Schedule 3 chemicals consist of seven substances - methyl ethyl ketone (MEK), toluene, potassium permanganate, sulphuric acid, acetone, ethyl ether and hydrochloric acid. Any consignment of these substances to be exported to a specified country is required to be covered by a licence.

The new ordinance also provides that those premises and containers in which Schedule 1 or 2 chemicals are to be stored or kept will have to be approved in writing by the Commissioner of Customs and Excise.

The Customs and Excise Department is responsible for the enforcement of the new Ordinance. Within the department, a new group called the Controlled Chemicals Group has been set up to deal with licence and permit applications and other related matters.

The Head of the Group, Mr Fan Shui-kee, said today (Friday) the new ordinance was a vital and important piece of legislation. It helped to prevent the illicit diversion of those chemicals used in the manufacture of narcotic drugs and psychotropic substances.

"The new ordinance is based on the recommendations of the United Nations Convention Against Illicit Traffic In Narcotic Drugs And Psychotropic Substance, 1988. With the introduction of the new ordinance, Hong Kong will be able to fulfil its international obligation in the fight against drug trafficking," he said.

Mr Fan added that the new ordinance would enhance the law enforcement action in combating narcotics in Hong Kong.

To ensure that traders or manufacturers of chemicals and pharmaceuticals have a better understanding on the operation of the new ordinance, information leaflets have been sent out to over 7,000 companies and organisations. They are advised to apply for the new licences or permits as soon as possible if they require.

Enquires can be made on telephone 2541 4383 or by fax 2541 1016. Information leaflets and application forms for licences or permits can also be obtained from various District Offices, Customs Control Points and the following offices:

- (1) Controlled Chemical Group,
Customs & Excise Department,
11th floor, Harbour Centre,
25 Harbour Road,
Wan Chai,
Hong Kong.
- (2) Hong Kong Permit Control Office,
Customs & Excise Department,
Second floor, Harbour Building,
38 Pier Road,
Central,
Hong Kong.
- (3) Kowloon Permit Control Office,
Customs & Excise Department,
10th floor,
Canton Road Government Offices Building,
393 Canton Road,
Kowloon.

Gondola regulation effective in protecting workers

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The regulation governing the safe use of suspended working platforms, commonly known as gondolas, has proved to be effective in protecting workers' safety, the Chief Factory Inspector of the Labour Department, Mr Chan Tat-king said today (Friday).

Mr Chan made this comment in the wake of a gondola incident occurred yesterday (Thursday) afternoon in which two cleaners were rescued by firemen after the gondola in which they were working slipped, tilted and stopped in the upper floors of a building in Wan Chai.

He was pleased that the two workers escaped fatal injuries as both wore a safety harness. However, he noted that one of the cleaners had reportedly attached his safety harness to the gondola.

"Like his colleague, this worker should have connected his safety harness to an independent lifeline which serves as a back-up safeguard for him even when the whole gondola fails for one reason or another," he said.

The Chief Factory Inspector said that since the Factories and Industrial Undertakings (Suspended Working Platforms) Regulation became effective in July this year, a number of workers had been saved from being thrown out of the tilting gondolas they were using.

"These incidents indicated that fatal accidents could be avoided if proper safety measures are taken by workers when working at height with machines or in potentially dangerous places," he said.

Mr Chan also urged gondola owners to observe various provisions stipulated in the Regulation so as to eliminate risks at source.

Under the gondola regulation, the owner of a suspended working platform must ensure its good design and construction as well as the proper functioning of all its working mechanisms during operation.

Proprietors breaching specific provisions under the gondola regulation will face a maximum fine of \$200,000 and 12 months imprisonment. Workers violating the provision on the wearing of safety belts may be fined up to \$50,000.

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Statistics on trade involving outward processing in China

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In the second quarter of 1995, 49% of Hong Kong's total exports to China were for outward processing; the figure was 70% for domestic exports, and 46% for re-exports.

On the other hand, 73% of Hong Kong's imports from China were related to outward processing, according to statistics released today (Friday) by the Census and Statistics Department.

Over the same period, 82% of Hong Kong's re-exports of China origin to all countries other than China were produced through outward processing in China.

The corresponding proportions in the second quarter of 1994 were 47% for total exports to China, 74% for domestic exports to China, 42% for re-exports to China, 75% for imports from China and 81% for re-exports of China origin to all countries other than China.

In the first half of 1995, 49% of Hong Kong's total exports to China were for outward processing; the figure was 69% for domestic exports, and 46% for re-exports. On the other hand, 74% of Hong Kong's imports from China were related to outward processing.

Over the same period, 83% of Hong Kong's re-exports of China origin to all countries other than China were produced through outward processing in China.

The corresponding proportions in the first half of 1994 were 45% for total exports to China, 72% for domestic exports to China, 40% for re-exports to China, 76% for imports from China and 81% for re-exports of China origin to all countries other than China.

To provide a better understanding of the nature and importance of outward processing in China initiated by Hong Kong firms, the Census and Statistics Department has been conducting a sample survey as from the third quarter of 1988 to distinguish Hong Kong's exports to China into those which are for outward processing and those which are not.

The scope of the survey has been extended as from the first quarter of 1989 to segregate Hong Kong's imports from China into those which are related to outward processing and those which are not. Starting from the first quarter of 1991, the scope of the survey has further been extended to cover Hong Kong's re-exports of China origin to all countries other than China.

The results for the second quarter and the first half of 1995 are now available.

In value terms, \$57,141 million of Hong Kong's total exports to China in the second quarter of 1995 were for outward processing, representing an increase of 25% over the second quarter of 1994.

The value of domestic exports to China for outward processing was estimated to be \$11,489 million, about the same as the second quarter of 1994, while the value of re-exports to China for outward processing grew by 34% to \$45,652 million. Over the same period of comparison, the value of imports from China related to outward processing increased by 13% to \$96,781 million.

On the other hand, \$117,872 million of Hong Kong's re-exports of China origin to all countries other than China were produced through outward processing in China, representing an increase of 18%.

In the first half of 1995, \$104,435 million of Hong Kong's total exports to China were for outward processing, representing an increase of 30% over the first half of 1994.

The value of domestic exports to China for outward processing increased by 4% to \$20,534 million while that for re-exports to China for outward processing grew by 38% to \$83,901 million.

Over the same period of comparison, the value of imports from China related to outward processing increased by 17% to \$184,515 million.

On the other hand, \$223,379 million of Hong Kong's re-exports of China origin to all countries other than China were produced through outward processing in China, representing an increase of 22%.

For the purpose of the survey, exports to China for outward processing refer to raw materials or semi-manufactures exported from or through Hong Kong to China for processing with a contractual arrangement for subsequent re-importation of the processed goods into Hong Kong.

Imports from China related to outward processing refer to processed goods imported from China of which all or part of the raw materials or semi-manufactures have been under contractual arrangement exported from or through Hong Kong to China for processing.

Re-exports of China origin to all countries other than China involving outward processing in China refer to processed goods re-exported through Hong Kong of which all or part of the raw materials or semi-manufactures have been exported from or through Hong Kong to China for processing with a contractual arrangement for subsequent re-importation of the processed goods into Hong Kong.

In interpreting the statistics, it should be noted that the value and proportion of imports from China and re-exports of China origin to all countries other than China involving outward processing in China refer to those of the entire goods instead of just the value added contributed by outward processing in China.

A sample of trade declarations in respect of Hong Kong's trade with China (domestic exports and re-exports to China, and imports from China) as well as Hong Kong's re-exports of China origin to all countries other than China is selected for enumeration to obtain the required information from the establishments concerned.

A spokesman for the Census and Statistics Department explained that under the internationally accepted system of recording trade flows, all movements of goods (except transshipments and goods-in-transit) across the border, whether for outward processing or not, are recorded as external trade. Thus the movements of goods associated with outward processing are correctly included in the regular trade statistics.

The findings of the survey, however, facilitate a more informed analysis of the nature of Hong Kong-China trade. In this respect, the survey results are a useful supplement to the regular trade statistics.

The above survey results will be included in the September 1995 issue of the Hong Kong External Trade which will be on sale by the end of November at the Government Publications Centre, Queensway Government Offices, Low Block, ground floor, 66 Queensway, and at the Publications Unit of the Census and Statistics Department, 19th Floor, Wanchai Tower, 12 Harbour Road, Wan Chai at \$122 a copy.

Enquiries on the survey results may be directed to the Trade Surveys and Research Section of the Census and Statistics Department on 2582 5037.

ESTIMATED VALUE AND PROPORTION OF TRADE INVOLVING OUTWARD PROCESSING IN CHINA, 2ND QUARTER AND FIRST HALF OF 1995

	2nd qtr. 1995 (HKD Mn.)	Percentage change over 2nd qtr. 1994 (%)	First half 1995 (HKD Mn.)	Percentage change over first half 1994 (%)
<u>Total trade value * :</u>				
Total exports to China	115,924	+19.5	213,378	+19.8
Domestic exports to China	16,374	+ 5.5	29,619	+ 7.8
Re-exports to China	99,550	+22.1	183,759	+22.0
Imports from China	133,185	+16.2	247,940	+19.5
Re-exports of China origin to all countries other than China	142,943	+16.2	269,375	+18.8

Estimated value involving outward processing in China :

Total exports to China	57,141	+25.4	104,435	+29.5
Domestic exports to China	11,489	- 0.2	20,534	+ 3.9
Re-exports to China	45,652	+34.1	83,901	+37.9
Imports from China	96,781	+12.6	184,515	+16.7
Re-exports of China origin to all countries other than China	117,872	+17.6	223,379	+22.0

Estimated proportion involving outward processing in China :

	2nd qtr. 1995 (%)	2nd qtr. 1994 (%)	First half 1995 (%)	First half 1994 (%)
Total exports to China	49.3	47.0	48.9	45.3
Domestic exports to China	70.2	74.2	69.3	72.0
Re-exports to China	45.9	41.8	45.7	40.4
Imports from China	72.7	75.0	74.4	76.2
Re-exports of China origin to all countries other than China	82.5	81.4	82.9	80.7

* The value excludes commodities and transactions not classified according to kind.

End/Friday, November 17, 1995

Four more days to join specified arts groups

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Members of the public or organisations who are active in the eight specified categories of arts interest are today (Friday) reminded that they have four more days to register with the specified organisations with a view to nominating persons to the Governor as their representatives in the Hong Kong Arts Development Council.

A spokesman for the Recreation and Culture Branch said the specified organisations would close their registration of members by Tuesday (November 21).

Interested individuals or organisations may contact the following persons for details:

Arts Category	Contact Person	Tel
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Music	Chan Wing-wah	2609 6491
Dance	Mrs Law Liu Yiu-chee	2344 1169
Drama	Cheung Ping-kuen	2323 1742
Visual Arts	Lee Kam-ping	2511 6628
Film	Peter Tsi	2311 2692
Arts Administration	Chow Yung-ping	2326 8597
Arts Education	Lam Hon-kin	2859 7950
Arts Criticism	Mo Yung Yuk-lin	2661 0709

Under the Hong Kong Arts Development Council Ordinance, the non-official members of the council may include up to nine persons nominated by the specified organisations of the arts interests mentioned above.

As there is no applicant which can on its own be considered as representative of the literary arts category, it is not possible to specify any group in this category at this time.

"The Governor will appoint directly a person experienced in the literary arts to be a member for the coming term of office which will commence on January 1, 1996," the spokesman said.

The specified organisations are required to nominate persons on or before December 11 this year to the Recreation and Culture Branch for consideration by the Governor.

To ensure that the selection and nomination process is well understood and that it is conducted in a fair and credible manner, the Branch organised a forum for the specified organisations last Monday to further explain in detail the nomination process.

Chinese delegation to visit Hong Kong

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A Chinese delegation to be led by the Director of the Department of Hong Kong Economic Affairs, Hong Kong and Macao Affairs Office (HKMAO) of the State Council, Mr Zhang Liangdong, will visit Hong Kong from November 20 to 29, the Government announced today (Friday).

There will be seven other members in the delegation. They work in different departments in HKMAO.

A government spokesman said this was one in a series of sponsored visits between the mainland of China and Hong Kong.

"The objective of the sponsored visit programme is to increase mutual understanding of Chinese and Hong Kong Government officials on each other's systems and ways of life," he said.

The delegation will be briefed by senior Hong Kong government officials on policies relating to economic development, infrastructure development, trade matters, monetary and financial matters, and transportation.

End/Friday, November 17, 1995

Intestate Succession Notice gazetted

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A notice prescribing the method of calculating the capital value of a life interest of a surviving partner of a recognised union of concubinage was gazetted today (Friday).

A spokesman for Home Affairs Branch said the Intestate Succession (Reckoning of Capital Value) Notice, which will come into operation on December 22, provides for the capital value of the life interest to be calculated by reference to the yield of the government-issued Hong Kong five-year Exchange Fund Notes and actuarial tables based on the 1991 Hong Kong Life Tables.

"Under new provisions of the Intestates' Estates (Amendment) Ordinance that came into effect on November 3, the surviving partner to a recognised union of concubinage has the right to convert a life interest obtained under the ordinance into a capital sum," the spokesman said.

He added that a recognised union of concubinage is one that was entered into before October 7, 1971.

End/Friday, November 17, 1995

Consul-Generals briefed on ACP projects

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More than 60 Consul-Generals and Trade Commissioners in Hong Kong were today (Friday) briefed on the progress of Airport Core Programme (ACP) projects.

Accompanied by the Director of the New Airport Projects Co-ordination Office (NAPCO), Mr Billy Lam, the visitors spent about five hours visiting the sites of two ACP projects - Tsing Ma Bridge and the new airport at Chek Lap Kok.

The party first visited the site of the Tsing Ma Bridge, where they were briefed on the work progress by the Project Director of the Highways Department's Lantau Fixed Crossing Project Management Office, Mr C K Lau. They were later briefed on the new airport project at Chek Lap Kok by the Director of Corporate Development of the Provisional Airport Authority, Mr Clinton Leeks.

Cable spinning for the Tsing Ma Bridge was completed in July, followed immediately by cable compaction. The first suspended span deck section was lifted into place early in August. So far, 27 of the 50 suspended span steel deck units for the bridge have been erected.

Site formation works for the airport at Chek Lap Kok have been substantially completed and works are progressing on several fronts on the airport island.

The visitors were also briefed on the award of ACP contracts by Mr Lam.

Mr Lam told the party that by November 8, a total of 156 contracts worth \$92.5 billion had been awarded, with Japanese companies clinching 25 per cent of the contract value, followed by Hong Kong (23 per cent), the United Kingdom (16 per cent) and China (eight per cent).

End/Friday, November 17, 1995

Working group on Putonghua summer courses to be formed

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A 10-member working group on the provision of introductory Putonghua courses for primary and secondary school students during the summer holidays will be formed next month (December 1995).

A spokesman for the Education Department said today (Friday) the new working group would be formed following the Finance Committee's approval of a \$29.8 million commitment for the project.

The working group will comprise staff of the Education Department's Curriculum Development Institute and Advisory Inspectorate, and primary and secondary school teachers. It will be responsible for the design of curriculum and guidelines for the reference of teachers.

"Invitation to participate in the project will be sent to schools in early March 1996. The Education Department will organise seminars for participating teachers. Schools are expected to submit their applications by May 1996," the spokesman said.

The summer courses in Putonghua for primary and secondary school students are scheduled to be launched next July.

"We are expecting a good response to the courses," the spokesman added.

At present, Putonghua is an optional subject at upper primary and junior secondary levels in the school curriculum. Although Putonghua will be extended to the formal curriculum at Primary 1-3 and Secondary 4-5 levels with effect from September 1998 and it is expected that more schools will offer the subject by then, students in schools which do not offer Putonghua in the school curriculum will not have the opportunity to learn the subject in the 1995-96 to 1997-98 school years.

The proposed project is, therefore, to fill the gap in Putonghua education by organising introductory courses for primary and secondary school students during the summer holidays.

Each course will last 20 hours with emphasis on daily usage and the training of listening and speaking skills in Putonghua. Students will learn in an interesting and relaxed atmosphere with the help of various activities.

Each primary school may nominate for participation up to two classes, with 30 to 40 students per class while each secondary school may nominate a maximum of four classes, with 35 to 40 students per class.

The total number of students who will benefit from the proposed Putonghua courses will be about 190,000.

End/Friday, November 17, 1995

\$12 million musk grain and pod seized

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The Agriculture and Fisheries Department (AFD) seized \$12 million worth of musk grain and pod in an operation in Western yesterday (Thursday).

Acting on information, AFD field officers raided a shop in Des Voeux Road West, Sai Ying Pun yesterday afternoon and seized a total of 115 kilograms of musk grain and pod. This is the largest single seizure of this endangered species item the department has ever made.

Commenting on the case, an AFD conservation officer, Mr Cheung Chi-sun, believed that the shop had been used as a main distributor of musk grain and pod in the territory. Mr Cheung said investigations on the case were still in progress.

"Once investigations are completed and that there are sufficient evidence, we will institute prosecution action against the offender," he added.

Mr Cheung pointed out that although musk was a schedule II species, it would still make the offender liable to a maximum penalty of \$500,000 fine and one year's imprisonment upon conviction under the Animals and Plants (Protection of Endangered Species) Ordinance.

He also took the opportunity to remind traders of traditional medicine and other members of the community that under the ordinance, it was a serious offence to import, export and possess endangered species without an AFD permit.

If the species is a highly endangered one and used for commercial purpose, the maximum penalty is a \$5 million fine plus two years in jail. Highly endangered species include live items, their parts, derivatives and medicines containing or claiming to contain tiger and rhino ingredients.

Citing a previous court case as an example, Mr Cheung said that a firm was fined a record of \$500,000 at the Western Magistracy last week after its owner pleaded guilty to possessing a large quantity of medicines claiming to contain tiger ingredients for trading purpose.

This showed the court had been taking a serious view of such offences, he said, hoping that the record heavy fine would serve as an effective deterrent.

He also urged members of the public to report any illegal activities on endangered species to AFD by calling 2733 2144.

End/Friday, November 17, 1995

\$1.5 million grant to aid earthquake victims in China

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The Disaster Relief Fund Advisory Committee today (Friday) approved a grant of \$1.5 million to Oxfam Hong Kong as a contribution to the organisation's emergency relief programme for the earthquake victims in Wuding and Luquan, Yunnan, China.

A government spokesman said the Advisory Committee was concerned about the severe conditions the people in the affected areas had to face after the earthquake.

"The Committee hopes that this will stimulate further responses from the public towards the plight of the people there," he said.

To ensure that the grant will be used for the designated purpose, the Hong Kong Government will require Oxfam Hong Kong to submit an evaluation report and an audited account on the use of the grant.

Noting that public donations and appropriations from the general revenue were the main sources of the fund, the spokesman called on members of the public to contribute to the fund for general relief purposes.

Enquiries can be made to the Secretary to the Disaster Relief Fund Advisory Committee at Room 553, East Wing, Central Government Offices or on telephone 2810 3503.

The Advisory Committee is chaired by the Chief Secretary. Other members are Dr Raymond Ch'ien, Mr J D McGregor, Mr Cheung Hon-chung, Mr Lau Chin-shek, the Secretary for Health and Welfare, and the Secretary for the Treasury.

End/Friday, November 17, 1995

Maintenance and repair works at explosives depot

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The Civil Engineering Department is inviting tenders for the maintenance and repair works to the existing buildings at the Stonecutters Island Explosives Depot.

The works will include maintenance, refurbishment, reinstatement, improvement and minor fitting-out work to the buildings, lands and other properties at the depot.

The contract will start in January next year and will expire in June 1997.

Tender forms and further particulars of the project can be obtained from TBV Consult Asia Ltd, seventh floor, Caroline Centre, 28 Yun Ping Road, Causeway Bay, Hong Kong.

Designed by TBV Consult Asia Ltd, the works will be supervised by the company for the Mines and Quarries Division of the Geotechnical Engineering Office, Civil Engineering Department.

Tender offer for the project will close at noon on December 8.

End/Friday, November 17, 1995

Tenders invited for school renovation works

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The Architectural Services Department is inviting tenders for two alteration works contracts for 11 aided schools.

Both contracts, as part of the School Improvement Programme, comprise new extension work and conversion work for the schools, including associated building services and drainage works. One contract covers works for five aided schools and the other covers six.

Tender forms of the two contracts and further particulars may be obtained from the Architectural Services Department, 34th floor, Queensway Government Offices, 66 Queensway, Hong Kong.

Tenders must be clearly marked and addressed to the Chairman of the Central Tender Board and must be placed in the Government Secretariat tender box at the lower ground floor lift lobby, Central Government Offices (East Wing), Lower Albert Road, Hong Kong, before noon on Friday, December 15.

Late tenders will not be accepted.

Only contractors on the approved contractors for Public Works List I in Groups B and C for Building Works will be permitted to tender.

End/Friday, November 17, 1995

New pump houses for Lantau villages

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The Water Supplies Department is inviting tenders for waterworks on Lantau Island as part of a scheme under the Public Works Programme to supply fresh water to remote villages in the New Territories.

Works on the contract include the laying of 11.5 kilometres of steel and ductile iron fresh water mains and the construction of two pump houses, a header tank and a break pressure tank in Shui Hau and Sham Wat Road, Lantau Island.

On completion of the works, fresh water supply will be provided to Ngong Ping, Keung Shan, Sham Wat and Sha Lo Wan.

Works will commence in February next year for completion in a year's time.

Details of the tenders are listed in a notice published in the Government Gazette today (Friday).

Tender forms and further particulars can be obtained from the Water Supplies Department, 44th floor, Immigration Tower, 7 Gloucester Road, Wan Chai, Hong Kong.

Tender offers will close at noon on December 8.

End/Friday, November 17, 1995

Fresh water cut in Eastern District and Yuen Long

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Fresh water supply to some premises in Eastern District and Yuen Long will be temporarily suspended from 11 pm next Monday (November 20) to 6 am the following day to facilitate water works.

The affected area in the Eastern District will include Fortress Hill Road, all even number premises along 52-288 King's Road, Comfort Terrace, Chung On Terrace and Fortress Garden.

In Yuen Long, the suspension will affect Hop Yick Road and the Main Nullah including Tai Kei Leng, Nga Yiu Tau, Tong Tau Po, Kong Tau San Tsuen and Kong Tau Tsuen.

End/Friday, November 17, 1995

Hong Kong Monetary Authority money market operations

	\$ million	Time (hours)	Cumulative change (\$million)
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Opening balance in the account	1,458	0930	+13
Closing balance in the account	1,466	1000	+13
Change attributable to :		1100	+13
Money market activity	+8	1200	+13
LAF today	NIL	1500	+13
		1600	+8

LAF rate 4.25% bid/6.25% offer TWI 122.2 *+0.0* 17.11.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.50	2 years	2711	5.60	99.83	5.77
1 month	5.50	3 years	3810	6.15	100.46	6.06
3 months	5.52	5 years	5009	6.95	101.71	6.64
6 months	5.55	5 years	M502	7.30	100.91	7.20
12 months	5.57					

Total turnover of EF bills and notes - \$9,048 million

Closed November 17, 1995

End/Friday, November 17, 1995