



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 2842 8777

Wednesday, June 7, 1995

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Proposal to amend Securities ordinances

The Government has proposed to amend the Securities (Clearing Houses) Ordinance and the Securities Ordinance with a view to strengthening further Hong Kong's risk management systems.

The Securities (Clearing Houses) Ordinance was enacted in July 1992. Its main purpose was to disapply certain aspects of insolvency/bankruptcy laws in respect of securities transactions conducted at the Stock Exchange of Hong Kong Ltd in order to lessen the potential for a chain reaction of financial market defaults.

The Secretary for Financial Services, Mr Michael Cartland, said today (Wednesday): "The legislative amendments being proposed seek to extend the Ordinance to cover futures transactions conducted at the Hong Kong Futures Exchange Ltd."

The Securities (Amendment) Bill 1995 seeks to empower the Securities and Futures Commission (SFC) to make rules to facilitate tracking of speculative short selling of securities and to deter market manipulation.

"It also seeks to enable the SFC to prescribe, by rules, position limits and other conditions in relation to trading of stock options," Mr Cartland said.

The Bills will be published in the Gazette on Friday and introduced into the Legislative Council on June 21.

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HK wants action in APEC declaration this year: D-G of Trade

The Director-General of Trade, Mr Tony Miller, said today (Wednesday) Hong Kong would want to see, above all else, "substance" in the forthcoming declaration by the Asia Pacific Economic Co-operation's (APEC) Economic Leaders at their November meeting in Osaka, Japan.

"We need action, and we need to demonstrate to both our own businessmen and non-APEC governments that APEC means business," he said.

"We need to demonstrate that we have pulled together an action agenda which, once adopted by APEC Economic Leaders and faithfully pursued, will enable APEC economies to reach the goal set at Bogor."

Mr Miller, who is Hong Kong's appointed Senior Official to APEC, gave a talk entitled "Charting A Course for APEC - From Bogor to Osaka and Beyond" at a luncheon meeting of the New Zealand-Hong Kong Business Association.

He said the second Economic Leaders meeting at Bogor, Indonesia, last year set an unqualified goal of free trade and investment in the Asia-Pacific region by the years 2010 and 2020, for industrialised and developing economies respectively.

"It was a decision to ignore the theological questions, to set the goal clearly and leave Senior Officials and Ministers to work out how to get there later," he said.

"In effect, the Senior Officials of APEC have been charged with the task of drawing an action agenda which will lead to full liberalisation by the appointed dates."

To this end, Mr Miller said the Osaka Declaration would need to meet three simple criteria - it must have a convincing and comprehensive timetable for the liberalisation of trade and investment, must bring specific trade facilitation benefits for businessmen, and must demonstrate to the wider world APEC members' determination to lead by example.

"To be convincing the timetable set at Osaka must be clearly spelled out. We would like agreement on member economies submitting their individual action plans next year, for review and adoption by leaders at their Manila meeting in November 1996, with implementation beginning on January 1, 1997," he said.

"We would like agreement on subsequent phases commencing in 2000, 2005 and so on," he added.

Mr Miller said to be convincing the action agenda must also be comprehensive.

"Hong Kong's view of free trade is a simple one: no tariffs, no restrictions, no exceptions. So in our view nothing should be excluded from the start," he said.

"While work may proceed at a different pace on different issues, both the collective and the individual elements of the Osaka package must embrace all aspects of liberalisation, facilitation and co-operation."

Mr Miller said while trade and investment liberation would bring some benefits for businessmen, it must be matched by collective action to cut through the red tape and bureaucratic hassle which wastes the time, money and energy of businessmen throughout the region.

He emphasised that trade facilitation must be tackled in the same convincing and comprehensive way as liberalisation and to an agreed timetable.

"Customs procedures must be simplified, standards harmonised, rules made transparent, and common principles agreed for investment, procurement, the defence of consumer and much more besides," he added.

Mr Miller described as "justified in Hong Kong's view" the mood of impatience among APEC members with the slowness of the multilateral process but pointed out that it must be channelled to constructive purpose.

"APEC does not need to reinvent the World Trade Organisation (WTO). It should complement the WTO's work, not duplicate it," he said.

"It should reaffirm and reinforce belief in the efficacy of its founding principles: non-discrimination, national treatment and transparency," he added.

"I think all this is achievable, and I have been impressed by the thoroughness and determination of the Japanese Chair this year in carrying forward the torch from Bogor."

End/Wednesday, June 7, 1995

Expert talks on the Court of Final Appeal

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The eighth round of talks between experts of the British and Chinese sides of the Joint Liaison Group on matters relating to the Court of Final Appeal will be held in Hong Kong on June 7 and 8.

The British team will be led by British Representative Mr Alan Paul. The Chinese team will be led by Chinese Representative Mr Chen Zuo'er. They will be assisted by experts from the two sides.

End/Wednesday, June 7, 1995

Housing tops issues of concern: HAB poll

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Housing-related problems continued to remain in the minds of local residents, according to the latest public opinion poll conducted by the Home Affairs Branch.

Releasing the findings of a bi-monthly survey carried out between May 8 to 12, a spokesman for the Branch said the housing issue topped the list of problems most mentioned by the respondents. The percentage, which stood at 37 per cent, was the same as that recorded in the last survey.

Among them, 39 per cent worried about the high cost of private flats while the corresponding figure in March was 47 per cent.

Meanwhile, 72 per cent felt that the Government had made efforts to solve the housing problem and 12 per cent thought the issue had been well-handled.

Of the other most-mentioned issues facing the territory, "labour-related problems" came second with 34 per cent, of which 55 per cent mentioned the labour importation scheme, about the same as the previous findings (53 per cent).

This was followed by "Hong Kong Future" which stood at 26 per cent, up slightly from 24 per cent in the March poll.

The survey was the 58th in the series to gauge the trend of public opinion on perceived problems in Hong Kong and the community's views of the general situation.

A total of 1,501 persons were successfully interviewed using a random sample of residential telephone numbers.

Within the household of a selected telephone number, a respondent aged between 15 and 64 was randomly chosen for interview.

End/Wednesday, June 7, 1995

Scholarships for agriculture and fisheries studies

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Eligible students are invited to apply for financial assistance under the Agricultural Products Scholarship Fund and the Marine Fish Scholarship Fund from tomorrow (Thursday).

The assistance can be in the form of scholarship, grants and interest-free loans from the two funds which are administered by the Agriculture and Fisheries Department (AFD).

Announcing this today (Wednesday), a spokesman for the Agricultural Product and Marine Fish Scholarship Funds Advisory Committee said application forms would be available tomorrow from the AFD Headquarters on the 12th floor of Canton Road Government Offices, 393 Canton Road, and from various District Agricultural and Fisheries Liaison Offices.

Applications for tertiary education subsidies in the new academic year will close on July 18 while those for secondary school students will close on August 16.

The spokesman said the funds were set up in 1978 to help people wishing to serve the local agriculture and fisheries industries or related trades on completion of their studies, and also those employed in the industries wishing to pursue further training.

"Another aim of the funds is to provide financial assistance to children or dependants of farming and fishing families to complete their tertiary and secondary schooling," he said.

"Applicants in tertiary education should be Hong Kong residents under 30 years of age while secondary school applicants should be students in Secondary four or seven.

"The awards will be tenable at any university in Hong Kong, any acceptable overseas institution and any secondary school in the territory."

Approved courses for tertiary education include those on agriculture, veterinary science, marine science and biology or any applied science directly relevant to the local agriculture or fisheries and related trades.

Enquiries about the funds and application procedures can be made on tel 2733 2244 during office hours.

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Fanling lot to let

The Lands Department is inviting tenders for the short-term tenancy of a piece of government land in the New Territories.

Located in Area 21, Luen Wo Hui, Fanling, the lot has an area of 2,500 square metres for use as a fee-paying public car park.

The tenancy is for two years, renewable quarterly.

Closing date for submission of tender is at noon on June 23.

Tender form, tender notice and conditions may be obtained from the District Lands Office, North, the District Lands Offices, Kowloon, 10th floor, Yau Ma Tei Car Park Building, 250 Shanghai Street, Kowloon, and the Lands Department, 14th floor, Murray Building, Garden Road.

Tender Plan can also be inspected at these offices.

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Flushing water cut in Sha Tin

Flushing water supply to some premises in Sha Tin will be suspended from 8 am to 8 pm on Friday (June 9) to facilitate checking of the supply system.

The affected areas include Jat Min Chuen, Sha Kok Estate, Pok Hong Estate, Yue Shing Court, Yi Shing Square, Kong Pui Street, Yuen Chau Kok Road, and Regal Riverside Hotel.

End/Wednesday, June 7, 1995

Hong Kong Monetary Authority money market operations

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	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,841	0930	+686
Closing balance in the account	2,243	1000	+686
Change attributable to :		1100	+651
Money market activity	+622	1200	+650
LAF today	-220	1500	+625
		1600	+622

LAF rate 4.25% bid/6.25% offer TWI 118.5 *-0.1* 7.6.95

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.49	2 years	2705	6.40	101.17	5.83
1 month	5.50	3 years	3804	6.90	102.35	6.09
3 months	5.51	5 years	5003	7.75	104.90	6.64
6 months	5.52	5 years	M501	7.90	103.07	7.28
12 months	5.58					

Total turnover of EF bills and notes - \$13,869 million

Closed June 7, 1995

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SUPPLEMENT

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Unemployment problem

Following is a speech by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the motion debate on unemployment problem in the Legislative Council today (Wednesday):

Mr President,

Yesterday, the Governor convened a summit meeting to discuss employment issues. The meeting is not a political show as implied by Mr Fred Li. It was a genuine desire to bring together representatives of employers and employees and Legislative Council Members who all share a common concern. It is that common concern that has prompted today's motion debate on unemployment.

The Unemployment Situation

For many years, Hong Kong has been blessed with virtually full employment. However, in recent months, we have seen a rise in the number of people unemployed. Our latest unemployment rate of 3%, whilst low and enviable by international standards, is the highest in the past 9 years. It is natural and understandable that we, as a community should be worried about this phenomenon. However, we should not let ourselves be panicked into taking "emergency" quick fixed measures no matter how well-intended the motivations may be. To do so could be counter productive and could trigger off further retrenchment and push more industries to relocate.

The issues are complicated. We need to find out the underlying causes for the increase in the number of people in the labour market looking for jobs. We also need to find out why the vacancies in the job market are not snapped up by the people looking for jobs.

The increase in unemployment in recent months is largely due to the cyclical moderation in some service sectors, which has given rise to a reduced uptake of workers displaced from the manufacturing sector. The period of unemployment for most of those who are unemployed has not been prolonged. The labour utilisation rate also remains high, as indicated by the consistently low underemployment rate of around 1.5%. In addition, labour force growth in 1994 was an annual average of 3.5%, the highest in many years. It will probably take a bit of time for this additional labour supply to be absorbed. We know that there are about 80,000 persons looking for jobs and 60,000 vacancies waiting to be filled by suitable persons. All these indicate that the recent increase in the unemployment rate is not reflective of any particular fundamental weakness of our economy which needs to be tackled with 'emergency' measures. This is rather a problem of 'mismatch' in our labour market which has been made more acute in the recent months as a result of a cyclical downturn in the growth of some service sectors - the major absorbers of displaced workers. What we need is a thoughtful and prudent approach to resolve this problem. We also need to work together and not let our concerns polarise the community and drive a wedge between employers and employees and detract us from finding a solution.

Short-term measures

We have already a lot of common ground which can be pursued despite differences in opinions. In the short-term, our immediate task must be to help our displaced workers, who have been most hard-hit by the recent easing of our employment market, to re-enter the workforce. We will therefore step up our efforts on retraining and job placement assistance.

Retraining

The Employees Retraining Scheme, which was established in 1992, has so far successfully provided retraining for over 60,000 persons. The Employees Retraining Board (ERB) will set up new Retraining Resource Centres to provide career counselling services and intensive pre-employment training to retrainees. It will provide an Outplacement Service to retrenched workers. It will also strengthen the links with employers and trade unions. With these new initiatives, the ERB will make the Scheme more placement-focused and expects to be able to place not less than 10,000 retrainees in jobs in the next 12 months.

Job Placement

As regards job placement assistance, the Local Employment Service (LES) of the Labour Department is meeting the challenge posed by the recent rise in the number of job seekers through the Pilot Job Matching Programme launched in April this year. This programme was designed specifically to assist displaced workers over 30 years of age to re-enter the work force. This Programme is fully integrated with the Employees Retraining Scheme. Already, it has successfully matched 167 displaced workers out of a total of 612 registrants with the relevant job vacancies in the first two months of its operation. Additional resources will be provided to Labour Department to extend the Programme from 5 LES offices to all the 9 LES offices this autumn. Our aim is to triple both the number of registrants and placements by the end of the year. On top of these efforts, the Labour Department will provide prompt on-site employment assistance service for workers who are about to be retrenched, to help them secure alternative employment in good time.

Household survey

Our experience indicate that retraining and job placement are the two most effective means in facilitating displaced workers to rejoin the work force. The challenge before us is to ensure that they are targeted exactly at those most in need of such assistance. To ensure the effectiveness of these job placement and retraining measures, we will double the sample size of 13,050 households per quarter of General Household Survey to obtain more detailed information in respect of the profile of both the unemployed and job vacancies. We will also include more items in our survey of vacancies. The enhanced General Household Survey will start in October. With such information, we should be able to devise better ways and means to 'match' the unemployed with the vacancies.

Enforcement Actions

We are firmly committed to taking tough enforcement actions to clamp down on abuses of our labour importation schemes and illegal employment. We will not tolerate those who abuse the labour importation schemes. Imported workers are not cheap labour to be exploited. The Labour Department will conduct more vigorous inspections at the places of employment and accommodation of imported workers to guard against abuses involving breaches of conditions of the Standard Employment Contract such as underpayment of wages and unpaid overtime work.

In 1994, we set up a Special Immigration Task Force to strengthen enforcement measures against illegal workers. As a result, we have been able to organise more operations and take prosecution actions against a larger number of illegal workers and their employers. The number of illegal workers and employers investigated increased by 2,500 and 900 respectively in 1994 over 1993, which is more than double the 1993 number. More than 1,000 operations were carried out amounting to an average of almost three operations per day. We will double the size of the Task Force from the existing size of 46 to 92 to further enhance these efforts this year. This increase is a significant increase in manpower and we can expect a commensurate increase in the number of cases to be investigated. We should also bear in mind that the practice of stringent entry clearance procedures at entry control points also serves the purpose of reducing illegal workers. The Police's combat against illegal immigrants is also very relevant to the work in this respect. But our enforcement actions will need the help of the public. The Immigration Department operates a 24-hour hotline for the public to report cases of illegal employment. We will add a fax-line for the same purpose in the near future.

Honourable members have called for heavier penalties against those who employ illegal workers. Let me assure members that we appreciate the need for these penalties to carry the desired deterrent effect. At present, employers are liable to 3 years' imprisonment and a fine of \$250,000 on conviction of hiring all category of all persons not lawfully employable not only illegal immigrants. On conviction of failure to inspect identity documents, employers are liable to 1 year's imprisonment and a fine of \$ 50,000. The penalty for aiding and abetting are the same as the principle offence. The fines for hiring illegal workers and for legally unemployable persons to undertake work in Hong Kong are now being reviewed in the context of an overall review on the levels of fines on a number of offences. We hope to propose new levels to this Council soon. The heavier fines to be proposed should boost their deterrent effects. For the period of imprisonment, we believe that the current penalty level has sufficient deterrent effect and is commensurate with the offence for both employers and illegal workers themselves. We will, of course, keep the level of penalties under regular review, but there is no strong evidence to suggest that, other than the rates of fines which will, as I mentioned, be updated, there should be an urgent need to revamp the other element of the penalty.

To take preventive measures, we have maintained a careful record of employers who apply for quota under labour importation schemes. Employers with adverse records, such as having been convicted for deploying imported workers to do unauthorised work or for hiring illegal workers, can be denied quota.

To tackle the problem posed by visitors as I mention earlier, we screen those who have a greater propensity to engage in illegal work with extra care at their entry point. Those who cannot show proof of sufficient means of support during their visit, or are found to have doubtful intention of visit, are often granted a shorter stay than they requested or can even be refused entry.

Review of the General Labour Importation Scheme

As members are aware, we have started our comprehensive review of the General Labour Importation Scheme and will complete it by October. In the meantime, no new quota will be allocated. We will take full account of the latest employment conditions in our labour market to see whether any changes should be made to both the number and types of workers permitted under the Scheme. This review will cover all the operational aspects of the Scheme, including the quota ceiling, the quota allocation formula as well as the vetting and monitoring procedures. We need to ensure that the Scheme will continue to meet the needs of the market and at the same time not erode the job opportunities of local workers. We will consider the proposal from yesterday's summit for a tripartite committee on importation of labour comprising government, employers and employees. We will also consult the Panel on Manpower of this Council and the Labour Advisory Board on the results of the review before implementation.

Medium Term

In the medium term, we need to monitor closely the economic restructuring process and its effects on our labour force, in particular, the changes in the distribution of jobs between different sectors of industry. We also need to identify the characteristics of the core group of displaced workers with low employability. We also need to study whether discriminating practices might be contributing to the difficulties which displaced workers faced.

Long-Term measures

In the long-term, we are committed to improving both the productivity and efficiency of our manpower resources through education and training. This is in line with our employment policy to provide a well-trained workforce to meet the demands of our dynamic economy. We already have in place a well-established system of tertiary and continuing education provided by our tertiary institutions, as well as technical and vocational training through the Vocational Training Council and other training bodies. We will be reviewing our long-term manpower planning strategies regularly so that this system is geared towards the needs of the labour market.

To terminate the importation of labour policy

Impassionate pleas have been made by some members for the immediate scrapping of the importation of labour schemes. The Administration has already indicated at an earlier motion debate in this Council last month, that we do not support this proposal. There is no obvious and direct causal link between our importation of labour policy and the recent increase in unemployment rate. The number of workers remaining in Hong Kong has actually been declining during the last few months when the unemployment rate went up. Our importation of labour schemes are carefully controlled and targeted solely towards relieving specific areas of shortage. Safeguards are in place to ensure that local workers are given priority in employment and that they should not be displaced by imported workers. Our imported workers have been playing a vital role in supporting the continued operation and development of many business companies which may otherwise have to shut down their production lines and retrench local workers. There is a proven economic need for imported workers in a considerable number of sectors of industry as well as airport core programme. We should not pre-empt the result of the review and put an end to the schemes prematurely.

Legislation to control the labour importation schemes

Some Members had called for control over importation of labours to be entrenched by legislation. We have yet to be convinced that legislative controls are necessary and in the best interests of our community. A Private Member's Bill and a motion advocating a similar proposal were debated recently. Neither were supported by this Council.

Legislation to give priority in employment to local workers

As regards legislation to give priority in employment to local workers, let me reiterate the Government's position : we do not see any need to legislate for this. There are, as I said earlier, administrative safeguards under our importation of labour schemes to ensure that local workers will be given priority in employment. We will examine how to further strengthen the effectiveness of such measures in the context of our review on the General Scheme. Moreover, even if legislation were to be enacted, it will be extremely difficult if not impossible to enforce effectively, without at the same time causing serious disruption to the free market operation of our economy, damaging our harmonious labour relations, and unnecessarily restricting the freedom of choice for both employers and employees in the labour market, which will benefit nobody at the end of the day.

To solve the livelihood problems of workers during periods of unemployment

We understand the anxieties of those who are unemployed and unable to find alternative jobs. Those in genuine financial need would be taken care of by the existing Comprehensive Social Security Assistance (CSSA) Scheme which provides a safety net for individuals or families suffering from financial hardship for all kinds of reasons. This safety net covers a comprehensive range of social services including cash assistance, free medical care, compassionate rehousing and other free programmes organised by the Government and non-governmental organisations.

Publicity on CSSA has been enhanced to ensure that those in financial need know how and where to get assistance. A handbook on CSSA was published in June 1994 and copies of the handbook were widely distributed. Pamphlets on CSSA are made available for distribution to members of the public at social security field units, family services centres and district offices of the Social Welfare Department (SWD) as well as the public enquiry counters of the District Offices. Audio and video tapes on CSSA are played at social security field units to publicise the assistance available. Since April 1995, taped messages on the eligibility criteria and application procedures for CSSA are also available on the departmental hotline of SWD.

We are undertaking a comprehensive review of social security arrangements. It will cover, inter alia, various aspects of the administration of the CSSA Scheme with a view to improving services to clients. It is expected that proposals would start to emerge from the review by the end of this year.

For those unemployed persons who are not eligible for CSSA but who may have genuine and urgent financial needs, emergency relief can be provided through grants made from the trust funds administered by SWD. A range of welfare services are also available to those individuals and families who need assistance to deal with their problems, such as counselling services, child care services, waiving of medical charges, home help services and family aide services.

Conclusion

I have just in conclusion outlined a series of measures - short, medium and long-term - to tackle the problem of the mismatch and abuse in our labour market. They are meant to help those who have difficulties in finding employment or are facing the possible threat of retrenchment. These measures are positive, practical and prudent. We are not in a state of emergency requiring emergency measures to be adopted. Therefore, the Administration opposes the motion and Mr Tam Yiu-chung's amendment to it. We support Mr Henry Tang's amendment and would urge members to do likewise.

End/Wednesday, June 7, 1995

AG supports improvements to Prosecutions Division

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The Attorney General, the Hon Jeremy Mathews, has spoken in support of a Legislative Council motion by the Hon Elsie Tu, for the Director of Public Prosecutions to carry out a review of the decision-making process in the Prosecutions Division of the Legal Department to ensure that proper checks and balances are in place. The review will be carried out with the assistance of independent experts.

Mr Mathews also supported two amendments to the motion proposed by the Hon Emily Lau. In response to her suggestions, Mr Mathews said the department would look further at its accounting system to see if it could be refined to provide better information as to costs. It would also consider appointing a senior professional administrator, taking into account various factors, such as the experience of the Judiciary in having an administrator, and management improvements initiated by the department.

In his speech to the Council on the motion and amendments, Mr Mathews noted that there were internal as well as external safe-guards and checks and balances at present.

He described the internal processes by which prosecution decisions were made, and pointed out that generally speaking, the Prosecutions Division was not involved in the investigation of crimes.

"This is quite deliberate. This separation of function ensures that decisions to prosecute are made by those who, because they have not been involved in the investigation process, can view the evidence dispassionately and objectively," he said.

Once received the investigation file is assigned to one of the specialist units within the Prosecutions Division for evaluation.

"Each unit is headed by an experienced Counsel at the Directorate level, whose responsibilities include the supervision of counsel within that unit. All advice given is checked and counter-signed by the directorate officer.

"Where a case may fall within the jurisdiction of the High Court - for example, a possible prosecution for murder, the approval of a Directorate officer to prosecute will be sought. Similarly, prosecutions of major cases in the District Court will need the approval of a Directorate officer.

"In cases of particular weight, say, a major commercial crime, or cases which may involve a wider public interest, the papers will be passed to a Deputy Director of Public Prosecutions and then to the Director personally. The Director will, whenever he considers it appropriate, refer such decisions to me, either to endorse the decision or, in some instances, for me to decide," Mr Mathews said.

On the external safe-guards and checks and balances, Mr Mathews pointed out that first of all, there was the Legislative Council.

"The ability of this Council to question an Attorney General about prosecutorial decisions is a valuable and significant safe-guard.

"Of course, I can understand the frustrations of members when I decline to go into the reasons for a particular decision. Let me say this, I, too, have experienced frustration in not being able to answer publicly the barrage of criticism, to which I and my Department have been subjected over decisions taken in certain cases. However, there are sound reasons of public policy why an Attorney General cannot discuss his decision to prosecute, or not to prosecute, a particular case," he said.

He emphasised that the only forum in which a person's guilt or innocence should be assessed was in a court of law, where that person had all the safeguards provided by the criminal law to ensure that he or she had a fair trial.

"Any discussion of the correctness of a decision to prosecute, or not to prosecute, a particular person is likely to raise the question of whether there was sufficient evidence to prosecute, which is just a step away from the question whether he or she was guilty," he said.

He explained that where a decision had been taken not to prosecute a particular case, there were other reasons why an attorney general should not discuss the basis of that decision.

"To make public the grounds on which the evidence was judged to be insufficient to secure the likelihood of a conviction would, in the first place, breach the confidentiality of police reports and statements taken by the police from potential witnesses. Disclosure of the reasons for not believing prospective witnesses might require revealing the criminal record of those witnesses.

"The same reasons would apply to making public details about the defendant with the result that there would be a public "trial" of the potential defendant without his or her having all the safeguards that are an integral part of a criminal trial in open court," he said.

He repeated the three reasons he gave earlier to the Council in explaining why decisions to prosecute or not to prosecute should not be discussed:

- * If the defendant has been prosecuted but acquitted, it cannot be in the interests of justice and fairness for that acquittal or its reasons to be debated in public.
- * If the defendant has been prosecuted and convicted, it would hardly be proper to discuss whether the conviction was correct or not. If the defendant felt he should not be convicted, he would appeal.
- * If criminal proceedings were not taken it would not be fair or just to discuss why the accused were suspected and the reasons for not prosecuting. To embark on such a course would be tantamount to a trial but it would not be in accordance with court procedures and it would not be confined to evidence admissible in court.

Nevertheless, he also repeated that the stand he took did not render him unaccountable to the Council.

"Further safe-guards and checks arise through the detailed work of the Legislative Council Panel on the Administration of Justice and Legal Services, before whom I and the Director frequently appear. The media, too, have a part to play in raising public concerns over particular decisions," he said.

"Then there are the courts. A decision to prosecute will frequently result in a trial, where the case against the defendant is tested by the defendant's lawyers, by the judge and, in the High Court, by the jury.

"But an acquittal does not mean that the original decision to prosecute was wrong, for the decision to prosecute is based on a reasonable prospect of securing a conviction, while a conviction requires proof beyond reasonable doubt.

"There are many and varying reasons why a defendant may be acquitted: witnesses may die or change their stories, or simply not be believed. New evidence may come to light," he said.

Mr Mathews reminded the Council that the proper role of prosecuting counsel was not to secure a conviction at any cost, but to lay out the evidence fairly and impartially for the court, or the jury, to decide guilt or innocence.

"With that caution, I would note that the Division had the following conviction rates in the past year: 76 per cent in the High Court, 67 per cent in the District Court and 63 per cent in the Magistrates' Court. By way of contrast the Crown Prosecution Service in England had a conviction rate in 1993-94 of about 57 per cent," he said.

He added that at present, the Prosecutions Division had 99 Crown Counsel, 95 lay court prosecutors and 153 support staff. In 1994, they handled 2,416 appeal cases, 654 cases in the High Court, 683 cases in the District Court and 5,775 cases in the Magistrate's Courts.

"This is an increase of some 38 per cent over the number of cases handled in 1993. Apart from the day to day advisory duties, counsel in the Division also provided 5,236 specialist pieces of advice to various law enforcement agencies in the financial year 1994-95 - an increase of 16 per cent over the previous year," he said.

Mr Mathews also set out some of the improvements made to the Prosecutions Division over the recent years:

- * The Division is now sub-divided into 15 units each with its own specialist function and each headed by a Directorate officer, with increased level of professional expertise necessary to handle the complex nature of much of criminal work;
- * The Director of Public Prosecutions has recently put in place a research and general advice unit, whose duties include reviewing and recommending changes in criminal law and procedure; and assisting in the giving of drafting instructions and commenting on criminal legislation;
- * A booklet on Prosecution Policy was published in 1993 to further public understanding of the principles that are applied when a decision to prosecute is to be made;
- * With regard to the system of briefing-out cases, several important measures have been taken recently - in particular, the capping of fees in non-standard cases and the establishment of a Working Party to review the briefing out system.

For the future:

- * A fully integrated information technology system, now being installed, will greatly enhance the ability to capture information to aid in the operation of the Prosecutions Division.
- * The significant increase in the strength of the Division - long over-due - will enable the Director to beef-up various units within the Division. This will help to improve the service provided to law enforcement agencies and other government departments in terms of the quality of advice given.
- * Greater use of Chinese in courts will be facilitated by assisting in the production of bilingual indictments and charge sheets, and by improving the ability of prosecutors to conduct cases in Cantonese.
- * Specialist training will be provided to Crown Counsel dealing with vulnerable witnesses so as to facilitate the implementation of the proposal to allow videotaping of evidence in such cases and for the better handling of trials involving vulnerable witnesses.

"It is against this background of steady improvements that I welcome the review proposed in the Honourable Mrs Elsie Tu's motion," Mr Mathews said.

"I say this for a number of reasons. Firstly such a review would tie-in with the process of improvements already started by the Director of Public Prosecutions.

"Secondly, the Prosecutions Division had grown in size over the years and will expand further. At the same time, the criminal law and procedures have grown in terms of specialisation and complexity. Both factors suggest that there is a need to review the way in which decisions are made.

"Thirdly, it is vital that the decision-making process should be one which commands public respect and confidence, for the prosecution process is of such vital importance to the maintenance of the rule of law in Hong Kong. We must ensure that the proper checks and balances are in place," he said.

"The Director is anxious to press ahead with the review, with a view to producing to this Council a public report before the end of the year," he added.

Turning to the first amendment to the motion proposed by the Hon Emily Lau, Mr Mathews noted that at present, the spending of the Legal department was grouped under five programme areas. Under each programme area, a breakdown was kept for costs incurred for each category of activity.

"For example, in the Prosecutions Division, we can identify the costs incurred for trial preparation, asset recovery, extradition, advisory work and prosecutions, and so on. Similarly, in the Civil Division, we can identify the costs incurred for civil litigation, mutual legal assistance, construction contracts, advisory work and so on. The costs cover staff costs, other operating costs such as office equipment, as well as costs for briefing out work to outside lawyers. These costs are incurred largely as a result of providing legal services to other Government departments and law enforcement agencies.

"This system allows us to have a more focused view on the cost of the services we provide. It also provides a basis for identifying savings and possible redeployment of resources.

"So we already have a system of accounting which can identify cost. But I have no difficulty with the suggestion that we should look further at that system to see if it can be refined to provide better information as to costs," Mr Mathews said.

On the second amendment proposed by the Hon Emily Lau, Mr Mathews noted that over the past few years, the Department's administration had been strengthened very considerably, starting with the creation in 1989 of the post of Chambers Manager with the specific objective of having a senior professional administrator to manage the Department.

Nevertheless, Mr Mathews said, the suggestion to appoint a senior professional administrator within the Legal Department will be seriously considered having regard to various factors.

He noted that the working party set up to review the briefing out system would report to him by the end of this year. At the same time, the Information Systems Strategy Plan was expected to bring significant improvements to the management of the Department.

"These two major activities represent a considerable part of the work of the Administration Division of the Legal Department. I would like to take these two initiatives into account when considering the possibility of appointing a more senior administrator," he said.

In his speech to the Council today, Mr Mathews also set out the constitutional position concerning prosecutions in Hong Kong.

Decisions to prosecute are, under Hong Kong's constitution, the sole responsibility of the Attorney General. This constitutional doctrine was recognised in a statement released in February 1963 at the direction of the then Governor.

"When the Attorney General of the day makes a decision to prosecute or not to prosecute he does so independently of the Government. He acts in a semi-judicial way, free from orders or pressure from the Government or any other quarter. So the responsibility is his, and his alone."

"That constitutional independence, jealously preserved and guarded, is, I believe, a bulwark for the rule of law in Hong Kong, and so it is reassuring to note that the Basic Law provides for the continuation of the principle, by stating that the Department of Justice shall control criminal prosecutions 'free from any interference'", he said.

In winding up his speech, Mr Mathews said the Legal Department was a vital component in the structure of the Government. It bears a heavy responsibility, he said, one which it discharges with great skill and professionalism.

"But like all institutions, it is capable of improvement. I and my ex officio colleagues will vote in support of the original motion and the amendments," he said.

End/Wednesday, June 7, 1995

Review of the Prosecutions Division

* * * * *

Following is the speech by the Attorney General, the Hon Jeremy Mathews, in the motion debate on review of the prosecutions division of the Legal Department in the Legislative Council today (Wednesday):

Mr President,

I am grateful that this debate is taken place. I am grateful that we have an opportunity to discuss serious issue affecting, not only the public confidence in me, my department, but also in the rule of law. I think it's a timely debate I'm glad we have it. It gives me an opportunity to address concerns about the decision-making process in the Prosecutions Division, to explain some of the major improvements that have been made to the running of the Division, and to set out some of our plans for further improvements. And I hope as I go along I'll persuade Members that these are not the products of crisis management or a quick fix.

Constitutional position

Mr President, let me start in the sense which Mr Martin Lee left off and that is by setting up the constitutional position concerning prosecutions in Hong Kong. Decisions to prosecute are, under our constitution, the sole responsibility of the Attorney General. This constitutional doctrine was recognised in a statement released in February 1963 at the direction of the then Governor which said this:

"It is the Attorney General who is responsible for all prosecutions in Hong Kong. It is for the Attorney General alone to decide whether or not prosecutions shall be instituted in any particular case or class of case, and his responsibility to control and conduct them."

That remains the position to-day. The important point to note is that when the Attorney General of the day makes a decision to prosecute or not to prosecute he does so independently of the Government. He acts in a semi-judicial way, free from orders or pressure from the Government or from any other quarter. And at this point I would say, Mr President, that I am in full agreement with the sentence just expressed by Mr Martin Lee on this very important aspect. So the responsibility is his, and his alone. That constitutional independence, jealously preserved and guarded, is, I believe, a bulwark for the rule of law in Hong Kong, and I think it is reassuring to note, as Mr James To pointed out, that the Basic Law provides for the continuation of the principle, by stating that the Department of Justice shall control criminal prosecutions "free from any interference".

But how, in practice, does the prosecution process work? And what are the present safe-guards, the checks and balances, to ensure that this awesome power, for such it is, is properly used, and that the public can have confidence in this vital aspect of the rule of law and administration of criminal justice?

In most instances, as one might expect, the power to make decisions in relation to prosecutions has been delegated to the Director of Public Prosecutions and his officers. But not all powers have been delegated: some remain personal to the Attorney General, for example, decisions under the Complex Commercial Crimes Ordinance and under section 5 of the Organized and Serious Crimes Ordinance. Similarly, the power to enter a nolle prosequi - that is to discontinue a prosecution - and to seek a review of sentence, have not been delegated. That powers I exercise personally. Some offences cannot be prosecuted without my personal consent, for example, prosecutions under section 10 of the Prevention of Bribery Ordinance.

However, in reaching decisions in these cases where I have not delegated my powers, I have the benefit of advice from the Director of Public Prosecutions and his senior colleagues.

The prosecution process

Mr President, the decision-making process begins when the Prosecutions Division receives an investigation file from a law enforcement agency, in most cases either the Police or the ICAC. It is important to note that generally speaking, the Prosecutions Division are not involved in the investigation of crimes. And that is quite deliberate. This separation of function ensures that decisions to prosecute are made by those who, because they have not been involved in the investigation, can view the evidence dispassionately and objectively. In some major and protracted cases, the advice of Prosecutions Division may be sought during the course of investigation over the strength of evidence and its possible admissibility, but even then the separation of function is strictly adhered to.

Once received the investigation file is assigned to one of the specialist units within the Prosecutions Division for evaluation. Each unit is headed by an experienced Counsel at the Directorate level, whose responsibilities include the supervision of counsel within that unit. All advice given is checked and counter-signed by the Directorate officer. Where a case may fall within the jurisdiction of the High Court - for example, a possible prosecution for murder, the approval of a Directorate officer to prosecute will be sought. Similarly, prosecutions of major cases in the District Court will need the approval of a Directorate officer. In cases of particular weight, say, a major commercial crime, or cases which may involve a wider public interest, the papers will be passed to a Deputy Director of Public Prosecutions and then to the Director personally. The Director will, whenever he considers it appropriate, refer such decisions to me, either to endorse the decision or, in some instances, for me to decide.

Current safe-guards and checks and balances

Mr President, I now turn to the important question of safeguards and checks and balances, and the allied issues of transparency and accountability.

I have described the internal processes by which prosecution decisions are arrived at, showing that all major decisions are reached only after careful consideration at various levels within the Prosecutions Division. This process aims at minimising errors, and ensuring consistency of advice and policy, for it is important that decisions are made fairly and consistently.

There are a number of external safe-guards and checks and balances. First of all, there is this Council. The ability of this Council to question an Attorney General about prosecutorial decisions is a valuable and significant safeguard. Of course, I can understand the frustrations of members when I decline to go into the reasons for a particular decision. Let me say this, I, too, have experienced frustration in not being able to answer publicly the barrage of criticism, to which I and my Department have been subjected over decisions taken in certain cases. However, there are sound reasons of public policy why an Attorney General cannot discuss his decision to prosecute, or not to prosecute, a particular case.

Mr President, the only forum, I repeat, the only forum, in which a person's guilt or innocence should be assessed is in a court of law, where that person has all the safeguards provided by the criminal law to ensure that he or she has a fair trial. Any discussion of the correctness of a decision to prosecute, or not to prosecute, a particular person is likely to raise the question of whether there was sufficient evidence to prosecute, which is just a step away from the question whether he or she was guilty. But, as I have said, that question is one exclusively for our courts.

Where a decision has been taken not to prosecute a particular case, there are other reasons why an Attorney General should not discuss the basis of that decision. To make public the grounds on which the evidence was judged to be insufficient to secure the likelihood of a conviction would, in the first place, breach the confidentiality of police reports and statements taken by the police from potential witnesses. Disclosure of the reasons for not believing prospective witnesses might require revealing the criminal record of those witnesses. The same reasons would apply to making public details about the defendant with the result that there would be a public "trial" of the potential defendant without his or her having all the safeguards that are an integral part of a criminal trial in open court.

Mr President, I make no apology for repeating the explanation that I gave in a letter to the Chairman of the House Committee in May 1993, and which I gave to members of this Council in answer to a question put to me in April of last year. In explaining why decisions to prosecute or not to prosecute should not be discussed I gave the following three reasons.

- (a) If the defendant has been prosecuted but acquitted, it cannot be in the interests of justice and fairness for that acquittal or its reasons to be debated in public.
- (b) If the defendant has been prosecuted and convicted, it would hardly be proper to discuss whether the conviction was correct or not. If the defendant felt he should not be convicted, he would appeal.

- (c) If criminal proceedings were not taken it would not be fair or just to discuss why the accused was suspected and the reasons for not prosecuting. To embark on such a course would, as I just explained, be tantamount to a trial but it would not be in accordance with court procedures and it would not be confined to evidence admissible in court.

I hope that members would understand why I, and my predecessors, have taken the stand that I have referred to. I hope that members will, on reflection agree with me to some of that principle. But I also repeat, the stand, the principle that I adopt does not render me unaccountable to this Council. I would wager that I'm probably the Attorney General who has been questioned more frequently and appeared more often before this Council Panels than any of my distinguished predecessors.

Further safe-guards and checks arise through the detailed work of the Legislative Council Panel on the Administration of Justice and Legal Services, before whom I and the Director frequently appear. The media, too, have a part to play in raising public concerns over particular decisions.

Then, Mr President, there are the courts. A decision to prosecute will frequently result in a trial, where the case against the defendant is tested by the defendant's lawyers, by the judge and, in the High Court, by the jury. But an acquittal does not mean that the original decision to prosecute was wrong, for the decision to prosecute is based on a reasonable prospect of securing a conviction, while a conviction requires proof beyond reasonable doubt. There are many and varying reasons why a defendant may be acquitted: witnesses may die or change their stories, or simply not be believed. New evidence may come to light.

At this point, I would remind members that the proper role of prosecuting counsel is not to secure a conviction at any cost, but to lay out the evidence fairly and impartially for the court, or the jury, to decide guilt or innocence. With that caution, I would note that the Division, the Prosecution Division, had the following conviction rates in the past year: 76% in the High Court, 67% in the District Court and 63% in the Magistrates' Court. By way of contrast the Crown Prosecution Service in England had a conviction rate in 1993/94 of about 57%.

Let me say a word about how the Division had staffed and what it does because I think it's important, Mr President, that in this important debate with the emphasis being laid on particular cases in the past we should not lose sight, as I'm sure Members won't, of the broader picture.

At present, the Division has 99 Crown Counsel, 95 lay court prosecutors and 153 support staff. In 1994, they handled 2,416 appeal cases, 654 cases in the High Court, 683 cases in the District Court and 5,775 cases in the Magistrate's Courts. This represent an increase of some 38% over the number of cases handled in 1993, without a matching increase in staff I should add. Apart from the day to day advisory duties, counsel in the Division also provided 5,236 pieces of specialist advice to various law enforcement agencies in the financial year 1994/95 - an increase of 16% over the previous year. I would like to pay tribute to the officers in the Prosecutions Division - the Crown Counsel, Court Prosecutors and their hardworking support staff whose dedicated work does not always get the recognition it deserves. I wish to place on record my tribute to their skills, their experience, their versatility and sheer hard work. Hong Kong is indebted to them.

Improvements

This evening's debate reference had been made to certain specific cases, these cases all had been subject of detailed discussion in the past and I've answered questions in this Council in respect of many of them, in some cases, at considerable length. Members will forgive me if I do not repeat what I have said previously about those cases will understand for the reasons I have just given why I do not intend to add what I've already said on previous occasions.

Mr President, I now like to set out some of the improvements made to the Prosecutions Division over the recent years. Not as a result of a knee jerk reaction to crisis, not as a reaction to quick fix solutions, not as some sort of delay reaction but as a steady process of improvement managed in a careful and measured way.

- * First, the Division is now sub-divided into some 15 units each with its own specialist function and each headed by a Directorate officer. These units include a Court Advocates Unit which deals with nearly all High Court trials, Trial Preparation Units for High Court and District Court, an Appeals Unit, an Extradition Unit, a Drugs Asset Recovery Unit and a Bill of Rights Unit - to name just a few. Each unit is composed of specialists in those areas, increasing the level of professional expertise necessary to handle the complex nature of much of today's criminal work;

- * Secondly the Director of Public Prosecutions has recently put in place a research and general advice unit, whose duties include reviewing and recommending changes in criminal law and procedure, and Members would have seen some of the products of that in the form of bills that have come before them recently; assisting in the giving of drafting instructions and commenting on criminal legislation; giving criminal advice to all government branches and departments which are not covered by other sections in the Prosecutions Division; and advising the Commissioner of Police in Magistrate's Courts cases.
- * Thirdly, in 1993, we published a booklet on Prosecution Policy, that was done with a view to furthering public understanding of the principles that are applied when a decision to prosecute is to be made. This explains, for example, the tests to be applied in deciding whether there is sufficient evidence to prosecute, and the public interest considerations that may properly lead to a decision not to prosecute;
- * Fourthly, with regard to our system of briefing-out cases on which some Members have spoken this evening, Members will be aware of several important measures recently taken, in particular, the capping of fees in non-standard cases and the establishment of a Working Party to review the briefing out system, to be chaired by the Director of Public Prosecutions and including representatives of the Bar Association and the Law Society. The Director and I intend that be a thorough going review because we are determined that the briefing out system will be such as to stand up to critical public examination in this Council and elsewhere.

So Mr President, we have a Prosecutions Division, that is hard-working and highly professional, in a process of steady improvement. What of the future?

- * First, the introduction of a fully integrated information technology system, now being installed, will greatly enhance our ability to capture information in the aid of the operation and management to the Division and I've taken a careful look of the useful suggestions that had been made by some Members this evening about that and I've gratefully acknowledged the assistance given by Members outside the debate this evening freely giving out their time and their advise and I would like to say how grateful I am to them. In this connection, we shall be making a progress report to the Panel on Administration of Justice and Legal Services early next month.

- * Secondly, we look to a significant increase in the strength of the Division - long over-due in my opinion - this will enable the Director to beef-up various units within his Division. This will help to improve the service provided to law enforcement agencies and other government departments in the terms of the quality of advice we give.
- * Thirdly, we shall facilitate the greater use of Chinese in the courts by assisting in the production of bilingual indictments and charge sheets, and by improving the ability of prosecutors to conduct cases in Cantonese.
- * Fourthly, we will provide specialist training to Crown Counsel dealing with vulnerable witnesses so as to facilitate the implementation of the proposal to allow videotaping of evidence in such cases and for the better handling of trials involving vulnerable witnesses.

Mr President, I have set out at some length the improvement already made what we have in the pipeline to demonstrate that these are not products of crisis management and not evidence of resistance to change to ostrich-like attitudes as we have been accused by some this evening.

It is against this background of steady improvements that I welcome the review proposed by the Honourable Mrs Elsie Tu's motion. I say this for a number of reasons. Firstly such a review would tie-in with the process of improvements already started by the Director of Public Prosecutions. Secondly, the Prosecutions Division had grown in size over the years and will expand further. At the same time, the criminal law and procedures have grown in terms of specialisation and complexity. Both factors suggest that there is a need to review the way in which decisions are made. Thirdly, it is vital that the decision-making process should be one which commands public respect and confidence, for the prosecution process is of such vital importance to the maintenance of the rule of law in Hong Kong. We must ensure that the proper checks and balances are in place.

For these reasons, I fully support the motion calling for the Director of Public Prosecutions, with the assistance of independent experts, to carry out a review of the decision-making process in the Prosecutions Division and I have taken a careful note of the suggestions made by the Hon Mrs Elsie Tu as to its composition. The Director I know is anxious to press ahead with the review, with a view to producing to this Council a public report before the end of the year.

A clear accounting system

I turn now, Mr President, to the amendments proposed by the Honourable Emily Lau. The first of these calls upon the Administration to institute an accounting system clearly identifying costs incurred by the Department including those incurred in advising, acting on behalf of, or representing Government departments, thereby injecting greater transparency and accountability to the Department's operations.

Before responding to that amendment, I would like to describe briefly the Department's current accounting system and how we identify the cost of the services we provide. At present, the spending of my department is grouped under 5 programme areas. Under each programme area, a breakdown is kept for costs incurred for each category of activity. For example, in the Prosecutions Division, we can identify the costs incurred for trial preparation, asset recovery, extradition, advisory work and prosecutions, and so on. Similarly, in the Civil Division, we can identify the costs incurred, for example, for civil litigation, for mutual legal assistance, for the drafting the preparation of construction contracts, and for advisory work. The costs cover staff costs, other operating costs such as office equipment, as well as costs for briefing out work to outside lawyers. These costs are incurred largely as a result of providing legal services to other Government departments and law enforcement agencies. This system allows us to have a more focused view on the cost of the services we provide. It also provides a basis for identifying savings and possible redeployment of resources.

So we already have a system of accounting which can identify cost. But, Mr President, I have no difficulty at all with the suggestion that we should look further at that system to see if it can be refined to provide better information as to costs and I taken on board the faults Miss Lau over inter-departmental charging, something that I think she's worrying in the past and also the question of over time recording and performance indicators.

If I just say a brief words about inter-departmental charging. My initial reaction to that is while there may be attraction in this, we must be careful that it will not bring in its wake unnecessary bureaucracy and since it ... wide implications I should have to explore the idea further with my senior colleagues including the Financial Secretary and the Secretary of the Treasury but I've taken the point.

Appointment of a senior professional administrator

The Honourable Emily Lau's second amendment urges the Administration to consider the appointment within the Department of a senior professional administrator in order to support the Department with a higher level of administrative expertise, similar to that supplied to the Judiciary by the Judiciary Administrator.

We have, over the past few years strengthened very considerably the Department's administration, starting with the creation in 1989 of the post of Chambers Manager with the specific objective of having a senior professional administrator to manage the Department. That innovation has been very successful. The Department has, in its Administration Division headed by the Chambers Manager, a body of skilled administrators and managers. The Departmental Secretary post has been recently upgraded to the Directorate level (D1) in order to strengthen the administration support in formulating and implementing major administrative issues such as localisation and manpower planning of the department, improving staff management and relations, deployment of resources, financial control and office automation. Each of the major divisions now has its own Divisional Executive Officer to assist in management and administration, thus freeing the Law Officers to concentrate on their major responsibilities as Heads of Department. These changes have provided the Department with efficient and effective management. I would like in this point to refute in strong terms the suggestion that the department is in a shambolic state. Those believe that are welcome to come and visit us when we can find time in our busy schedule to fit you in.

Nevertheless, the suggestion to appoint a senior professional administrator within the Legal Department will be seriously considered having regard to the following factors -

- (a) the need for the creation of such a post;
- (b) it's level;
- (c) the way it would fit in the overall senior management of the Legal Department;
- (d) the quality and experience required of the incumbent filling the post;
- (e) the improvements to be expected as a result of the creation of the post;
and

- (f) the experience of the Judiciary and its relevance to the Legal Department.

In this connection, Members will be aware that the working party set up to review the briefing out system will report to me by the end of the year. At the same time, the Information Systems Strategy Plan is expected to bring significant improvements to the management of the Department. These two major activities represent a considerable part of the work of the Administration Division. I would like to take these two initiatives into account when considering the possibility of appointing a more senior administrator.

Mr President, the Legal Department is a vital component in the structure of the Government. It bears a heavy responsibility, one which I believe it discharges with great skill and professionalism. But like all institutions, it is capable of improvement. I and my ex officio colleagues will vote in support of the original motion and the amendments.

End/Wednesday, June 7, 1995

White Paper on rehabilitation

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in presenting the White Paper on Rehabilitation "Equal Opportunities and Full Participation: A Better Tomorrow for All" in the Legislative Council today (Wednesday):

Mr President,

Tabled today is the White Paper on Rehabilitation entitled "Equal Opportunities and Full Participation: A Better Tomorrow for All". The White Paper is a comprehensive document which sets out our policy directions for the future development of rehabilitation services over the next decade and beyond. To make the White Paper more accessible to a wider audience, we are also publishing separately an Executive Summary.

Since the publication of the Green paper on Rehabilitation in 1992, we have made significant progress in implementing its key recommendations. We are working hard to achieve in full the targets of providing over 7,000 day and residential places for people with a disability by 1997. We are improving the accessibility of our public transport system. We are enhancing job opportunities for people with a disability. We are strengthening public education on integration. We have also reviewed the Mental Health Ordinance and have drawn up a package of proposed improvements to it and, last month, we also introduced the Disability Discrimination Bill into the Legislative Council. All these measures will help us to achieve our policy objectives of full participation and equal opportunities for people with a disability.

We aim to provide a full range of services for people with a disability of all ages -

- (a) We have stepped up prevention, identification and assessment of disabilities so as to prevent impairments or to ensure that impairments do not degenerate into more limiting disabilities. For example, preventive measures have been put in place during pregnancy, infancy and childhood. Disabilities in children and adults are identified through various means including the Comprehensive Observation Scheme for all children from birth to the age of five and contacts with out-patients and emergency units of hospitals.
- (b) After an abnormality is detected in a child, he or she is given a comprehensive assessment so that appropriate treatment can be given or referral for placement can be made. Adolescents and adults suffering from acquired disabilities through, for example, diseases, are treated and initially assessed in clinics and hospitals. Further assessment and rehabilitation services are provided to them after the acute phase of their illness or injury is over.
- (c) We provide a comprehensive range of rehabilitation services to people with a disability in order to maximise their physical, mental and social capabilities to the fullest extent possible. These services include early education and training; education; medical rehabilitation; employment and vocational rehabilitation; and access and transport.

We are spending \$7.4 billion in 1995/96 on rehabilitation services, representing an increase of 18% over last year. We have further secured \$596 million to improve rehabilitation services between 1995 and 1998 in line with the provisions of the White Paper. The services involved cover social, vocational, and medical rehabilitation, special education, transport and public education. Certain policy decisions in this White Paper can be implemented through better co-ordination among service providers or by re-targeting existing resources, without incurring additional expenditure. As regards those improvement measures where funds have not yet been secured, for example, the projected requirements for social rehabilitation services arising from the adoption of a new demand formula, we will bid for the necessary funds in the annual Resource Allocation Exercise and implement them as resources permit.

The significant progress which has been made since the publication of the Green Paper and the successful completion of the White Paper are due largely to the tireless efforts of a wide range of people dedicated to the goal of integrating people with a disability into our community. I would like to take this opportunity to record today my sincere gratitude to the Working Party on Rehabilitation Policies and Services and its three sub-committees for their hard work, the Rehabilitation Development Co-ordinating Committee for its invaluable guidance and the Governor for his personal support for rehabilitation services.

We have set out clearly our way forward in the White Paper for the future development of rehabilitation services. I am confident that with the support of the community at large and the firm partnership between the non-governmental sector and the Government, we will achieve the goals of full participation and equal opportunities. We shall work together with people with a disability to build a better tomorrow for all.

End/Wednesday, June 7, 1995

Road Traffic (Amendment) Bill 1995: second reading

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Following is the speech by the Secretary for Transport, Mr Haider Barma, in the resumption of the second reading of the Road Traffic (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

May I begin by expressing the Administration's gratitude to the Hon Zachary Wong Wai-yin and all other Hon Members who served on the Bills Committee, for their thorough and painstaking study of the Road Traffic (Amendment) Bill 1995.

There is now clear evidence based on autopsy reports conducted on drivers killed in traffic accidents, that drunken driving is a real problem in Hong Kong. Indeed, drunken driving is already an offence under the Road Traffic Ordinance but enforcement and prosecution have proven to be very difficult because the present legislation does not specify a blood alcohol limit, nor are suspected offenders required by law to provide samples of their breath, blood or urine. Drink driving results in traffic accidents causing death and injuries, often to innocent third parties, and Hong Kong is one of the few places that does not have effective legislation to tackle the problem. Action is needed.

The main purpose of the legislation now before Hon Members is to provide the necessary legislative teeth by stipulating a prescribed limit for the permitted alcohol concentration in a driver's blood, urine and breath, and to imposing a legal obligation on drivers to provide samples of blood, urine or breath for testing in certain specified circumstances. We are not introducing random breath testing, but drivers may be required to take a breath test if they are involved in traffic accidents, commit a moving traffic offence or if the Police have reasonable grounds to suspect that they have been drinking. As the Hon Zachary Wong has said members of the Bills Committee have been briefed on internal guidelines for applying these procedures.

We propose setting the prescribed alcohol limit at 80 milligrams of alcohol per 100 millilitres of blood because we believe it provides a reasonable starting point in Hong Kong, since, as I have explained, our present legislation contains no blood/alcohol limit whatsoever. Indeed, this follows the standard adopted in most European Union countries and is also the practice in many states in the US and elsewhere.

Dr the Hon Leong Che-hung has given notice that he intends to propose a Committee Stage Amendment to reduce this limit to 50 milligrams. The Administration's view is that this more stringent standard, which would equate to about two or three drinks for most people, is difficult to justify at present. The ex officio members will therefore vote against this proposed amendment.

But we certainly appreciate the intent behind the proposed amendment and the Administration undertakes to gather information based on the results of tests on drivers conducted in the first 12 months after the legislation takes effect. We will then review this information and consult the LegCo Transport Panel before deciding whether or not the blood/alcohol limit needs to be adjusted. Let me point out that the Bill has been drafted in such a way that the Secretary for Transport can vary the prescribed limit quite easily by means of a Gazette notice, which would then be subject to vetting by Members of this Council in the normal way. We will also review the adequacy of penalties and the equipment available to the Police. Dr Leong's criticism that the Administration is only prepared to test the waters and not seek perfection is with respect unfounded. His proposal was discussed in depth by the Bills Committee but rejected. I thank the Hon Lee Wing-tat for so eloquently presenting some of the counter arguments. And as I've said what is important; Mr President, is that the Administration undertakes to review this within a year.

Mr President, the opportunity has also been taken in this Bill to make a number of minor amendments to the Road Traffic Ordinance relating to vehicle registration marks, the powers of traffic wardens, and the authority to vary the fees charged at vehicle testing centres and vehicle emission testing centres. These amendments have, likewise, been fully supported by the Bills Committee.

I shall be proposing a number of amendments to the Bill at the Committee Stage which seek to improve the working of the proposed legislation.

Mr President, as Dr Leong has said the simple but essential message that the Administration is seeking to put across is that drink and drive do not mix. We will launch a publicity campaign but we need legislation to facilitate enforcement. With these remarks I commend the Bill to Honourable Members.

End/Wednesday, June 7, 1995

Road Traffic (Amendment) Bill 1995: committee stage

Following is the speech by the Secretary for Transport, Mr Haider Barma, at the committee stage of the Road Traffic (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr Chairman,

I move the amendments set out under my name in the paper circulated to Members.

The amendment to the new section 39B(2) seeks to standardise the wording used, so that "reasonable cause to suspect" will be a pre-condition in all cases before a police officer may require a person to provide a specimen of breath for a screening breath test.

The amendments to the new sections 39C, 39D and 39E are minor textual refinements.

The amendment to the new section 39E(3) requires a medical practitioner to state in writing his diagnosis justifying any objection he may have to his patient providing a specimen of breath, blood or urine for testing.

All these amendments have been discussed and agreed by the Bills Committee.

Mr Chairman, I beg to move.

End/Wednesday, June 7, 1995

Electoral Provisions (Miscellaneous Amendments) Bill 1995

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Following is the speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in moving the second reading of the Electoral Provisions (Miscellaneous Amendments) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Electoral Provisions (Miscellaneous Amendments) Bill be read the second time.

The current Bill comprises two sets of amendments. The first set proposes to transfer a number of statutory powers and functions vested in the Governor in his former capacity as the Legislative Council President to other authorities. The second set of amendments proposes to reduce the residential qualifying period for candidature.

Let me start with the first set of proposals. Following the Governor's stepping down from this Council's Presidency in February 1993, some statutory powers and functions vested in the Governor in his former capacity as the President will need to be transferred to other authorities. I shall briefly explain these powers and functions, and the respective amendments in the Bill.

First, at present, a Member elected to this Council shall be treated as having accepted office unless he gives notice in writing to the Governor of his non-acceptance within 7 days after the election result is published in the Gazette. Clauses 2 and 10 of the Bill provide that the requisite notice should henceforth be given to the Clerk to this Council.

Secondly, an elected Member of this Council may now resign by giving notice in writing to the Governor. Clauses 3 and 11 provide that in future such notices should be given to either the Legislative Council President or the Clerk to the Legislative Council. The Clerk is included as one of the "authorised recipients" to cater for situations where it is the President who resigns, or when the President is not available.

Thirdly, existing electoral legislation provides that an elected Member of this Council who has failed for three consecutive months in the same Legislative Council session to attend any sitting of the Council will be disqualified, unless the absence is excused by the Governor. Clauses 4 and 12 provide that in future the President of this Council shall have the power to excuse non-attendance.

The Bill also provides that if it is the President who is absent for three consecutive months, this Council shall have the power to excuse his non-attendance.

Fourthly, under current legislation, the Governor shall declare, by notice published in the Gazette, that a vacancy exists in this Council within 21 days after the vacancy has come to his knowledge. Clauses 5, 6, 13 and 14 provide that when a casual vacancy arises in future, the declaration is to be made by either the President or the Clerk to this Council.

Lastly, under the Oaths and Declarations Ordinance, a Member of this Council is required to take the appropriate oath before the President or any other Member presiding as soon as he is appointed or elected. With the Governor stepping down from the Presidency, the question will arise as to who should administer oaths to Members at the first sitting in October 1995 before the election of the President. Clause 18 provides that oaths taken by the Members of this Council at the first sitting and before the election of the Legislative Council President shall be tendered by the Clerk to the Council, while oaths taken at any other sitting shall be tendered by the President or the Member acting in his place.

I now turn to the other set of proposals in the Bill. Under our electoral laws, a candidate, regardless of whether or not he is a permanent resident, must have ordinarily resided in Hong Kong for the ten years immediately preceding his nomination. In addition, he must be a registered elector. The rationale for having some form of residential requirement is to ensure that candidates have sufficient local knowledge so that, if elected, they can effectively represent their constituents.

We have reviewed the residential qualifying period in the light of a recent Court case and public comments. Clauses 8 and 16 now propose to relax the requirement from ten-year immediately preceding the date of nomination to three-year immediately preceding the date of nomination. We believe that this new qualifying period is sufficiently short to meet the Bill of Rights requirement, but sufficiently long to ensure that candidates have adequate first-hand and up-to-date knowledge of local conditions.

Mr President, I should like to say a few words on timing. Nominations for the Legislative Council elections will start on 1 August. Amendments to the residential qualifying period for candidature should be enacted well before then so that aspiring candidates can have a clear idea of where they stand. In addition, the various amendments arising from the Governor stepping down from the Presidency of this Council should also be in place before the end of the current Legislative Council session. I would therefore urge this Council to give early and favourable consideration to this Bill, which has indeed been discussed with Members, especially with Members of the Sub-committee on Procedural Matters and the Constitutional Affairs Panel.

Thank you, Mr President.

End/Wednesday, June 7, 1995

Medical Registration (Amendment) Bill 1995

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in moving the second reading of the Medical Registration (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

I move that the Medical Registration (Amendment) Bill 1995 be read the second time.

Certain legislative provisions for the administration of the medical profession are outdated as a result of changes in circumstances over time. This Bill proposes six major areas of change.

The first proposed change concerns the composition of the Medical Council, which at present comprises 14 members appointed by the Governor. Since 1978 the number of registered medical practitioners has grown from 3,029 to 7,779, the number of complaints has increased from 27 to 170 and the number of formal disciplinary hearings has increased from 4 to 29. The Council needs to be expanded to broaden its representation and to meet this increasing workload. The Bill proposes a new Council of 24 members, with expanded representation from, inter alia, the University of Hong Kong, Chinese University of Hong Kong, Hong Kong Medical Association and the lay sectors. These 24 members shall include 12 elected members - six to be elected from all registered medical practitioners on the General Register and the rest to be elected by the council members of the Hong Kong Medical Association. The introduction of elected members in the Medical Council is in line with Government's policy of encouraging greater involvement of the profession in its own affairs.

Under the existing Medical Registration Ordinance, holders of UK, Irish and certain Commonwealth diplomas are automatically entitled to register as medical practitioners in Hong Kong. This is discriminatory and would appear to contravene the provisions of the General Agreement on Trade in Services. Our second proposal is to introduce a universal licensing examination which practitioners seeking registration in Hong Kong will have to pass, no matter where they received their training. This will provide a fair and reasonable system to those seeking to enter the profession in Hong Kong. I hope that, within this much fairer structure which we are proposing, the enlarged Medical Council will consider entry to the profession by foreign-trained medical practitioners in as liberal a spirit as possible without compromising patients' safety or standards of medical care.

The third proposed change is the introduction of a Specialist Register. We have at present a register of medical practitioners. However, the community has no means of knowing which of those practitioners may be qualified to practise in a certain medical specialty. A Specialist Register is proposed to be established to allow for the formal registration and control of medical specialists. A General Register will take the place of the existing register.

Our fourth proposal paves the way for medical practitioners-in-charge of exempted clinics to apply for limited registration. These practitioners have, over many years, provided a useful service to the community, especially to those who are less well off. They should be allowed, without comprising patients' safety and standards of professional care, to practise under the provisions of limited registration.

The existing Ordinance provides for the establishment of a Licentiate Committee and a Preliminary Investigation Committee. We propose to enshrine in law various other important aspects of the Council's work through the establishment of three other statutory committees. They are the Health Committee, the Education Committee and the Ethics Committee.

Our last proposed change concerns disciplinary proceedings. We propose that the Medical Council and its Health Committee should be empowered to prohibit the disclosure of information relating to an inquiry by the Council or a hearing by the Health Committee, if it is in the interests of the complainant, defendant or witness.

End/Wednesday, June 7, 1995

Wong Wai Tsak Tong Bill

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Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the second reading of the Wong Wai Tsak Tong (Renewal and Extension of Sub-leases) Bill in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Wong Wai Tsak Tong (Renewal and Extension of Sub-leases) Bill.

The Wong Wai Tsak Tong is the registered owner of about 90% of the private land on Cheung Chau. The Tong holds the land under the Block Crown Lease dated 18 March 1905 and under several new grants made after that date, with the leases and grants expiring on 27 June 1997. Most of the land owned by the Tong has been sub-leased on renewable five year terms.

The New Territories Leases (Extension) Ordinance extended the term of most New Territories leases, including that of the Tong, to 30 June 2047.

During the late 1980s, disputes began to arise between the Tong and the sub-lessees. The main areas of concern were related to the renewal of sub-leases, payment of Government rent and redevelopment of the sub-leased land. Attempts to resolve the disputes in the courts failed. In November 1994, most of the sub-leases expired. However, owing to the disputes between the two parties, we understand that a majority of the sub-leases have not been renewed.

These are prima facie private disputes between the Tong and its sub-lessees and should be resolved between the two parties. However, the disputes have over the years built up to the extent that they are undermining Government's proper land administration on Cheung Chau and causing social unrest in the community. Property transactions on Cheung Chau are currently effectively frozen as a result of the dispute, which has led to many sub-leases not being renewed creating uncertainty to title. These are public issues which Government must address.

The purpose of the Wong Wai Tsak Tong (Renewal and Extension of Sub-leases) Bill is to introduce an objective, practical and fair solution to address the points of dispute between the Tong and the sub-lessees.

First, the Bill provides for the automatic renewal and extension of sub-leases. All sub-leases which expire before the commencement of the legislation, provided that they have at some time in the past been registered in the Land Registry, will be deemed to have been renewed from a date of expiry to the day immediately before the commencement of the legislation. New sub-leases will be deemed to be granted from a date of commencement of the legislation. These new sub-leases will expire on 27 June 2047.

When sub-leases registered in the Land Registry expire after the commencement of the legislation but before 1 July 1997, they will be deemed to be granted upon their expiry as sub-leases which will end on 27 June 2047.

Second, the Bill proposes that Government rent will be payable directly to Government by the sub-lessees whose sub-leases are renewed under clauses 4 and 5 of the Bill. From 1 July 1997, Government rent will be set at 3% of the rateable value of the property as provided in Annex III to the Sino-British Joint Declaration. These amounts will be payable by the sub-lessees direct to Government from 1 July 1997.

There is one exception to the renewal and payment of Government rent provisions. These are sub-leases which have been granted or renewed for terms extending beyond 9 November 1994 and under which the Tong and the sub-lessee have agreed on the amount of rent payable to the Tong after 30 June 1997. These sub-leases are excluded because they result from agreements freely entered into and it is Government's intention to keep its interference with private contracts to the minimum.

The Bill also proposes that unless the Tong satisfies the Director of Lands that it has reasonable grounds for objecting to a modification or exchange, or the Director of Lands considers that the application should be refused for other reasons, the Director may approve the modification or exchange applied for. Upon such approval and tendering of the specified amount to the Tong, the Tong will be deemed to have agreed to the modification or exchange and will be obliged to execute the necessary documentation for the modification or exchange.

The Tong will be entitled to charge sub-lessees an amount equal to 10 per cent of the premium payable to Government in respect of the modifications and exchanges. This is to recognise the Tong's status as the lessee under the Block Crown Lease and the fact that, but for the legislation, the Tong would not have been obliged to agree to enter into any modifications and exchanges of land sub-leased.

If the Bill is enacted, sub-lessees will have certainty as to their sub-leases through to 27 June 2047. They will pay Government rent direct to Government. The Tong will not be able to delay redevelopment proposals requiring modifications and exchanges. As a result, the sources of much of the friction between the sub-lessees and the Tong should be removed.

Under the Bill, the Tong's legal position will be maintained in the sense that the rights and liabilities of the Tong and a sub-lessee under the sub-leases extended and renewed by the Bill will not be affected by the Bill, except as specifically provided for under the Bill.

While we were formulating this Bill, there were calls for the status of the Tong as the Crown Lessee to be abolished and the sub-leased land be granted to the sub-lessees.

Mr President, I would like to emphasise that one of the most important foundations for Hong Kong's society and its success over the years has been the Government's long-standing policy of respecting and protecting private property rights. Although legislation to remove the Tong's interest in the sub-leased land would be in the interest of the sub-lessees, it obviously deviates from this policy and might be seen as setting an undesirable precedent for Government to use legislation to abolish private property rights. We therefore do not propose such a course of action.

The proposed Bill will achieve a fair, objective and practical solution to the dispute between the two parties and recognises as far as possible the legitimate interests of both parties, without taking away any property rights. I commend it to Members for favourable consideration.

Thank you, Mr President.

End/Wednesday, June 7, 1995

Magistrates Ordinance

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, in moving the motion of the resolution under Section 18(E) of the Magistrates Ordinance, Cap 227 in the Legislative Council today (Wednesday):

Mr President,

I move the Motion standing in my name on the Order Paper. This motion seeks to incorporate two smoking offences under the Smoking (Public Health) Ordinance (Cap 371) into the Third Schedule of the Magistrates Ordinance. Details of the two smoking offences are set out in the motion.

The Third Schedule of the Magistrates Ordinance provides defendants with an opportunity to plead guilty by letter without attending court to answer summonses if they decide not to dispute their liability for any of these offences.

Incorporating the two offences into the Third Schedule will have three benefits: first, each defendant need not spend time in court attendance; second, the time of prosecuting officers in the relevant departments will be saved; and third, the workload of the court will be reduced in terms of staff and time.

Mr President, I beg to move.

End/Wednesday, June 7, 1995

Hong Kong Association of Banks (Amendment) Bill 1995

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Following is the speech by the Secretary for Financial Services, Mr Michael Cartland, in moving the second reading of the Hong Kong Association of Banks (Amendment) Bill 1995:

Mr President,

I move that the second reading of the Hong Kong Association of Banks (Amendment) Bill 1995.

The principal purpose of the Bill is to enable the Bank of China to rotate as Chairman and Vice-Chairman of the Committee of the Hong Kong Association of Banks, along with the Hongkong and Shanghai Banking Corporation Limited and Standard Chartered Bank. We agree with the Committee of the Hong Kong Association of Banks, which has initiated the proposal, that this is a logical step forward in recognition of the increasingly important role played by the Bank of China in the local banking system. Members are aware that the Bank is one of the continuing members of the Committee of the Hong Kong Association of Banks and that it became the third note-issuing bank in 1993.

At present, there are no explicit criteria on eligibility as a continuing member. We have taken the opportunity to define continuing members by reference to their status as note-issuing banks, which is now their main distinguishing characteristic.

The present two-year term of the chairmanship of the Committee will be shortened to one year. We agree with the Hong Kong Association of Banks that a two-year term is probably too long given the increasing demands placed on the chairman bank. Furthermore, a shorter tenure would mean that a continuing member would only have to wait for two years before serving as the Chairman, instead of the present four years.

As regards the rotation sequence of the chairman banks, the Bill enables the incumbent bank, the Standard Chartered Bank, which has an original term ending in 1996, to serve a one-year term until the end of 1995, to be followed by the Bank of China in 1996 and the Hongkong and Shanghai Banking Corporation in the following year. The three banks will normally rotate in that sequence thereafter.

Besides provisions on chairmanship, the Bill also seeks to introduce a number of other amendments to the Ordinance, including provisions to cater for the introduction of a new inter-bank payment system and changes to the authority for some of the powers exercisable by the Governor in Council with a view to ensuring consistency with amendments already proposed to the Banking Ordinance recently, and to relieve the burden on the Governor in Council of considering matters which do not involve major policy issues.

Mr President, the Bill contains a number of useful amendments necessary to enhance further the stature of the banking system in Hong Kong and to cater for developments in the banking sector.

End/Wednesday, June 7, 1995

Interpretation and General Clauses Ordinance

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Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the motion of the Interpretation and General Clauses Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper.

At present, the 'Director of Buildings' serves as an ex-officio member of the Board of Management of the Chinese Permanent Cemeteries having inherited that function from the former Director of Buildings and Lands when the Buildings and Lands Department was split. Experience indicates that the issues involved are more on the 'land' side than on the 'building' side, and it is more appropriate for the Director of Lands rather than the Director of Buildings to serve as an ex-officio member of the Board.

This resolution provides for the transfer of statutory functions under section 3(2)(a)(ii) of the Chinese Permanent Cemeteries Ordinance from the Director of Buildings to the Director of Lands and replaces the reference to the Director of Buildings in that Ordinance, with a reference to the Director of Lands.

Mr President, I beg to move.

End/Wednesday, June 7, 1995

Smoking among young people a serious problem

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

Question:

Smoking among young people in the territory has become a serious problem. Many parents feel that there is nothing they can do to prevent their children from smoking. Many shops now unpack and sell the cigarettes on a piecemeal basis and their major sales targets are young students, including those from primary school. In view of this, will the Government inform this Council:

- (a) when and how the Government will enforce the legislation prohibiting the selling of cigarettes to young people under the age of 18 years which was passed by this Council on 19 October last year but has not been brought into effect; and
- (b) what specific plans it has to dissuade young people from smoking?

Reply:

Mr President,

With effect from 28 April 1995, retailers have been prohibited from selling or giving for the purpose of promotion or advertisement, any tobacco product to a person under the age of 18. Offenders, under summary conviction, are liable to a maximum fine of \$25,000. A sign must be displayed at the place of sale to remind retailers and purchasers alike of the law. Police officers on beat patrol together with other law enforcement agencies will look to see if retailers violate the law. Members of the public can also report contravention and should come forward as a witness after making their report. Their support and testimony is essential to the eventual conviction of offenders.

The Administration is also planning to introduce a further package of anti-smoking measures into this Council in December. This will prohibit the sale of cigarettes in packages of less than 20 sticks or individually. It will also impose tighter controls on tobacco advertising, since a strong correlation has been found among schoolchildren between smoking and attractiveness of cigarette advertisements.

Smoking is a lifestyle choice and young people look to their seniors and parents when making their choice. The positive influence and sustained persuasion of the family members and teachers are a great influence to young people to make an informed choice of not to smoke. Only through the collaborative effort of different sectors of society can the problem of smoking among the young be addressed. To this end, the Administration, the Hong Kong Council on Smoking and Health and other voluntary agencies have dedicated much effort to promoting a smoke-free culture among community. We will continue to monitor the smoking prevalence among young people and consider introducing further legislative and publicity measures as appropriate. Meanwhile, parents and adults generally can best set an example for young people by not smoking themselves.

End/Wednesday, June 7, 1995

No rules for police in handling autistic persons

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

Question:

Complaints have been received from family members of autistic persons that police officers often fail to give due consideration to the difficulties of autistic persons in expressing themselves, when handling cases involving such persons. In view of this, will the Government inform this Council whether there are any guidelines or rules concerning the manner and attitude adopted by police officers when handling cases involving autistic persons; if so, what the details are; if not, why not?

Reply:

Mr President,

There are no specific guidelines or rules on the manner and attitude to be adopted by police officers when handling cases involving autistic persons.

This is because, apart from persons with autism, whose numbers are estimated to be 5,000 to 7,000 in Hong Kong, there could be many other people with different types and degrees of physical or mental disability. It simply is not practicable for the Police to draw up specific rules and guidelines to deal with each and every group of disabled persons.

However, the Police Force Procedures Manual has a section which deals with statement taking from mentally handicapped persons. There is a requirement that any person known or suspected to be mentally handicapped should only be interviewed or have a written statement recorded from them in the presence of their relative, guardian or other persons responsible for his care or for his custody; or someone who has experience of dealing with mentally handicapped persons, such as a social worker, outside the Police Force.

Police officers are fully aware of the need to take into account the special circumstances of all handicapped people when carrying out their duties. In response to a suggestion made at this Council's Working Group on Separate Legislation for Mentally Handicapped in 1993, the Social Welfare Department has been helping the Police to develop and refine the curriculum of the Police Training School in order to improve the skills of police officers when dealing with a mentally handicapped person. Police officers are briefed on :-

- (a) the common circumstances under which they could come into contact with a handicapped person; and
- (b) the steps they can take in identifying persons who are likely to be mentally handicapped, for example, by observing the appearance, gestures and behaviour of the individual, and by asking some simple questions.

As 70% of autistic persons are estimated to have some degree of mental handicap, the procedure and the training should help police officers to deal with them in the appropriate manner.

Finally, Mr President, I should just add that all police officers are under a duty to deal with all members of the public with courtesy and with care.

End/Wednesday, June 7, 1995

Voter registration in the new functional constituencies

Following is a question by the Hon Eric Li Ka-cheung and a reply by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council today (Wednesday):

Question:

The number of voters who are eligible to register in the nine new functional constituencies is about 2.7 million. Under the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation, employers are required to furnish to the Registration and Electoral Office information about their employees within the prescribed time limit, failing which they are liable to a fine of \$5,000. In this connection, will the Government inform this Council of the number of employers who have been convicted and fined because of a breach of the relevant provision of the above Regulation, and the effect that it has produced on the number of registered voters?

Reply:

Under the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation which was made by the independent Boundary and Election Commission this January, the Registration Officer may require employers to provide the name and identity card number of working persons in their establishments within a specified period. Failure to comply with such a requirement is liable to a fine of up to \$5,000.

The information so obtained is used to facilitate the registration of working persons in the nine new functional constituencies. For working persons who are already registered as geographical electors and whose names and identity card numbers are included in the employers' returns, they will be registered in the appropriate functional constituencies through a simple notification arrangement. The information also facilitates the Registration and Electoral Office to reach out to working persons who have not yet been registered as geographical electors, inviting them to get registered as geographical and functional electors at the same time.

Since mid-January, the Registration and Electoral Office have sent letters to over 700,000 employers, requesting them to provide the required information. As at the end of May 1995, the Registration and Electoral Office have received some 240,000 employers' returns covering about 1.8 million employee records. For those which have not responded, we suspect that many are shell companies or not active in business.

The response shows that many of the employers are civic minded. The penalty provision for non-compliance primarily serves as a deterrent and has not been invoked so far. As to any further action would be taken against employers who have not responded, this is a matter which the Boundary and Election Commission will be looking into.

End/Wednesday, June 7, 1995

Public access channel

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Following is a question by the Hon Lee Cheuk-yan and a reply by the acting Secretary for Recreation and Culture, Mr Fred Ting, in the Legislative Council today (Wednesday):

Question:

With regard to the Recreation and Culture Branch's assessment that the establishment of a public access channel would not be suitable for the territory, will the Government inform this Council :

- (a) whether, despite the information supplied by the Branch concerning the successful examples of establishing public access channels in other countries as well as examples overseas which have encountered problems, the Government has considered the setting up of a public access channel modelled on the successful examples in other countries; if not, why not; and
- (b) whether, having regard to the concern expressed by the Recreation and Culture Branch about the "waste of public resources" because the "usage" and "public demand" for a public access channel cannot be determined, the Government has conducted any survey to substantiate that a public access channel is of interest to a minority only?

Reply:

Mr President,

In determining whether a public access channel is suitable for Hong Kong, the Administration has drawn on overseas experience in operating the service. Not many examples are available. Public access television is not found anywhere in Asia. Even in the few western countries with public access television, the experience is not an entirely successful one. For example, those in the United States tend to be well funded and properly set up by cable franchisees, which help users with technical assistance. However, there are problems preventing unacceptable programming from being shown. This has led to abuse in many cases. To overcome the problem of unacceptable programming, as in the case of Canada, cable operators are given responsibility for programme content. This, therefore, tends to compromise the principle of free access and freedom of expression.

In the case of Hong Kong, we do not impose pre-censorship or pre-viewing of programmes. Instead, we rely on post-broadcast sanctions. However, introduction of any public access channel would require pre-viewing programmes so as to maintain the same quality and standards as existing TV broadcasting licensees and to ensure that the service would not be misused for political, commercial or pornographic purposes. Bearing in mind that television is a very powerful media and the impact it has on the viewing population, any damage done would be difficult to rectify.

As regards to the second part of the question, the subject of a public access service had been discussed at the LegCo Recreation and Culture Panel on numerous occasions since early 1994. Since the early part of 1994, these Panel discussions had been widely reported in the media, but despite this, only three written representations were received on the matter. Given the very real problems as identified by the Working Group in setting up a public access service in Hong Kong and the subsequent decision by the Executive Council on this matter, wider consultation amongst the public will not serve any useful purpose.

Thank you, Mr President.

End/Wednesday, June 7, 1995

Quality of water supplied to Hong Kong from China

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Following is a question by Rev the Hon Fung Chi-wood and a reply by the Secretary for Works, Mr James Blake, in the Legislative Council today (Wednesday):

Question:

It is recently reported that despite the effort made by the Shenzhen authorities to improve their hygienic conditions in the Dongjiang River and Shenzhen Reservoir, which supply water to the territory, the pollution problem is still serious. With the arrival of summer season in which infectious diseases are prevalent, the people in the territory are concerned about this matter. In view of this, will the Government inform this Council whether;

- (a) the Water Supplies Department and other Government departments have conducted regular checks of the quality of the water supplied to the territory from China; if so, whether they have detected any deterioration in water quality; and what measures have been put in place to ensure that the water quality is up to the standard required; and

- (b) the Government has reflected the concern of local people to the relevant Chinese authorities; and whether the Government is aware of the measures taken by the Chinese authorities to solve the problem?

Reply:

Mr President,

- (a) The Water Supplies Department carries out routine tests at a frequency of three times daily to check the quality of raw water supplied from China. The latest equipment and techniques are used in a comprehensive monitoring programme for all water in the supply and distribution system, in accordance with the internationally acceptable practice.

Over the years WSD has noticed some fluctuations in water quality in the raw water supplies from the Dongjiang River and the Shenzhen Reservoir. These fluctuations are well within the treatment capabilities of our treatment works, and the potable water which supplied to consumers is up to the standard set by the department which complies with the requirements of the World Health Organisation.

Furthermore, the quality of raw water from the Dongjiang River has met the requirements laid down by international guidelines.

- (b) There are regular liaison meetings between Hong Kong and Guangdong authorities on water quality matters. These include the Annual Business Meeting with myself leading for Hong Kong, and the Director of Guangdong Provincial Bureau of Water Conservancy and Hydro-Power leading for the Chinese side. In addition an Operating and Management Technical Sub-group meets at working levels, to discuss water quality control and operational matters, at least twice a year. Further ad hoc contacts by telephone can take place at any time if water quality or other operational reasons make this necessary.

The Guangdong authorities have followed up on the meetings with actions whenever needed to improve the quality of water supplied to Hong Kong. These include legislative and enforcement actions to protect the water source from the Dongjiang River, as well as engineering measures such as the introduction of sewage diversion schemes and building additional sewage treatment works.

End/Wednesday, June 7, 1995

Statutory registration system for social workers

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

Question:

Will the Government inform this Council whether it will introduce legislation to set up a statutory registration system for social workers in the territory, if so, when it plans to introduce such legislation?

Reply:

The short answer to the first part of the question is 'yes'. On 30 May 1995, the Executive Council approved the drafting of a Government Bill to provide for the statutory registration of social workers in Hong Kong.

The Bill will establish a Board -

- (a) to register and discipline "registered social workers" and "enrolled social workers";
- (b) to set the qualifications needed for registration and assess those qualifications; and
- (c) to issue a Code of Practice or Code of Conduct.

We also propose that the Board would comprise a majority elected by and from the Council made up of registered social workers with the rest appointed by the Governor and representing, for example, employers, academics and the community at large.

The Bill would restrict the use of titles such as "registered social worker" etc. to those who are registered, while not preventing those who are not registered from providing social work or social welfare services.

We have been discussing our proposals with the Hon Hui Yin-fat and other Members of the Hong Kong Social Welfare Personnel Registration Council and have reached a wide measure of understanding on these issues. We will be continuing our discussions with them and the profession as a whole as we develop our proposals further and draft the legislation.

We aim to introduce this Bill into the Legislative Council during its next session.

End/Wednesday, June 7, 1995

Locations of bus stop cause obstruction

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

Question:

As many franchised bus stops in the urban area are located at road junctions or the kerb side of major trunk roads causing unnecessary obstruction to other road users, will the Administration inform this Council whether there are plans to relocate these bus stops and what are the criteria for the selection of locations of bus stops in the urban area?

Reply:

Mr President,

The factors taken into account in determining the locations for bus stops include passenger demand, safety and convenience, the availability of kerb side space, traffic circulation and road safety.

As a general rule, bus stops are not located within 15 metres of a road junction, on trunk roads or elevated sections of primary distributor roads. However, given limited road space in the urban areas and the network of bus routes designed to serve the needs of the travelling public, it is inevitable that many bus stops have to be located on major thoroughfares e.g. Gloucester Road and Lung Cheung Road. Wherever possible, bus laybys and service lanes are provided to minimise obstruction to other vehicles.

The Transport Department considers all suggestions and complaints about the location of bus stops and, when appropriate, will relocate bus stops in response to changes in passenger demand and traffic conditions.

End/Wednesday, June 7, 1995

Proposed bypass and Eastern Corridor Link

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Following is a question by the Hon Miriam Lau Kin-yeek and a written reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question :

Regarding the proposed Central-Wanchai Bypass and Island Eastern Corridor Link, will the Government inform this Council:

- (a) of the design and construction programme of the whole project;
- (b) of the progress of construction works to date; and
- (c) whether a dual two-lane or a dual three-lane design will be adopted; what is the planned traffic capacity, and when such capacity is expected to be reached?

Reply:

Mr President,

(a) Design and Construction Programme of the Project

Site investigation work for the proposed Central-Wanchai Bypass (CWB) and Island Eastern Corridor Link (IECL) started in March 1995, for completion in February 1996. Since the road will be built on reclaimed land, the detailed design and construction will be carried out in stages, matching the various phases of the reclamation. On this basis, design work will take place from June 1995 to October 1999. Administrative and statutory procedures will be completed and funds sought with a view to construction starting in January 1997 for completion by December 2003.

(b) Progress of Construction Works to Date

Construction has yet to begin. However site investigations commenced in March 1995 and work on the detailed design will start this month, in accordance with the programme set out in paragraph (a) above.

(c) Planned Capacity of the New Road System

The CWB will be a dual-two lane road, with capacity for 3,400 vehicles per hour in each direction, while the IECL will be dual-four lane with capacity for 6,700 vehicles per hour in each direction. When account is taken of the 15 traffic lanes that will run parallel to the CWB alignment and the 10 traffic lanes that will run parallel to the IECL alignment, the new road system is expected to be adequate to meet demand at least up to the year 2011.

End/Wednesday, June 7, 1995

Illegal sale of marked oil

Following is a question by the Hon Zachary Wong and a written reply the Secretary for the Treasury, Mr K C Kwong, in the Legislative Council today (Wednesday):

Question:

Regarding the illegal sale of marked oil, will the Government inform this Council:

- (a) of the volume of cases relating to the illegal sale of marked oil, together with the volume of oil seized and the amount of tax involved, in the last three years; and of the penalty generally imposed on the accused;
- (b) whether the number of cases has indicated an upward trend, if so, whether it is related to the leniency of sentences passed; and
- (c) how the illegal sale of marked oil can be eradicated more effectively; whether the authorities concerned are adequately staffed; if not, whether additional staff will be provided?

Reply:

- (a) The information sought by the Honourable Member is set out in the following two tables -

	1992-93	1993-94	1994-95
Misuse of marked oil and detreated oil			
Cases detected	268	326 (+22%)	461 (+41%)
Seizures (litre)	130,438	64,576 (-50%)	699,774 (+984%)
Duty Potential (\$)	268,826	146,609 (-45%)	1,728,530 (+1079%)

Statistics on Penalties *

	1992	1993	1994
Statutory maximum penalty under the Dutiable Commodities Ordinance (Cap. 109):			
• use or place marked oil in the fuel tank of a motor vehicle or sell for this purpose: Fine \$100,000 and 2 year imprisonment			
• remove any marker or colouring substance from marked oil: Fine \$5,000 and 6 month imprisonment			
Range of penalty imposed	Fine: \$200 - \$20,000	Fine: \$500 - \$12,000	Fine: \$500 - \$10,000

* Statistics based on financial year are not available.

- (b) The volume of seizures in the past three years has not shown a consistent trend. It dropped in 1993-94 and then increased substantially in 1994-95. Nor can we draw any clear correlation between the sentences imposed and the number of cases of contraventions. Nevertheless, we consider that there is a need to increase the maximum fines substantially to maintain their deterrent effect. For this purpose, we are planning to introduce amendments within this legislative session to raise the present maximum fines in respect of the offences under the Dutiable Commodities Ordinance (Cap. 109) set out in (a) above from \$5,000 to \$50,000 and from \$100,000 to \$200,000 respectively.
- (c) The Government tackles the misuse of marked diesel oil through vigorous enforcement action. The Customs and Excise Department has deployed one dedicated team (comprising seven officers) to investigate the illegal import of diesel oil and illicit distribution and use of marked oil. In addition, the Department has eight patrol teams (each comprising seven officers) which devote about 25% of their time to combat the illicit sale and use of diesel oil at street level, paying special attention to illegal oil filling operations. We keep under constant review the resources deployed on enforcement work. We also encourage the public to provide information on activities involving the misuse of diesel oil through an incentive scheme which offers rewards to informers.

End/Wednesday, June 7, 1995

Medical, welfare and education services for Island District

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

Question:

As the level of medical, welfare and education services provided by the Government in some areas of the Island District (such as Tai O, Lamma and Peng Chau) falls short of that enjoyed by the people in urban areas, will the Government inform this Council whether it has any plans to improve the level of such services in the Island District so as to bring it on par with that enjoyed by the people in urban areas; if so, what the details of the plans are; if not, why not?

Reply:

To achieve optimal use of resources, medical and health facilities are planned in accordance with the geographical distribution of population.

General out-patient clinics are provided on the larger islands where there is a bigger population. The Department of Health operates a total of five clinics on Lantau, Peng Chau and Cheung Chau, operating either full-time or part-time. These provide out-patient medical services, maternal and child health services, maternity, tuberculosis and chest services. Four of the clinics provide 24-hour first aid services. Remote and sparsely populated areas are served by a floating clinic.

In addition to a general out-patient clinic, the St John's Hospital on Cheung Chau provides 93 beds, 24-hour emergency treatment and other general hospital services for Islands District residents.

Patients on the outlying islands who require secondary or tertiary care are referred by primary care physicians to hospitals or clinics on the mainland for treatment. Emergency transfer of accident and emergency patients to mainland hospitals is provided either by helicopter or police launch.

The average occupancy rate for St John's Hospital in 1993/94 was only about 55 per cent. Clinic services are similarly not yet fully utilised. Having regard to this, the present level of medical and health services for Islands District is considered adequate and on par with the urban area provision.

As for welfare services, a meaningful comparison between districts is possible only with regard to those services where population-based planning standards are adopted. All of these types of services (listed in the appendix) as provided in Island District meet the prescribed standards, except for places in care and attention homes for elderly persons where there is currently a shortfall of 50 places. This shortfall will, however, disappear on the completion of the Chung Shak Hei (Cheung Chau) Home for the aged in 1996/97.

The Administration takes a flexible approach in providing necessary services even when such are not strictly justified under the current planning standards. So, whereas the population of Island District may not justify the establishment of certain full-fledged welfare facilities according to the planning standards, a more flexible approach has been adopted, for example, by setting up youth centres (as in Mui Wo and Ping Chau) or by providing extension and outreaching services from units in the Central and Western District, as in the case of family life education programmes and family service centre services offered to families in Island District.

Some services, such as many rehabilitation services, are provided on a territory-wide rather than on a District-by-District basis. Comparison between the Island District and the urban areas is neither possible nor appropriate in these cases. Residents of Island District in need of these types of services are fully entitled to use the facilities provided on a territory-wide basis.

As for education services, all such services provided in the Island District meet the Government's planning standards. There is no difference in the level of services enjoyed by people in urban areas and people living on the islands.

End/Wednesday, June 7, 1995

Petitions received by Government House

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Following is a question by the Hon Tam Yiu-chung and a written reply by the acting Chief Secretary, the Hon Michael Leung, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of :

- (a) the number of petitions received by Government House during the past year; and
- (b) the breakdown of the types of articles which some organisations have presented to the Governor when lodging petitions; and how these articles have been dealt with by the Governor?

Reply:

- (a) Government House received 1,258 petitions in 1994.
- (b) The types of articles received can be broken down into the following categories :-

- (1) letters (1,252);
- (2) compilations of signatures (35);
- (3) banners (37) and
- (4) miscellaneous items (55).

The letters are kept on file in Government House and in the policy branches concerned. The other items are disposed of after follow-up action has been initiated.

End/Wednesday, June 7, 1995

Measures to keep inflation rate within Government estimate

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Following is a question by Dr the Hon David Li and a written reply by the acting Financial Secretary, the Hon T H Chau, in the Legislative Council today (Wednesday):

Question:

As Japan is our second largest importer, supplying almost 16% of the territory's imports and 24% of retained imports, the current appreciation of the Japanese Yen is having a direct impact on the territory's inflation. Moreover, the average rate of inflation for the first quarter of this year was 9.5%, one percentage point higher than the Government's original estimate. In particular, those components in the CPI having a high import content, such as clothing, footwear and miscellaneous goods showed rather faster price increases. In this connection, will the Government inform this Council what are the short-term and long-term measures which the Government will implement in order to keep the inflation rate within Government's estimate and maintain the territory's competitiveness?

Reply :

In the May update of the economic forecast for 1995, we have revised the forecast of consumer price inflation, in terms of the Consumer Price Index (A), upwards from 8.5% to 9.0%, in the light of the higher actual outturn in the first four months of the year.

In recent months, consumer prices have come under greater pressure from the higher import prices, due to a weakened Hong Kong dollar in line with the US dollar, faster increases in world commodity and product prices, and the high inflation in China. The prices of goods imported from Japan, Taiwan and China have shown more distinct pick-ups. The various external factors contributing to greater imported inflation are, however, beyond the Government's control. In the circumstances, Hong Kong's importers have an important role to play in reducing the impact of imported inflation on local consumers by seeking cheaper supplies from more diversified sources.

On locally-generated inflation, there are nevertheless some helpful developments. Following the decline in the prices of residential flats since April last year, rentals of flats have also softened more recently. This should have a dampening effect on the rental component of the CPI, albeit with a time lag. Prices and rentals for office space and shop premises have likewise moderated from their peak levels. This should have a dampening effect on the cost of doing business in Hong Kong. Labour market conditions have eased somewhat in the first quarter. This should help to relieve pressures on local resources and hence domestic inflation.

It is clear, however, that the level of inflation in Hong Kong is still high. On-going vigilance in the inflation situation is therefore necessary. Accordingly, we continue to exercise firm control over government expenditure, and avoid fuelling inflation through excessive tax cuts. We continue to restrain growth of the civil service, and seek to follow rather than lead the market in its pay increase.

For the longer term, we are working intensively to increase the supply of land and to remove bottlenecks on growth by implementing our infrastructure programmes. On human resources, we adopt a more pro-active approach in assisting the unemployed by expanding the services on job matching and placement. In addition, various training and retraining courses are run to better equip our workers with new skills required by the market. There is, moreover, a general improvement in education opportunities, particularly on tertiary education. All these measures should contribute to raising our productive capacity and efficiency, thereby enhancing our overall competitiveness and indirectly also helping to contain inflation.

End/Wednesday, June 7, 1995

Vacant public rental flats

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Following is a question by the Hon Emily Lau Wai-hing and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

Figures released recently by the Housing Authority show that as at the end of March this year, there are over 14,000 vacant public rental flats, of which a third have been unoccupied for at least one year. In view of this, will the Government inform this Council :

- (a) how many of these vacant flats have never been allocated and the reasons for this; and for the other vacant flats which have previously been allocated, could the Government provide a breakdown by the number of times of allocation;
- (b) of the number of flats remaining unoccupied for one year and above, together with a breakdown by location of the housing estates concerned, duration of vacancy, numbers of flats and reasons for such flats remaining vacant; and whether all these flats have ever been allocated;
- (c) of the total number of casual vacancies out of the 14,000-plus vacant flats; what procedures have to be completed before these flats can become available for re-allocation; and how long it will take to complete those procedures; and
- (d) whether any measures will be adopted to reduce the number of vacant flats so that people in need can be allocated public housing units as soon as possible?

Answer:

Mr President,

At the end of March 1995, there were about 14,000 vacant public rental flats, representing about 2 per cent of the total stock. Of these, 6,800 flats were reserved for clearance and redevelopment exercises, 4,400 flats were under offer to applicants or were being processed for allocation, and 2,800 flats were under refurbishment. Of the 11,200 lettable flats, 1,257 were vacant for one year or more.

Answers to the four specific points raised are :

- (a) Among the 1,257 flats vacant for one year or more, about 600 have never been allocated. They have been reserved for various clearance and redevelopment exercises which may take nine to 24 months to complete, depending on the scale of the exercise concerned. For the remaining flats, the number of offers made to eligible households ranges from one to 39. No breakdown is ready available.
- (b) The flats reserved for clearance or redevelopment exercises, which have been unoccupied for one year or more, are mainly in Tin Shui, Kwai Shing (East), Cheung Hang and On Yam Estates as shown below :

<u>Estate</u>	<u>Vacant flats</u>
Tin Shui	222
Kwai Shing (East)	145
Cheung Hang	139
On Yam	107

	613

The other flats vacant for one year or more are scattered over a hundred housing estates, and are mostly unpopular and non-self-contained flats without lift service, or are stigmatised by incidents of homicide or suicide. As indicated at (a) above, the number of offers made to eligible households ranges from one to 39. No further breakdown by duration of vacancy for both categories is readily available.

- (c) Among the 14,000 vacant flats, 6,300 are vacated flats requiring refurbishment which usually takes three months. On average, two allocations will have to be made before a flat is eventually let. This means that the total time taken for a vacant flat to be refurbished, allocated and occupied is usually around six months.
- (d) In order to reduce the vacancy period of flats under refurbishment, the Housing Department has introduced a centralised allocation system under which flats are allocated one month before refurbishment is completed. A working group has been set up recently to examine ways to reduce the number and period of other flats left vacant.

End/Wednesday, June 7, 1995

Average length of stay in public hospitals

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Following is a question by the Hon Zachary Wong Wai-yin and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question :

Will the Government inform this Council:

- (a) of the average hospitalisation of period of patients in each of the public hospitals in the last three years; and
- (b) whether there is an indication of a downward trend in the hospitalisation period of patients in certain public hospitals; if so, what the reasons are and whether it is due to a shortage of hospital beds?

Reply:

A breakdown on the average length of stay in each public hospital over the last three years is provided in the Appendix. There is no evidence to indicate a consistent downward trend during the period.

In general, the average length of stay is affected by rationalisation of service through hospital clustering or networking, advancement of medical technology, development of ambulatory care or outreach medical services and improved rehabilitation. The supply and demand of hospital beds has no direct relevance in this regard.

Appendix

**Breakdown on
Average Length of Stay
(1992/93 - 1994/95)**

	1992/93	1993/94	1994/95
Hong Kong			
Alice Ho Miu Ling Nethersole Hospital (Note 1)	5.1	4.7	N/A
Cheshire Home Chung Hum Kok	610.8	375.5	453.3
Duchess of Kent Children's Hospital	14.7	13.1	18.8
Fung Yiu King Convalescent Hospital	28.7	26.3	29.9
Grantham Hospital	22.1	19.0	15.6
Maclehose Medical Rehabilitation Centre	57.5	55.5	62.6
Nam Long Hospital	55.5	56.0	39.8
Pamela Youde Nethersole Eastern Hospital (Note 2)	N/A	6.0	6.2
Queen Mary Hospital	5.6	5.7	5.5
Ruttonjee Hospital	21.5	14.2	10.4
St John Hospital	37.3	24.6	21.9
Tang Shiu Kin Hospital	6.2	7.5	7.0
Tsan Yuk Hospital	4.7	5.2	4.2
Tung Wah Eastern Hospital	8.6	10.5	11.2
Tung Wah Hospital	17.4	16.7	15.6
Kowloon			
Caritas Medical Centre	10.2	10.4	9.9
Hong Kong Buddhist Hospital	12.8	12.8	11.6
Hong Kong Eye Hospital (Note 3)	N/A	N/A	N/A
Kowloon Hospital	18.5	19.5	21.3
Kwong Wah Hospital	6.6	6.3	5.9
Margaret Trench Medical Rehabilitation Centre	61.1	65.9	59.7
Our Lady of Maryknoll Hospital	7.4	7.4	7.8
Queen Elizabeth Hospital	6.6	6.5	6.2
United Christian Hospital	5.5	5.1	5.0
Wong Tai Sin Infirmary	59.1	57.8	56.4

New Territories			
Castle Peak Hospital	251.6	241.6	243.2
Cheshire Home (Shatin)	23.4	22.6	25.8
Fanling Hospital	19.5	20.9	18.0
Haven of Hope Hospital	34.3	28.8	27.0
Kwai Chung Hospital	202.5	191.1	184.0
Lai Chi Kok Hospital	2794.0	5216.2	3255.6
Pok Oi Hospital	8.3	9.0	10.0
Prince of Wales Hospital	5.8	5.4	5.2
Princess Margaret Hospital	4.9	6.3	6.4
Shatin Infirmary & Convalescent Hospital	87.9	54.1	48.3
Siu Lam Hospital (Note 4)	N/A	548.7	1118.1
Tuen Mun Hospital	7.7	7.2	7.0
Yan Chai Hospital	7.8	8.3	7.8
Total	10.8	10.9	10.4

- Note 1 : closed with effect from 9/93
Note 2 : operated with effect from 10/93
Note 3 : no in-patient facilities
Note 4 : re-opened in 9/93

End/Wednesday, June 7, 1995

Privately-run residents' coach service

Following is a question by the Hon Miriam Lau and a written reply by the Secretary for Transport, Mr Haider Barma, at the Legislative Council today (Wednesday):

Question:

Regarding privately-run residents' coach services, will the Government inform this Council:

- (a) of the number of applications for a licence to operate residents' coach routes received by the Government, and the success rate of such applications, in the past three years;

- (b) of the criteria used in determining whether approval will be granted to such applications; and
- (c) whether it has any information concerning the number of residents' coach routes which are being operated without the relevant department's approval, and whether it will consider regulating or banning these services?

Reply:

Mr President,

In the past three years, the Transport Department received a total of 117 applications for the operation of residential coach services. Overall the success rate of applications which have been processed is about 60%. A detailed breakdown is as follows -

	<u>Successful</u>	<u>Unsuccessful</u>	<u>Being Processed</u>	<u>Total</u>
1992/93	13	11	0	24
1993/94	17	9	0	26
1994/95	25	19	23	67
<hr/>				
Total	55	39	23	117

The purpose of providing residential coach services is to supplement franchised bus services, particularly during peak hours. In considering applications for residential coach services, the Transport Department takes into account the following factors:

- (a) the need for the service;
- (b) the level, quality and adequacy of services being provided or planned by other public transport operators;
- (c) traffic conditions along the proposed routing and availability of terminal facilities in the areas to be served; and
- (d) the support and preference of users of the service.

If the application is considered acceptable, a passenger service licence will be granted by the Transport Department to a new operator stipulating the conditions for the operation of the residents' service in question.

Any unauthorised operation of residential coach services usually come to light quickly. The Transport Department will act on information and has dealt with a total of 38 cases of such unauthorised services in the past three years. If a case is substantiated, the Transport Department will issue a written warning to the operator to stop the unauthorised service. This has generally proven to be effective as most such services have been withdrawn almost immediately. In those relatively rare instances where repeated warnings are ignored, the passenger service licences of the operators will be cancelled and, if the Commissioner for Transport deems it appropriate, he will refer the case to the Police for investigation and prosecution.

End/Wednesday, June 7, 1995

Surveys on benzene content of unleaded petrol

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Following is a question by Rev the Hon Fung Chi-wood and a written reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

The findings of a research conducted in Britain last year indicate that the benzene content of unleaded petrol is excessively high, and that vehicles which are not equipped with catalytic converters cannot effectively eliminate this carcinogen in the petrol and are thus unsuitable to use unleaded petrol. Despite the carcinogenic nature of benzene, the Environmental Protection Department has still not informed the public of the benzene content of unleaded petrol. In view of this, will the Government inform this Council:

- (a) whether any research has been conducted on the benzene content of unleaded petrol;
- (b) of the anticipated benzene content in the air in the territory in each of the next ten years;

- (c) whether there is any difference between the readings of benzene content in the air recorded by the air quality monitoring stations set up at the roof-top of buildings and that recorded at the ground level; and
- (d) whether consideration will be given to encouraging owners of vehicles which are not equipped with catalytic converters to use leaded petrol so as to reduce the level of carcinogen in the air?

Reply:

Mr President,

- (a) Fuel surveys conducted by the Environmental Protection Department (EPD) show that the average benzene content for unleaded petrol is 3.4%, while that for leaded petrol is 3.2%. Both are below the U K standard of 5%.
- (b) As I informed this Council on 17 May in answer to another Question on benzene (LegCo Question 5 (Oral)), the current benzene level is about 3-7 microgrammes per cubic metre. This is extremely low. It is not possible to provide a precise year-by-year prediction of benzene levels. However, since all petrol vehicles imported into Hong Kong after 1992 are required to be fitted with catalytic converters, we expect the ambient benzene level to remain low in the coming years.
- (c) Benzene levels at road sides are not significantly different from those recorded at roof-top monitoring sites.
- (d) As the difference in benzene content between leaded and unleaded petrol is small, and as lead is itself a major pollutant which could accumulate in human bodies and cause adverse effects on the central nervous systems, especially among children, it is not appropriate to encourage vehicles without catalytic converters to revert back to use leaded petrol.

End/Wednesday, June 7, 1995

Health education for students

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Following is a question by Dr the Hon Huang Chen-ya and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the number of hours of health education classes attended by primary and secondary school students each year;
- (b) what plans have been drawn up by the Education Department to improve and update the syllabus of primary school health education which has not been revised since the publication of its first edition in 1980; and
- (c) what education do secondary school students receive regarding the prevention of critical illnesses like AIDS, heart disease, stroke and cancer;
- (d) what qualifications teachers of health education are required to possess and what continuous training they receive?

Reply:

Mr President,

- (a) For primary schools, the average number of hours on health education attended by students is 25 each year. In secondary schools, health education is taught through formal subjects (e.g. Social Studies, Biology etc), cross-curricular lessons on selected topics (e.g. sex education, civic education etc) as well as through the informal curriculum. The number of hours devoted to health education varies with the class level and with the individual school, ranging from 40 hours to over 80 hours per student per year. In addition, many primary and secondary schools organise informal sessions on health related topics for their students.

- (b) The Education Department has restructured the syllabus of primary school health education by integrating Social Studies, Primary Science and Health Education into a new core subject of General Studies. The new General Studies syllabus will be introduced in 1996.
- (c) As indicated in para (a) above, secondary school students are taught through the formal curriculum about different diseases like heart diseases, cancer, AIDS and major infectious diseases including their prevention. Details of the illness covered are annexed. Similar topics are also covered through cross-curricular lessons on civic education, moral education and sex education. In addition, students are encouraged to take part in extra-curricular activities on health education such as the Student Health Ambassadors Training Project organised by the Health Department. This project aims to provide health education to secondary school pupils through a training programme consisting of a series of lectures and site visits.
- (d) Most if not all teachers of health education in primary schools should have attended this subject in their pre-service or in-service teacher education courses in the former Colleges of Education or the new Institute of Education. Secondary school teachers teaching subjects related to health education are usually subject-trained. On continuous training, the Education Department in conjunction with the Health Department organises regular in-service teacher education courses and seminars on health education for teachers for both the primary and secondary level.

Critical Illnesses as taught in the school curriculum

Secondary

Subject	Level	Topic
Social Studies	S1-S3	My Health - Personal Hygiene - Balanced Diet and Food Hygiene - Exercise and Rest Selected Types of Diseases in Hong Kong - airborne diseases, foodborne diseases, heart diseases and cancer AIDS Awareness and Cancer Education
Economic and Public Affairs	S1-S2	Public Health - Indicators of good public health - Medical services in Hong Kong - Other efforts of government to promote public health : Health education; Prevention and control of infectious diseases
Biology (Advanced Level)	S6-S7	Microorganisms and diseases : A Review of common human diseases and their causative microorganisms, social aspects of AIDS A brief review of methods and cost to control the spread of diseases
Biology	S4-S5	The heart and blood vessels : The structure and action of the heart

Human Biology	S4-5	<p>Healthy living and factors affecting health</p> <ul style="list-style-type: none">- Healthy living includes: physical, mental and social health. <p>A general introduction to a balanced diet.</p> <ul style="list-style-type: none">- Dietary habits and their effects on the body- A general account on the causes of stress and means to reduce stress- A general introduction to drug abuse, alcoholism, tobacco smoking and overeating as habits affecting health <p>Causes and prevention of infectious diseases</p> <ul style="list-style-type: none">- An introduction to bacteria viruses, fungi and protozoa as disease causing microorganisms- The spread of infectious disease by air, water, food, vectors and by contact. <p>Sexually transmitted diseases</p> <ul style="list-style-type: none">- The spread of STDS and the preventive measures against the spread of STDS as exemplified by syphilis, gonorrhoea and AIDS (Acquired Immune Deficiency Syndrome)
Physical Education	S4-5	<p>Effect of regular exercise for the maintenance of good general health and well being</p> <ul style="list-style-type: none">- Exercise effect on the cardio-respiratory system; the alleviating of coronary heart disease, high blood pressure and obesity

Hepatitis cases among prisoners

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Following is a question by Dr the Hon Huang Chen-ya and a written reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of:

- (a) the number of cases and incidence of acute Hepatitis B and Hepatitis C respectively among prisoners in each of the past three years; and
- (b) the incidence of acute Hepatitis B and Hepatitis C respectively among the public as compared with those among prisoners?

Reply:

Mr President,

- (a) The number of reported Hepatitis B cases among prisoners over the last three years is -

<u>Year</u>	<u>Cases</u>
1992	10
1993	17
1994	27

There have not been any reported cases of Hepatitis C among prisoners over this period.

- (b) According to the Director of Health, the numbers of reported cases of Hepatitis B and Hepatitis C in the general population over the last three years, including those cases in the prison population, are -

<u>Year</u>	<u>Hepatitis B Cases</u>	<u>Hepatitis C Cases</u>
1992	157	--
1993	116	--
1994	102	2

However, these figures may not represent the total number of Hepatitis B and Hepatitis C cases occurring in Hong Kong. From experience, not all cases of Hepatitis are reported or diagnosed as such. We cannot, therefore, accurately compare the incidence of Hepatitis B and Hepatitis C in the general population with that among prisoners.

End/Wednesday, June 7, 1995

Compassionate rehousing scheme for divorced tenants

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Following is a question by the Hon Albert Chan and a written reply by the Security for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

It is learnt that since its establishment, the Hong Kong Housing Society (HKHS) has not laid down any policy on the splitting of tenancies on compassionate grounds for tenants of rental housing estates under its management. In view of this, will the Government inform this Council whether:

- (a) it will provide assistance to divorced tenants of HKHS's rental flats who have to move out of their flats but are unable to find alternative accommodation due to the lack of financial resources;
- (b) it is aware of the reasons why the HKHS refuses to offer separate rental flats for a couple whose divorce has been declared by the court; and

- (c) it will require the HKHS to formulate a policy on the splitting of tenancies on compassionate grounds similar to that of the Housing Authority so as to enable divorced couples to live separately?

Answer:

Mr President,

- (a) The Compassionate Rehousing Scheme, administered by the Housing Authority, caters for people in the territory with an urgent need for housing as a result of special medical or social problems. Public rental housing may be offered, subject to the assessment by and recommendation of the Social Welfare Department. The scope of the scheme was extended in 1991 to cover the urgent housing needs of those seeking divorce. Like people living in other types of accommodation, divorced tenants living in rental flats of the Housing Society may also apply for compassionate rehousing under this scheme.
- (b) The Housing Society normally allows the divorced party who has been granted custody of the children to continue to occupy the flat previously occupied by both spouses. If the party concerned is not the principal tenant of the flat, the Housing Society will persuade the principal tenant to give up the tenancy. If persuasion fails, the Housing Society may serve a notice to quit. Non-compliance will be dealt with in the District Court. Because of its small number of rental flats and the low turnover rate, the Housing Society does not have adequate resources to grant extra flats to divorced tenants. Those with housing difficulties are advised to contact the Social Welfare Department with a view to applying for assistance under the Compassionate Rehousing Scheme.
- (c) Since the Compassionate Rehousing Scheme already meets the purpose, it is not necessary to require the Housing Society to set up a new scheme for divorced tenants.

End/Wednesday, June 7, 1995

Demand and supply of special school places

Following is a question by the Hon Tik Chi-yuen and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of:

- (a) the demand and supply in respect of special school places in various districts for the next academic year;
- (b) the number of classes and the size of different types of classes in special schools, including the classes for the severely mentally handicapped, the moderately mentally handicapped, the mildly mentally handicapped and the physically handicapped, as well as the skills opportunity classes, the classes for the deaf, the blind, the maladjusted and the multi-handicapped, in each of the past ten years; and
- (c) the turnover rates of physiotherapists, occupational therapists and speech therapists in special schools in the past three years?

Reply:

Mr President,

Special school places are provided for pupils who have more complex special educational needs and/or who cannot benefit from education in ordinary schools because of the severity of their disability.

- (a) The estimated demand and supply of special school places by category and by district for 1995/96 school year is set out at Annex A. Special school places are provided on a territory-wide basis although in practice special schools have been built as far as practicable in areas with demonstrated demand.

- (b) The provision of different types of special school places including the class size and the number of classes for each of the last 10 years is set out at Annex B. Skills opportunity schools have not been included because they are not classified as special schools. With the exception of blind children with mental handicap, multi-handicapped children are placed in special schools appropriate to their major handicap. Their provision is, therefore, not shown separately.
- (c) The wastage rates of physiotherapists, occupational therapists and speech therapists for the past three years are as follows :

	<u>Wastage Rates</u>		
	<u>91/92</u>	<u>92/93</u>	<u>93/94</u>
Physiotherapist	41.7%	73.4%	69.6%
Occupational therapist	12.5%	22.6%	49.4%
Speech therapist	33.3%	42.9%	33.3%

In this context, wastage rate is defined as the number of staff who have left their posts during the school year expressed as a percentage of the strength in their relevant grade at the beginning of that school year.

Estimated No. of Special Schools Places for 1995/96

(Projection made in June 1995)

	BL		DF		PH		MAL		MIMH		MOMH		SMH		HS		TOTAL	
	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply	Demand	Supply
CW	7		23		25		49		107		70		31					
WC	4		14	140	15		29		84	200	42	100	18	64				
E	15		51	90	58		108		234	200	153	190	67	72				
S	7	210	24		26	200	52	240	111	140	73	180	32					
HK Sub-T	33	210	112	230	122	200	238	240	516	540	338	470	148	136				
YTM	7		23		24		48		103	200	68		29					
SSP	8		27		30		58	420	124	200	82	130	36	320				
KC	9		29		32		62	105	133	200	88	100	38					
WTS	10		33	270	36		69	90	149		98	200	43					
KT	13		44		47	230	94		198	200	130	190	57					
KIn Sub-T	47	0	156	270	169	230	331	615	707	800	466	620	203	320				
K&T	16		51	240	55	120	110		236	360	155	220	68	72				
TW	7		22		24	40	45		98		64		28	64				
TM	18		60		65		130		277	300	182	150	79					
YL	12		41		47		89		198	200	129	100	57					
N	9		28		31		61		133	240	87	30	38					
TP	11		35		39		78		168		110	110	48	120				
ST	18		62		68	100	136		287	400	189	160	82					
SK	8		24		28		53		117	200	77		34	80				
Is	1		2		3		5	75	11		8		3					
NT Sub-T	100	0	325	240	360	260	707	75	1525	1700	1001	770	437	336				
TOTAL	180	210	593	740	651	690	1276	930	2748	3040	1805	1860	788	792		499	8041*	8761

Note:

BL: Blind
 DF: Deaf
 PH: Physically Handicapped
 MAL: Maladjusted
 MIMH: Mildly Mentally Handicapped
 MOMH: Moderately Mentally Handicapped
 SMH: Severely Mentally Handicapped
 HS: Hospital School at 15 different locations

* excluding hospital school, the provision of such places is planned according to actual need

[Excel SSPLA95a.XLS]

Provision of Special Education School Places by Category 1985/86 - 1994/95

Category		1985/86		1986/87		1987/88		1988/89		1989/90		
		Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	
Blind	Places	165	75	165	75	105	45	105	45	105	45	
	Classes	11	5	11	5	7	3	7	3	7	3	
	Class Size	15	15	15	15	15	15	15	15	15	15	
Blind with Mental Handicap	Places	20	20	20	20	30	20	30	30	30	30	
	Classes	2	2	2	2	3	2	3	3	3	3	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Deaf	Places	510	280	490	300	480	310	480	310	470	310	
	Classes	51	28	49	30	48	31	48	31	47	31	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Physically Handicapped	Places	460	190	460	190	460	190	480	210	480	210	
	Classes	46	19	46	19	46	19	48	21	48	21	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Hospital School	Psychiatric	Places	48	8	48	8	48	16	48	16	48	16
		Classes	8	1	8	1	8	2	8	2	8	2
		Class Size	8	8	8	8	8	8	8	8	8	8
	Non-psychiatric	Places	285	20	270	40	285	40	285	40	285	40
		Classes	19	2	18	4	19	4	19	4	19	4
		Class Size	15	10	15	10	15	10	15	10	15	10
Maladjusted	Places	555	870	555	870	540	885	540	885	540	885	
	Classes	36 (1)	42 (16)	36 (1)	42 (16)	35 (1)	43 (16)	35 (1)	43 (16)	35 (1)	43 (16)	
	Class Size	15 #	15 #	15 #	15 #	15 #	15 #	15 #	15 #	15 #	15 #	
Mildly Mentally Handicapped	Places	1380	800	1380	840	1420	860	1600	940	1640	940	
	Classes	69	40	69	42	71	43	80	47	82	47	
	Class Size	20	20	20	20	20	20	20	20	20	20	
Moderately Mentally Handicapped	Places	1040	530	1060	550	1070	580	1110	640	1110	660	
	Classes	104	53	105	55	107	58	111	64	111	66	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Severely Mentally Handicapped	Places	392	144	456	144	484	168	496	224	488	224	
	Classes	49	18	67	18	59	21	62	28	61	28	
	Class Size	8	8	8	8	8	8	8	8	8	8	
Slow Learning	Places	-	300	-	300	-	300	-	300	-	300	
	Classes	-	15	-	15	-	15	-	15	-	15	
	Class Size	-	20	-	20	-	20	-	20	-	20	
Sub-total	Places	4855	3237	4894	3337	4902	3414	6174	3640	6196	3650	
	Classes	393	225	399	233	400	241	419	261	419	263	
Total	Places	8092		8231		8316		8514		8656		
	Classes	618		632		641		650		662		

() No. of classes in Hong Kong Sea School
 # Except for Hong Kong Sea School which had 30 pupils per class

[ExcelSPLA95B.XLS]

End/Wednesday, June 7, 1995

Category		1990/91		1991/92		1992/93		1993/94		1994/95		
		Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	Primary	Secondary	
Blind	Places	105	45	105	45	105	45	105	45	105	45	
	Classes	7	3	7	3	7	3	7	3	7	3	
	Class Size	15	15	15	15	15	15	15	15	15	15	
Blind with Mental Handicap	Places	30	30	30	30	30	30	30	30	30	30	
	Classes	3	3	3	3	3	3	3	3	3	3	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Deaf	Places	430	330	380	360	370	370	350	390	350	390	
	Classes	43	33	38	36	37	37	35	39	35	39	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Physically Handicapped	Places	480	210	480	210	480	210	480	210	460	230	
	Classes	48	21	48	21	48	21	48	21	46	23	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Hospital School	Psychiatric	Places	48	16	48	24	48	24	48	24	64	24
		Classes	6	2	6	3	6	3	6	3	8	3
		Class Size	8	8	8	8	8	8	8	8	8	8
	Non-psychiatric	Places	285	40	315	40	315	40	315	40	330	40
		Classes	19	4	21	4	21	4	21	4	22	4
		Class Size	15	10	15	10	15	10	15	10	15	10
Maladjusted	Places	510	900	510	900	495	885	450	450	450	480	
	Classes	34	43 (17)	34	43 (17)	33	43 (16)	30	30	30	32	
	Class Size	15	15 #	15	15 #	15	15 #	15	15	15	15	
Mildly Mentally Handicapped	Places	1660	1040	1760	1140	1780	1140	1820	1140	1800	1180	
	Classes	83	52	88	57	89	57	91	57	90	59	
	Class Size	20	20	20	20	20	20	20	20	20	20	
Moderately Mentally Handicapped	Places	1120	680	1160	720	1140	720	1110	720	1140	730	
	Classes	112	68	116	72	114	72	111	72	110	73	
	Class Size	10	10	10	10	10	10	10	10	10	10	
Severely Mentally Handicapped	Places	472	232	480	240	480	240	498	258	504	256	
	Classes	59	29	60	30	60	30	62	32	63	32	
	Class Size	8	8	8	8	8	8	8	8	8	8	
Slow Learning	Places	-	300	-	300	-	300	-	-	-	-	
	Classes	-	15	-	15	-	15	-	-	-	-	
	Class Size	-	20	-	20	-	20	-	-	-	-	
Sub-total	Places	6140	3823	6268	4009	6243	4004	6204	3365	6233	3405	
	Classes	414	273	421	287	418	288	414	284	444	271	
Total	Places	6963	-	9277	-	9247	-	8609	-	8638	-	
	Classes	687	-	708	-	706	-	678	-	716	-	

() No. of classes in Hong Kong Sea School
 # Except for Hong Kong Sea School which had 30 pupils per class

[Excel:SSPLA95B.XLS]