



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
GARDEN ROAD, 5th-8th FLOORS, MURRAY BUILDING,
HONG KONG. TEL.: 2842 8777

Wednesday, February 26, 1997

<u>Contents</u>	<u>Page No.</u>
Stiffer penalties for sexual offences proposed	1
Proposal to ensure safety of asbestos workers	2
University title for Open Learning Institute of Hong Kong	4
ACP safety measures being enhanced	5
Alex Arena to head the telecommunications review	8
Labour relations in Hong Kong is stable	8
MOU signed between HKMA and AMCM	10
Residential Mortgage Survey Results for January 1997	11
Sham Shui Po DB organises fire prevention seminar	12
Places available at government schools	12

Stiffer penalties for sexual offences proposed

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The Government is planning to increase the maximum penalties for certain sexual offences under the Crimes Ordinance to achieve consistency and to better reflect the gravity of these offences, a Government spokesman said today (Wednesday).

The Crimes (Amendment) Bill 1997, to be gazetted on Friday (February 28), proposes that the maximum imprisonment term for a number of sexual offences should be set at 10 years while that for incest should range from 14 years to life imprisonment.

"The 10-year benchmark is based on the current penalty level for indecent assault, which is the most prevalent sexual offence," the spokesman explained.

"At present, a number of sexual offences are considered comparable to indecent assault and yet carry a lower penalty level," he said.

These include "indecent conduct towards child under 16", "abduction of defective from parent or guardian for sexual act", "intercourse with defective", "attempting, or inciting a girl under 16, to commit incest", and a number of offences involving causing, encouraging and living on earnings of prostitution.

As for incest, the current maximum imprisonment term for incest with women under the age of 13 is life imprisonment.

"The authorities felt that extra protection should be offered to women between the ages of 13 and 16.

"Under the Bill, the maximum imprisonment term for incest with women between the ages of 13 and 16 is increased from seven to 20 years and that for incest with women of or above the age of 16 from seven to 14 years," the spokesman said.

The Bill also proposes higher maximum imprisonment terms for several offences related to vice establishments, including keeping a vice establishment and using premises as vice establishments or for prostitution.

"It also proposes to remove the maximum fine levels of \$20,000 for these offences to allow the Courts more flexibility in imposing an appropriate fine," the spokesman said.

"In this connection, the authorities also propose to scrap the present fine level of \$10,000 for the display of signs advertising prostitution and raise the maximum imprisonment term from six to 12 months," he added.

The spokesman said that the proposals were made following a review of the legislation relating to sexual assaults and the procedures adopted by departments concerned in handling such cases.

Apart from proposing stiffer penalties, the spokesman stressed that better sex education was also important in preventing sex crimes.

"Among other things, we have launched a publicity campaign on the prevention of child sexual abuse, and are reviewing Guidelines on Sex Education in Schools and developing sex education kits for parents," he said.

"We have also improved the procedures for supporting victims of sex crimes.

"These include more extensive use of video-recorded interviews with children involved in sexual abuse cases and legislative changes to allow the Courts to accept video-recorded statements made by vulnerable witnesses and to use live television link in cross-examining these witnesses," the spokesman added.

The Bill is expected to be introduced into the Legislative Council on March 5 this year.

End

Proposal to ensure safety of asbestos workers

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The Legislative Council today (Wednesday) passed a motion on the Government's proposal to introduce a new regulation to ensure the safety and health of workers engaged in asbestos work.

The Factories and Industrial Undertakings (Asbestos) Regulation, to be gazetted on Friday (February 28), will replace the existing Factories and Industrial Undertakings (Asbestos) Special Regulations 1986.

A spokesman for the Education and Manpower Branch said that the existing Regulations did not aim to tackle the risks at source as they relied on exhaust ventilation as the primary measure to control exposure of workers to asbestos and accepted the use of respiratory protective equipment as an alternative.

"The new Regulation will lay down additional measures to ensure the safety and health of workers in asbestos processes. They include the provision of hygiene facilities for decontamination of workers, the use of 'wet method' and containment measures to reduce dust exposure.

"The new Regulation also targets high risk activities, such as work involving asbestos coating and insulation, and operations where the cumulative level of exposure to asbestos is exceeded," the spokesman said.

Under the new Regulation, proprietors are required to prepare an assessment of the asbestos work and of the steps taken to reduce workers' exposure to asbestos, before the commencement of such work. They are also required to give advance notice to the Commissioner for Labour of work with a high level of exposure to asbestos. During asbestos work, proprietors are required to take all necessary control measures to prevent or reduce workers' exposure to asbestos, carry out air monitoring and ensure medical surveillance of asbestos workers both before and during employment in such work.

On their part, employees are required to attend medical examinations, observe safety precautions and procedures, make full and proper use of control measures, safety equipment and facilities, and report to the proprietor any defects in such provisions.

Persons under the age of 18 are forbidden to work in places involving asbestos process.

The penalties for offences under the new Regulation vary from \$10,000 to \$50,000.

The spokesman said that a grace period of six months would be allowed upon the enactment of the new Regulation, as some proprietors might require assistance in preparing their assessments and in implementing the control measures. To assist the proprietors, the Labour Department will publish a code of practice and handbooks.

End

University title for Open Learning Institute of Hong Kong

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The Governor-in-Council has approved in principle that the title of the present Open Learning Institute of Hong Kong (OLI) should be changed to "The Open University of Hong Kong" (OUHK), a Government spokesman announced today (Wednesday).

The new English and Chinese titles were proposed by the OLI Council after consultation among the Institute's staff, students and graduates.

"To effect this change in title and other proposed changes to the Institute's internal governance structure, a bill to amend the OLI Ordinance will be submitted to the Executive and Legislative Councils within the current Legislative session," the spokesman said.

He pointed out that the award of university title to the OLI, which had achieved self-accrediting status on 1 October 1996, was a logical step in the light of the experience of the two former Polytechnics and Hong Kong Baptist College, all of which received university titles soon after they were given self-accrediting status.

"As the Hong Kong Council for Academic Accreditation (HKCAA) has confirmed, the OLI is a competent institution of high academic standard and has in place effective mechanisms to assure the quality of its courses, programmes and graduates.

"The Council considers the stage of maturity of the Institute's quality assurance system comparable to that prevailing at the time the two former Polytechnics and Hong Kong Baptist College achieved self-accrediting and eventually university status. The award of university title to the OLI will be an acknowledgement of this comparability.

"Established open universities also recognise the quality of OLI courses. Some have "one for one" credit transfer agreements with the OLI. The change to university title would further assure the Institute's overseas counterparts of its academic standing. Furthermore, the vast majority of institutions offering degree level distance learning courses around the world have university titles."

The spokesman said that like open universities around the world, the OLI and the future OUHK's mission was to make higher education available to all those aspiring to it regardless of previous qualifications, gender or race, in order that working adults might have a second opportunity of further education and self-improvement.

"The award of university status to the OLI will further encourage working adults to take advantage of the higher education opportunities offered by the institution to meet the aspirations and needs of the individuals and the community as a whole," the spokesman explained.

"The future OUHK would continue to contribute to the upgrading and updating of the education and training of the local working population, which would in turn enhance the competitiveness of Hong Kong as a regional services centre. It will also strengthen its capability of producing and exporting Chinese-medium or bilingual course materials with a view to serving Mainland China and other Chinese communities around the world.

"Being primarily a teaching institution, the future OUHK will also seek further development in research, particularly in the field of distance learning and adult education. The institution is planning to launch its first research postgraduate programme in the future."

The spokesman said that in parallel with the change in title, the governance structure of the institution will also be revised along the lines of the other universities in Hong Kong.

"The future OUHK will be advised and governed by three bodies - a "Court" as its supreme advisory body, a "Council" as its supreme governing body and a "Senate" as its supreme academic body. This structure provides greater academic autonomy for the institution but at the same time, ensures sound governance and adequate accountability."

End

ACP safety measures being enhanced

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The Government is taking actions to enhance the effective safety measures on Airport Core Programme (ACP) sites, the Secretary for Works, Mr Kwong Hon-sang, said today (Wednesday).

He was speaking at the Award Presentation Ceremony of the 1996 ACP Construction Safety Award Scheme organised by the New Airport Projects Co-ordination Office (NAPCO).

Mr Kwong said the safety measures were aimed at maintaining an improving trend until the safety targets had been reached. These safety measures included :

- * amending the existing regulations to tighten the control of two main high risk areas, namely work at height and in confined spaces;
- * introducing new legislation to set up safety management system and periodic safety audit under the Factories and Industrial Undertaking Ordinance;
- * introducing new Safety and Health at Work Regulation to set out specific standards for the working environment;
- * stepping up inspections and prosecution actions by the Labour Department, and seeking Attorney General's review on any inadequate penalty for breach of industrial safety requirement;
- * exploring the possibility of tightening the rules on suspending those contractors with unsatisfactory industrial safety record from tendering government works contracts; and
- * setting up a "Score Card" system to monitor the contractors' safety performance.

Mr Kwong said the joint efforts of all parties concerned had produced positive results and an improving trend was now fairly discernible.

The fatal and non-fatal accident rates for ACP contracts in 1996 were 0.42 fatalities per thousand workers per year and 59 accidents per thousand workers per year, which were respectively 33 per cent and nine per cent lower than those in 1995.

"The improvements were achieved despite an increase of about 50 per cent in labour force and the rates compare favourably with the overall construction industry figures which were 0.95 and 233 respectively in 1995," he said.

Mr Kwong said that within the last four years, the Government had introduced further measures to enhance safety for ACP and non-ACP projects. These measures included :

- * more safety supervisory staff assigned by the Works Agents to strengthen monitoring of contractors' activities;
- * training courses on construction safety legislation jointly organised by the Works Branch and the Labour Department to Works Departments' staff;

- * requiring contractors to arrange safety training for their workers;
- * safety talks organised by the Fires Services Department and the Marine Department for contractors' safety personnel, workers and resident site staff;
- * implementing Pay for Safety Scheme and Independent Safety Auditing Scheme in Government contracts for which tenders were invited after April 1996; and
- * amending the Factories and Industrial Undertakings Ordinance in July 1996 to empower the Labour Department to issue Suspension Notices to contractors when potential risks to construction safety are detected.

Also officiating at the award presentation ceremony, the Convenor of the Subcommittee on Works Progress, Cost Monitoring and Financial Matters of the Airport Consultative Committee (ACC), Mr Kan Fook-ye, said one of ACC's key concerns was the safety of workers on various ACP sites.

"We firmly believe that industrial safety must not be compromised by programme or cost considerations and when talking about successful completion of our new airport projects, minimum casualties will also be taken as one of the important factors to measure success during the course of construction," he said.

The annual ACP Construction Safety Award Scheme was introduced in 1993 to promote construction safety on ACP work sites and to reduce accidents.

Nine sites with high quality of safety management and good safety records have won the Safety Management Award.

The Safety Record Award were won by six sites while the Safety Promotion Award was presented to three sites.

The 18 sites belong to a total of 12 contractors.

Among those who presented prizes to the winners were the Chairman of the Hong Kong Construction Industry Employees General Union, Mr Poon To-chuen; the President (designate) of the Hong Kong Construction Association, Mr Jimmy Tse; the President of the Hong Kong Electrical and Mechanical Contractors' Association, Mr James Chiu; the Chairman of the Occupational Safety and Health Council, Professor Leung Ping-chung; the Commissioner for Labour, Miss Jacqueline Wills; the Director of Fire Services, Mr Peter Cheung and the Director of New Airport Projects Co-ordination Office, Mr Billy Lam.

End

Alex Arena to head the telecommunications review

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The Government announced today (Wednesday) that the Director-General of Telecommunications, Mr Alex Arena, will be seconded to the Economic Services Branch to head the Telecommunications Review.

The Review will begin on March 1. Its main objectives are -

- * to examine, on the completion of 18 months since the opening up of local telephone service to competition, the current state of development of Hong Kong's telecommunications industry;
- * to consider policy options to respond to the foreseeable development of telecommunications technologies as they affect telecommunications users; and
- * to develop strategic options to maintain Hong Kong's leading position in telecommunications and competitiveness in the Information Age.

During the period of review, the telecommunications industry and members of the public will be invited to contribute their suggestions through a consultation paper to be issued shortly.

Welcoming the appointment of Mr Arena as Head, Telecommunications Review, the Secretary for Economic Services, Mr Stephen Ip, said that Mr Arena, with his wealth of regulatory experience, was the ideal person for the job.

Mr Anthony Wong Sik-kei, Senior Assistant Director of Telecommunications in the Office of the Telecommunications Authority, will act in the post of Director-General of Telecommunications.

End

Labour relations in Hong Kong is stable

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The labour relations scene in Hong Kong has been generally characterised by a relatively stable labour-management relations and a low level of industrial conflict, the Commissioner for Labour, Miss Jacqueline Willis, said today (Wednesday).

Speaking at the opening ceremony of the International Labour Organization Sub-regional Meeting on Tripartite Consultations on Labour Issues for Selected Asian Countries, Miss Willis said: "In 1996, there were only 17 strikes affecting 1,763 workers.

"Our record of working days lost has also been extremely low. These 1,763 workers involved in the strike represent 0.99 working days lost per 1,000 wage earners in Hong Kong. I am very pleased with our harmonious labour relations," she said.

The three-day meeting which will last until Friday (February 28) is co-hosted by the Labour Department and the ILO Regional Office for Asia and the Pacific.

In the meetings, ILO directors and relevant specialists will give presentations while 22 delegates representing employees, employers and governments from Hong Kong, China, Japan, the Republic of Korea, Malaysia, the Philippines, Thailand and Vietnam will hold tripartite inter-country group discussions and country level discussions.

Miss Willis said that in Hong Kong, the concept of tripartite cooperation on labour matters had long been established and the International Labour Convention No. 144 concerning Tripartite Consultation to Promote the Implementation of International Labour Standards was currently applied to Hong Kong with modification.

Hong Kong's most representative tripartite institution was the Labour Advisory Board (LAB) which was the principal body responsible for advising the Government on labour policy issues including legislative enactment and the application of international labour standards, she said.

"Built on the tripartite mechanism, it facilitates a multilateral dialogue of negotiations and cooperation among employees, employers and government officials in the process of building up a framework of consensus.

"And, it is often within such a joint forum that opinions can be discussed, interests balanced, proposals reviewed and solutions negotiated in a pragmatic and rational fashion, accommodating the views of other parties.

"This mechanism has served Hong Kong well in the past in meeting the reasonable aspirations of the working population at a pace affordable to the community.

"The tripartite institution of the LAB has played a pivotal role in helping to stabilise our labour relations and reducing the risk of industrial conflicts," Miss Willis said.

Apart from the LAB, she said, Hong Kong had many other boards and committees which were tripartite in their composition and had made significant contributions in tackling various labour issues.

"Our experience of tripartite consultation in labour issues have been extremely positive and we are committed to it.

"I firmly believe that architects of labour policy-making machinery should recognise and endeavour to conserve the spirit of tripartism," she said.

End

MOU signed between HKMA and AMCM

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The Hong Kong Monetary Authority (HKMA) and the Autoridade Monetária e Cambial de Macau (AMCM) announced today (Wednesday) the signing of a Memorandum of Understanding (MOU) which aims at strengthening supervisory co-operation between the two regulatory authorities.

The MOU sets out the framework for co-ordination of supervision of the branches, representative offices and subsidiaries of financial institutions from each other's territory. The authorities have agreed that there should be continuing close consultation and co-operation between them for supervisory matters that affect the other authority.

"I am confident that the signing of the MOU between the HKMA and the AMCM will enable the two regulatory authorities to work closely together to enhance cross-border supervision of financial institutions in Hong Kong and Macau," Chief Executive of the HKMA, Mr Joseph Yam said.

"The existing ties of the Hong Kong and the Macau banking systems and the common interests in upholding financial stability and prudential principles justify the existing informal co-operation between the two supervisory authorities. This is now further reinforced and formalised in the MOU," President of the AMCM, Mrs Maria Manuela Morgado said.

Both the AMCM and the HKMA follow the recommendations of the Basle Concordat and the minimum standards for the supervision of international banking groups and their cross-border establishments, as set out in the paper issued by the Basle Committee on Banking Supervision in July 1992.

End

Residential Mortgage Survey Results for January 1997

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Residential mortgage loans for the purchase of properties in Hong Kong continued to grow rapidly in January, according to the results of the latest monthly survey conducted by the Hong Kong Monetary Authority (HKMA).

The latest figures show that the total amount of outstanding mortgage lending by the 33 institutions in the survey rose by 2.6% in January (2.4% in December) to \$338.9 billion. The growth rate is higher than the monthly average of 1.7% over the last twelve months.

"The rapid growth in lending reflected the increased activity in both the primary and secondary residential property markets in December and January," Deputy Chief Executive of HKMA, Mr David Carse said. "In particular, the primary market accounted for an increased share of the new lending in January as a large number of new properties were put on to the market."

The annualised rate of growth in lending over the last three months increased to 29.9% from 26.8% in the three-month period to December. The twelve-month average of outstanding loans showed an annualised growth rate of 20.6%, compared with 18.9% in December.

The amount of new loans approved but not yet drawn increased by \$2.3 billion (18.3%) to \$15 billion in January reflecting the volume of market activity in that month. "In view of lending already in the pipeline, we expect the growth of residential mortgage loans will continue at a rapid rate in February. This was anticipated when we made the recommendation at the end of January for banks to tighten the loan to value ratio for more expensive properties," said Mr Carse.

The amount of residential mortgage loans associated with co-financing schemes accounted for 3.9% of total mortgage lending of the 33 surveyed institutions at end-January. Of the \$23.4 billion new loans approved during January, about 83.4% were accounted for by properties aged 15 years or below.

Lending for the purchase of properties in China increased by 3.1% to \$6.5 billion in January. Gross loans made in January decreased both in number (to 207 from 310) and in amount (to \$132 million from \$401 million). New loans approved in January increased both in number (to 263 from 212) and in amount (to \$224 million from \$157 million).

End

Sham Shui Po DB organises fire prevention seminar

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Members of owners' corporations in Sham Shui Po district and other interested people are invited to participate in a seminar on fire prevention in buildings on March 4 (Tuesday).

Organised by the Sham Shui Po District Board Working Group on Private Building Problems with the assistance of the Sham Shui Po District Office and sponsorship from Sham Shui Po District Board, the seminar is aimed at helping members of the public acquire the knowledge of fire prevention in private buildings.

Guest speakers, including the Chairman of the Fire and Security Engineering Employees Association, Mr Choy Yip-kin, and the Housing Manager of Sham Shui Po District Office's Building Management Co-ordination Team, Mr Lee Keung, will give their professional advice on fire prevention and explain the use of fire fighting equipment.

The seminar will start at 8 pm at the Lai Kok Community Hall in Lai Kok Estate. Admission is free. For enrolment and enquiries, please call 2720 4251 Ext 26.

End

Places available at government schools

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Parents are reminded to apply for Primary 2 to 6 school places for their children in government schools next week.

Vacancies will be displayed at the main entrance of these schools and application forms will be available from March 3 (Monday) to March 12 (Wednesday).

A senior education officer of the Education Department, Mrs Connie Law, said children aged six and eight months or above on September 1 this year could apply for admission.

Mrs Law advised parents to return the completed forms to the school of their choice on or before March 12.

Selection of applicants will be made on March 18 (Tuesday).

Mrs Law noted that upon completion of primary education, students will have a better chance to be allocated to its feeder government secondary schools in the district.

End



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SUPPLEMENT

Wednesday, February 26, 1997

<u>Contents</u>	<u>Page No.</u>
<u>Legislative Council meeting:</u>	
Public Bus Services Ordinance	1
Copyright Bill	2
Consumer goods safety and children's products safety bills	6
Publicity on CSSA stepped up	8
Pilot scheme for entry of PRC professionals	10
Long Term Housing Strategy Review	12
Taxi licence premium	14
Government committed to upgrading language proficiency	17
Use of mobile phones well regulated	18

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<u>Contents</u>	<u>Page No.</u>
Persons without recognised nurses qualifications	20
Forward sale of uncompleted flats	21
Commemorative stamps for the Year of Ox	24
Government computer system	25
Interim housing	27
Localisation of the civil service	28
Applications for Senior Citizen Cards on the rise	31
Noise abatement facilities installed in schools	32
Rents for public housing determined by tenants' affordability	35
SFC and SEHK Code of Conduct Regulations	36

Public Bus Services Ordinance

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Following is the speech by the acting Secretary for Transport, Mr Paul Leung, in moving the Public Bus Services Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the Resolution standing in my name on the Order Paper.

Sections 26 to 32 of the Public Bus Services Ordinance provide for a profit control scheme and also stipulate certain provisions relating to the calculation of operating costs and the provision of information in relation to the bus operations of a franchised bus company as the Financial Secretary may require. The profit control scheme limits the profit that a bus company may earn in an accounting year by reference to a percentage per annum on its average net fixed assets as specified in its franchise.

Our current policy for processing fare increase applications is to take various factors into account, particularly operating costs, performance and public acceptability rather than to provide for a profit level based on a percentage rate of return on average net fixed assets. Given this practice, our approach has been to exclude all references to a profit control scheme when negotiating new bus franchises.

Accordingly, it is the Administration's intention that the following franchises recently granted by the Governor in Council should not be subject to the profit control scheme, namely -

- (a) the new franchises for Citybus Limited and Long Win Holdings Limited to operate public bus services in north Lantau and the new airport, which will commence on 1 June 1997; and
- (b) New Lantao Bus Company (1973) Limited's new franchise which will commence on 1 April 1997.

We therefore need to disapply sections 27, 28, 29 and 31 of the Public Bus Services Ordinance, which govern the operation of the profit control scheme whilst retaining -

- (a) section 26 which defines the terms used in the following sections;

- (b) section 26A which specifies that financial penalties levied against a bus company shall not be taken into account in ascertaining the operating cost or service related expenditure of the company;
- (c) section 30 which enables Government to specify depreciation rates in respect of fixed assets used or kept by a bus company for the purpose of or in connection with its franchise; and
- (d) section 32 which requires a bus company to produce accounts and other information in relation to the public bus service operation as the Financial Secretary may require.

With these remarks, I move the first of the three Resolutions standing in my name on the order paper, which will give effect to these arrangements, in respect of the franchise of Citybus Limited. Thank you, Mr President.

End

Copyright Bill

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Following is the speech by the Secretary for Trade and Industry, Miss Denise Yue, in moving the second reading of the Copyright Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Copyright Bill be read the second time.

The purpose of the Bill is to establish a modern and independent copyright regime in Hong Kong which suits our needs, is in line with the latest international standards, and will continue through and beyond 1997.

Copyright is an important form of intellectual property. Copyright products include books, films, sound recordings and computer programs. Copyright is a private property right. For example, authors have copyright in relation to the works which they have created. One such right is the right to stop others from copying or exploiting the works in various ways without permission from the author. Copyright law protects the economic - and to some extent also the moral or non-economic - rights of authors, giving them the exclusive right to exploit their works and to control their unauthorised use. Given the exclusive rights that copyright provides, the law is also concerned with legitimate interests and expectations of users and purveyors of copyright material.

Hong Kong's existing copyright law is mainly based on the copyright law in the United Kingdom. Article 140 of the Basic Law requires the Hong Kong Special Administrative Region to have its own law to protect the achievements, and the lawful rights and interests, of authors in their literary and artistic creation. So we need to establish an independent copyright regime in Hong Kong before 1 July 1997.

In doing so, we have to ensure that the copyright regime meets the standards stipulated under the international intellectual property treaties and conventions which will continue to be applied to Hong Kong after 30 June 1997, namely the Berne Convention, the Universal Copyright Convention and the Phonograms Convention. In addition, as a separate member of the WTO now and after transition, Hong Kong needs to comply with the World Trade Organisation's Agreement on Trade-Related Aspects of Intellectual Property Rights. In devising our own copyright regime, we also have to ensure that the copyright law we put in place can cater for technological advances and suit local circumstances.

The Law Reform Commission, after extensive public consultation, published a Report on the Law Relating to the Reform of Copyright in January 1994. The comprehensive Copyright Bill laid before Honourable Members has been drafted on the basis of the recommendations of this Report, and after taking into account the consensus reached in the Sino-British Joint Liaison Group on the localisation of the copyright law, as well as the comments received during the public consultation on the draft Bill. I would like to take this opportunity to thank the many respondents for the quality of their submissions. We have, as far as possible, incorporated their comments into the Bill.

Given the breadth and depth of the Bill, I do not propose to give a detailed account on each and every aspect covered. I will only outline briefly the major features of the Bill.

First, we propose that Hong Kong should adopt an open qualification system, whereby any original copyright works created by any person (including a legal person) or published by any person anywhere in the world would qualify for protection in Hong Kong. The open system not only provides for consistency of treatment with other forms of intellectual property such as patents and trademarks, it is also consistent with our open trade policy.

Secondly, we propose to adopt the Law Reform Commission's recommendation of decriminalising parallel importation but maintaining civil remedies. Honourable Members are aware that the regulation of parallel importation is an issue that has attracted much controversy and opposing views within the community. Indeed, this issue was the subject of a Motion Debate in this Council held last month. On that occasion, the Council resolved to ask the Administration to give careful weight to all public views expressed.

Mr President, we have done so. We have carefully considered the views expressed by right owners and exclusive licensees who generally favour maintaining both criminal sanctions and civil remedies. We have also considered the views expressed by the retail trade and consumer welfare groups who wish to see the removal of all criminal and civil actions against parallel imports. We have concluded that in the absence of any international standard or consensus on how parallel imports should be regulated, the best approach for Hong Kong is to decriminalise parallel importation but to maintain civil remedies. We believe that this would strike the right balance between protecting the interests of right owners and exclusive licensees on the one hand, and those of consumers and retailers on the other.

We are aware of the concerns expressed that importation rights in respect of copyright works could possibly be extended to apply to trademark goods or goods incorporating registered designs which are also incidentally capable of copyright protection. We shall continue to consider how to limit the chances of any possible broad application of copyright to prevent parallel importation of other types of goods. If further proposals come forward which meet the special needs of Hong Kong and can go further towards harmonising opposing views, we shall continue to consider them carefully.

Thirdly, we propose to protect the interests of right owners in the digital environment. Following a conference organised by the World Intellectual Property Organisation in Geneva last December, a general consensus has been reached on this matter. We have accordingly included in the Copyright Bill provisions to reflect this consensus, which embodies the guiding principle that the rights of copyright owners must be suitably balanced against the reasonable expectations of all users of the Internet and Hong Kong's Internet service providers. Expert advice during the public consultation has been very valuable in this difficult area, and I wish to express my gratitude to those who shared their expertise with us.

Fourthly, at present licensees of Satellite Master Antenna Television (SMATV) systems may re-transmit non-encrypted satellite broadcasts without infringing copyright, by reason of exemptions in the present law and their licences. We propose to remove those exemptions, and enable satellite broadcasters to withhold copyright permission to re-transmit non-encrypted signals, or to impose copyright royalties or conditions for such re-transmission. This is consistent with our commitment and international obligation to protect intellectual property rights, and would enable Hong Kong to become a more attractive place as a regional media hub.

Fifthly, to prevent abuse of copyright which might hinder the freedom of expression, access to information, educational activities, cultural development, public administration and other uses of copyright material for public interest, there are provisions in the Copyright Bill for permitted acts. These include general permitted acts for fair dealing for research and private study; for criticism, review and news reporting; and for the incidental inclusion of copyright material in artistic works, sound recordings, films, broadcasts and cable programs. There are also permitted acts for specific purposes which are in the public interest. For example, copying and reproduction of copyright works and material are permitted, under specified circumstances, for purposes relating to education, library and archives, public administration, etc.

Sixthly, we propose to institute a voluntary registration system for collective copyright administration societies. There are advantages in the collective administration of copyright, and this is also the international trend. Existing collective copyright administration societies have been operating successfully in Hong Kong. Under the voluntary system proposed, collective copyright administration societies coming forward to register will be required to file the necessary information essential for prospective copyright users, such as scales of royalty charges. We believe that such a voluntary registration system will be effective in Hong Kong as existing collective copyright administration societies have indicated support to the proposed system. Those who fail to register will be under no penalty, but will find themselves at a distinct disadvantage in the market due to lack of official recognition. We also propose to expand the jurisdiction of the Copyright Tribunal to include powers to determine disputes arising from licensing by the collective copyright administration societies under licensing schemes or in individual cases.

Lastly, in order to enforce intellectual property rights more effectively in Hong Kong and particularly to combat copyright piracy, we propose to double the maximum penalties on first conviction for the possession of pirated copyright products for the purpose of trade or business and plates for making pirated copyright products. We propose to introduce modified procedural provisions to facilitate proof of copyright subsistence and ownership. We also propose to introduce provisions to enable Customs to exercise power of forfeiture over seized suspected pirated copyright works, to enhance its enforcement capability, and to facilitate better co-operation with copyright owners and enforcement authorities of other countries.

The protection of copyright and other forms of intellectual property rights is vitally important for Hong Kong. Without an effective intellectual property regime, we would not be able to foster creativity, attract foreign investment, engender technology transfer, and facilitate further growth of international trade. This is why the Hong Kong Government will leave no stone unturned in going after those that engage in piracy activities. This is why we need a copyright protection regime of international standard in Hong Kong.

By introducing the Copyright Bill into this Council today, I hope that Honourable Members will give the earliest possible consideration to the Bill. While the time-table is extremely tight because we must put in place our own copyright regime before 1 July 1997 if we do not want to see a legal vacuum in an extremely important area of intellectual property protection in Hong Kong, I am confident that with the support and co-operation from Honourable Members, we would be able to achieve our task.

Thank you, Mr President.

End

Consumer goods safety and children's products safety bills

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Following is the speech by the Secretary for Trade and Industry, Miss Denise Yue, in resuming the second reading of the Consumer Goods Safety (Amendment) (No. 2) Bill 1996 and Toys and Children's Products Safety (Amendment) (No. 2) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I would like first to thank members of the Bills Committee, especially its Chairman, the Honourable Fred Li, for their thorough examination of the Consumer Goods Safety (Amendment) (No. 2) Bill 1996 and the Toys and Children's Products Safety (Amendment) (No. 2) Bill 1996. I am also grateful for the useful comments made by the various trade and industrial organisations as well as consumer welfare groups during the deliberations of these two Bills.

The Consumer Goods Safety (Amendment) (No. 2) Bill 1996 seeks to empower the Secretary for Trade and Industry to establish, by means of regulation, bilingual safety labelling requirement so that all consumer goods covered by the Consumer Goods Safety Ordinance are required to have their safety markings or labels provided in both English and Chinese. The Toys and Children's Products Safety (Amendment) (No. 2) Bill 1996 is to enable the adoption of safety standards other than the British Standards Institution (BSI) standards for the specified children's products under the Toys and Children's Products Safety Ordinance. I am pleased to note that the Administration's proposals have received support from the Bills Committee. We believe that the bilingual safety labelling requirement will not impose undue burden on manufacturers, importers or suppliers. Upon the implementation of this requirement, consumers will enjoy greater protection. We also believe that the adoption of multiple safety standards for children's products will encourage competition in the Hong Kong market and hence increase consumers' choice.

During the examination of the Bills, the Bills Committee was concerned about the adequacy of accredited laboratory testing services for conducting tests on the thirteen specified children's products under the Toys and Children's Products Safety Ordinance. Just then, the Honourable Fred Li and Mrs Selina Chow have also expressed their views on this matter. I wish to take this opportunity to advise this Council that it is entirely up to individual local laboratories to decide whether or not to apply for accreditation under the Hong Kong Laboratory Accreditation Scheme (HOKLAS). All along, the Industry Department has been encouraging and assisting local laboratories to obtain accreditation. Currently, accredited laboratory testing services are available in either local or overseas laboratories for all the thirteen specified children's products. Accredited testing services for nine of them are available locally. Following the adoption of multiple safety standards for children's products, we believe that the number of laboratories that can provide accredited testing services will further increase. We will advise the concerned industry and trading community on the list of laboratories that can provide accredited testing services on those alternative safety standards adopted in the future. I can assure Honourable Members that the Administration will monitor the situation closely and work with the private sector to address any problem which may arise regarding the availability of accredited testing services.

Upon enactment of the Bills, we will table the necessary regulations in this Council for Members' approval by negative procedure. To give the industry and trade sufficient time to adjust, there will be a grace period of twelve months before the bilingual safety labelling requirement for consumer goods, toys and children's products comes into operation. Just then, the Honourable Mrs Selina Chow makes a very valuable suggestion and it is a hope about more publicity to be carried out by the administration. I am very willing to talk to the relevant parties including the trade organisations to see how there can be wider publicity on these bills so that within the grace period of 12 months, the manufacturers, importers and suppliers can all comply with the requirements of bilingual labelling.

Mr President, with these remarks, I commend the two Bills to Honourable Members.

End

Publicity on CSSA stepped up

* * * * *

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

Question:

The findings of the surveys conducted by community organisations indicate that many of the 500,000 people living in abject poverty in the territory are unaware of the Comprehensive Social Security Assistance (CSSA) scheme. Will the Government inform this Council of the measures being taken to facilitate those least able to help themselves to come forward to apply for assistance under the CSSA scheme?

Reply:

Mr President,

The Comprehensive Social Security Assistance (CSSA) Scheme seeks to provide assistance to those financially vulnerable members of our community, to enable recipients to meet their basic and special needs.

While we do not accept the methodologies of the surveys referred to in the Question and the conclusion that there are 500,000 people living in abject poverty, we acknowledge that there is a continuing need to publicize the CSSA Scheme and to make it more readily accessible. We have over the years adopted a four-pronged approach to facilitate the needy, to come forward to apply for assistance under the CSSA Scheme.

Firstly, we have stepped up publicity to help the general public, in particular applicants, to acquire a better understanding of the assistance available:

- (a) Since November 1996, SWD staff have regularly gone on phone-in programmes on the CSSA Scheme on Radio Hong Kong. The most recent occasion was "The Hong Kong Spirit" on 9 and 10 January 1997 when questions from some 20 dial-in callers were answered;
- (b) Starting on 25 February this year, an Announcement of Public Interest (API) will be broadcast regularly on every radio channel. SWD will also be producing an API to be broadcast shortly on the television network;

- (c) Various information pamphlets on the Scheme are widely available both directly to the public at the Social Security Field Unit (SSFU), other service units of Social Welfare Department (SWD), District Offices, the Local Employment Service of the Labour Department and for distribution through NGOs and concern groups. Improvements to make these publicity materials more user friendly are in progress;
- (d) Taped messages on the Scheme have been placed on our interactive 24-hour telephone hotline to assist enquirers; and
- (e) A video tape on the Scheme is played regularly at SSFUs. We have just completed production of another video tape which provides explanations of various special grants available under the Scheme. These tapes are made available to non-governmental organisations (NGOs).

Secondly, we are aware that some members of our community might feel inhibited from coming forward because of a possible stigma attached to obtaining public assistance. We have therefore requested our frontline staff in various service units of the SWD - to be empathetic, tactful and flexible and to impart a proper perspective on CSSA to their clients. In this connection, we have introduced various measures including training for staff and improved staffing levels so that the staff are better equipped and can spend more time with their clients for each application. Our front-line staff also make special efforts to render assistance to disabled applicants. In addition, a pilot Customer Liaison Group on social security services has been set up to gather feedback on our services.

As NGOs have close contacts with the public, we have enlisted their support in that their social workers would, where appropriate, take the opportunity to introduce the Scheme to their clients, in particular to new immigrants, single parents and elderly persons. To this end, our social security staff organize regular briefings to NGOs to explain the CSSA Scheme to their staff as well as their clients.

But we believe more can be done on this front. To promote a better understanding among social workers and other professionals in the field about the social security schemes, we have invited tertiary institutions to consider how social security systems might be included into the general social work curriculum and to consider how workers in the field can be briefed on the schemes. The aim is to ensure that professional social workers coming into contact with the needy would be in a position to give basic advice to their clients about social security matters.

Thirdly, we seek to make CSSA more readily accessible by simplifying the procedures and improving service delivery.

Fourthly, we seek to ensure that assistance is available expeditiously. A computerisation feasibility study is in progress on the upgrading of our existing computer system to expedite the processing of applications.

Over the past four years, the number of CSSA cases has increased by 100% from about 80 000 in December 1992 to 160 000 by December 1996. Over the past two years, the rate of increase in the caseload has been about 2% per month. This substantial increase is partly attributable to our efforts to publicize the Scheme. Currently over 223 000 persons or 3.5% of the population in Hong Kong are receiving Comprehensive Social Security Assistance.

In response to public concern that there might still be substantial numbers of low income individuals and families who are eligible for CSSA but do not apply for it, we are considering commissioning research with a view to finding out the socio-economic characteristics of these people and their reasons for not applying for CSSA so that we could better tailor our efforts to bring those genuinely in need into the CSSA safety net.

End

Pilot scheme for entry of PRC professionals

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Following is a question by the Hon Cheng Yiu-tong and a reply by the Secretary for Education and Manpower, Mr Joseph W P Wong, in the Legislative Council today (Wednesday):

Question:

In view of the fact that the pilot scheme for the importation of 1,000 PRC professionals has been implemented for some time, will the Government inform this Council:

- (a) of the number of applications for importing PRC professionals which have been approved by the Immigration Department to date;
- (b) of the number of PRC professionals already admitted into Hong Kong for employment under the above scheme;

- (c) of the trades in which such PRC professionals are engaged after their entry into the territory and their respective remuneration and benefits; and
- (d) when the Government will conduct a detailed and comprehensive review of the scheme?

Reply:

Mr President,

The Pilot Scheme for the entry of 1,000 professionals from China is a limited extension to the existing policy on the entry of overseas professionals who possess skills, knowledge or experience of value to, but not readily available in Hong Kong.

There were altogether 3,129 applications for the 1,000 quotas under the Scheme. Four quarterly ballot exercises (for 250 quotas each time) were held from April 1994 to April 1995. The Immigration Department subsequently invited all the 1,000 applicants whose applications were drawn up to submit formal applications under the Scheme. The 2,129 applications not drawn out in the ballot exercises were put on a computer-generated reserve list, so that as and when there were quotas left over from applications which were either refused or withdrawn, the Department would ask the applicants on this list to submit a formal application.

In October 1995, in view of the slow utilisation of the quotas (mainly because of the substantial number of applications withdrawn by the applicants), the Immigration Department asked all the companies on the reserve list to confirm their interest in remaining in the Scheme. As a result, a total of 1,216 applications were placed on the reserve list. As of 31 January 1997, all the applicants of the 2,216 selected quota applications comprising 1,000 drawn up from the four balloting exercises and the 1,216 on the reserve list have been called up to submit their formal applications. The processing of all the outstanding quota applications under the Scheme has also come to an end.

My replies to the specific parts of the question are as follows-

- (a) As of 31 January 1997, out of the total of the 2,216 formal applications for quotas (the original 1,000 successful applications in the four ballot exercises plus 1,216 from the reserve list) 689 applications for quotas have been approved. Applicants with approved quotas are normally given four months to arrange for the submission of visa applications by the candidates. Of the 689 approved quota applications, 529 visa applications have been approved. There are about 30 outstanding visa applications.

- (b) As with visas issued to overseas professionals admitted to enter Hong Kong for employment, all the visas issued under the Scheme are valid for a period of three months. As of 24 February 1997, 507 out of the 529 professionals who have been approved visas have arrived in Hong Kong for employment. Of the remaining 22 who have yet to enter Hong Kong, 12 are still holding valid visas while the validity of the visas of the other 10 has already expired.
- (c) The majority of the professionals approved for entry under the Scheme are in the trading, construction, manufacturing, electronics and finance sectors. Occupation-wise, the majority of them are admitted for the positions of administrator, engineer, marketing executive, development personnel and project specialist. Following the processing arrangements for professionals from other overseas countries who are approved entry for employment in Hong Kong, the Immigration Department examines each application under this Scheme to ensure that the entrant's qualifications are compatible with the post for which he is to be employed, and that the terms of such employment including remuneration and benefits are broadly in line with those of local professionals in comparable positions before deciding whether to approve the application. The Department, however, does not keep detailed information about the remuneration and benefits of each individual professional whilst he is working in Hong Kong.
- (d) We are now in the process of conducting a detailed and comprehensive review of the Scheme.

End

Long Term Housing Strategy Review

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Following is a question by the Hon Chan Yuen-han and a reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

The Government talks about housing development for the next decade in its recently published "Long Term Housing Strategy Review Consultative Document". Will the Government inform this Council:

- (a) When the Government proposes the sale of Flats to Sitting Tenants Scheme, have considerations been made to help those public housing tenants who cannot afford to buy the flats? Besides, how will the Government meet the housing needs of those on the waiting list?
- (b) How to determine the price and mortgage conditions for flats sold under the scheme?
- (c) Any concrete details about the housing development plans carried out jointly by the Government and private developers? Will these plans push the price of flats higher?

Answer:

Mr President,

In the Long Term Housing Strategy Review Consultative Document released last month, I have indicated in the Preface (paragraph 6) and in Chapter 6 (paragraph 6.3) that the Government will continue to provide public rental housing to families in genuine need. This is our commitment, which has been made clear on many occasions in the past. Families on the Waiting List, which satisfy the eligibility criteria, will be offered public rental housing when their turns come. The Housing Authority will need to ensure that a sufficient stock of public rental flats is available to accommodate existing tenants who cannot afford to buy rental flats, tenants who choose to remain in public rental housing for other reasons, and eligible families on the Waiting List.

As regards Part (b) of the question, we have proposed in the consultative document to sell suitable existing public rental flats to public housing tenants at prices which are reasonable, attractive and generally affordable on the one hand, and are fair to the general community on the other. We have proposed to invite the Housing Authority to work out the details for such a new scheme as soon as possible. An important aspect is price which is proposed to be based on replacement cost, with adjustments made to reflect depreciation, the relative value of location and other relevant factors. Mortgage loan and repayment conditions are another important aspect to be considered carefully. Other details to be worked out include choice of blocks, arrangements for future management, maintenance and repairs, resale conditions, and so on. In the meantime, I do not wish to pre-empt Housing Authority's consideration of this matter. The views and proposals expressed during the present public consultation exercise will also be considered. It is our intention that the scheme to be devised should be workable and generally acceptable.

As regards Part (c) of the question, we have proposed in the consultative document that an increasing proportion of subsidised home ownership flats should be provided by way of mixed development, and that the Housing Society will be designated to carry out a pilot scheme. The proposed scheme aims to make use of private sector expertise and resources to provide a further source of supply of subsidised home ownership flats, so that eligible purchasers may enjoy higher standards of design, finish, facilities and management than under the present Private Sector Participation Scheme. This will also provide more choice for purchasers. The operational details will need to be worked out: the main ones include the terms of land grant, the apportionment of construction costs, the method of selecting flats and price. Views expressed during the present public consultation exercise will also be considered. After all the details have been worked out, we intend to carry out a pilot scheme.

Introduction of the proposed new scheme aims to meet the public housing target set from time to time and, as such, will not affect the supply of private sector flats. The scheme should not have a significant effect on private residential property prices.

End

Taxi licence premium

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Following is a question by the Hon Zachary Wong Wai-yin, and a reply by the acting Secretary for Transport, Mr Paul Leung, in the Legislative Council today (Wednesday):

Question:

It is learnt that the premium for an urban taxi licence has soared from \$2 million early last year to \$3 million now, recording a sharp increase of nearly \$1 million. In view of the soaring taxi licence premium, will the Government inform this Council:

- (a) since the publication of the report on "Taxi Policy Review" by the Transport Department in 1994, of the number of recommended measures which have been implemented to dampen speculation on taxi licences as well as the effectiveness of such measures;

- (b) whether the Transport Department has studied the reasons for the 50% increase in taxi licence premium over the last year; and
- (c) of the measures to be adopted by the Transport Department to curb the soaring taxi licence premium?

Reply:

Mr President,

In order to improve services and to tackle the problem of speculation in taxi licences, the Transport Advisory Committee (TAC) recommended in its 1994 Taxi Policy Review the following five measures:

- (a) There should be no pre-set quota on the number of taxi licences to be issued in a given period of time.
- (b) Taxi licences should be issued as and when necessary, having regard to the demand for taxi services, the financial viability of the trade and the capacity of our road system.
- (c) In a public tender exercise for taxi licences, an applicant should be permitted to bid for only one licence.
- (d) New taxi licences should not be transferable within 12 months after the date of issue.
- (e) Procedures for the transfer of taxi licences should be tightened by requiring both the transferor and transferee to register the transfer in person.

Since the publication of the 1994 Taxi Policy Review Report, all these measures have been implemented:

- (a) In July 1994, the Road Traffic Ordinance was amended to empower the Commissioner for Transport to prohibit the transfer of the ownership of a newly licensed taxi for an initial period.
- (b) In July 1994, the Road Traffic (Registration and Licensing of Vehicles) Regulations were amended to require all transfers of taxi licences to be registered in person at Transport Department's Licensing Offices. All transfers of taxi licences are now required to be registered by the transferor and the transferee in person.

- (c) In September 1994 Transport Department invited tenders for 300 urban and 100 NT taxi licences, which were taken up between November 1994 and April 1995. In that exercise:
 - (i) each tenderer was permitted to bid for no more than one urban taxi licence and no more than one NT taxi licence; and
 - (ii) the new licences were not transferable within the first 12 months of registration.

The new measures were designed to make it more difficult and costly for people to speculate in taxi licences. The issue of new licences was effective in improving the availability of taxi services, and the new restrictions prevented new licences from being sold for quick profits. They also had a slight dampening effect on the value of the new licences.

Taxi licences have for many years been bought and sold as licences for operating the vehicles as well as an investment asset. In the past year, both the local residential property and the stock market have gone up; so have the market trading prices of taxi licences. The probable reasons for the increase in licence premiums are -

- (a) general confidence in the future of the local economy;
- (b) a relatively low interest rate; and
- (c) a more relaxed lending policy adopted by some local financial institutions in respect of taxi licences.

We will continue to monitor closely changes in the taxi licence premiums, the availability of taxi services, and the financial position of the taxi trade. In addition, the TAC will reconvene its Working Group on Taxi Policy Review, to review the effectiveness of measures adopted since 1994 and, where appropriate, recommend new measures to tighten existing regulations.

End

Government committed to upgrading language proficiency

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Following is a question by Dr the Hon Law Cheung-kwok and a written reply by the Secretary for Education and Manpower, Mr Joseph W P Wong, in the Legislation Council today (Wednesday):

Question:

Will the Government inform this Council of:

- (a) the total number of secondary schools with self-contained "language laboratories" to facilitate language learning of students;
- (b) its policy on subsidising and encouraging secondary schools to set up "language laboratories"; and
- (c) the estimated amounts of capital expenses and annual operating expenses required for the full subsidisation of all secondary schools to set up "language laboratories"?

Reply:

Mr President,

- (a) At present, language laboratory is not a standard item to be provided by Government for secondary schools. The Education Department estimates that some 15 aided or private schools have set up such laboratories. The system configuration of the language laboratory varies between schools.
- (b) The Government is committed to upgrading students' language proficiency. Since 1982, all secondary schools are provided with the Wirefree Induction Loop System as a standard item for the enhancement of students' listening and speaking skills. The System operates by looping a wireless induction loop antenna around an area. The area can be as small as an ordinary classroom or as large as a school hall. Students wearing wireless headphones in the looped area can pick up sound emitted from a microphone, record player, radio, cassette recorder or sound projector via an amplifier which is connected to the loop antenna.

As recommended in the Education Commission Report No. 6, the Standing Committee on Language Education and Research (SCOLAR) will need to study in a comprehensive manner the effectiveness of various forms of supporting facilities for language learning through an interactive mode, such as language laboratories and multi-media technology. On the basis of SCOLAR's advice in due course, we will review our policy on the provision of supporting facilities to schools to enhance language learning.

- (c) As a very rough estimate, the capital and annual operating costs for fully subsidising language laboratories for all public sector secondary schools will amount to approximately \$340 million and \$104 million respectively. This does not include staff training or expenses for building works, which may vary considerably from school to school.

End

Use of mobile phones well regulated

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Following is a question by the Hon Ngan Kam-chuen and a written reply by the Secretary for Economic Services, Mr Stephen Ip, in the Legislative Council today (Wednesday):

Question:

In connection with a research which shows that the signals emitted by mobile phones may interfere with the operation of other electronic devices, will the Government inform this Council:

- (a) how the Government regulates the specifications in respect of the installation of carphones;
- (b) whether, in order to prevent mobile phones from interfering with the operation of the braking, driving and other electronically controlled systems of vehicles, the Government will strengthen its regulation over the installation of carphones and the use of mobile phones while driving; if so, what the specific details are; if not, why not; and
- (c) whether the Government will follow the example of the United Kingdom by prohibiting the use of mobile phones within the confines of hospitals; if not, why not?

Reply:

Mr President,

- (a) The technical specifications for car phones approved for use in Hong Kong are issued by the Office of the Telecommunications Authority (OFTA). They are in line with international specifications adopted widely in other parts of the world.
- (b) There is no evidence in Hong Kong that signals emitted by car phones or mobile phones would affect a vehicle's operation. We will monitor the situation and maintain contact with both local and overseas agencies and research institutions to consider whether any control is needed in the future.

According to traffic accident records during the past 5 years, the number of accidents involving drivers using such phones is insignificant.

Severity of accident	1992	1993	1994	1995	1996
Fatal	0	0	0	1	0
Serious	0	1	1	0	3
Slight	3	1	2	0	3
Total	3	2	3	1	6

(Total number of accidents per year : 15,000.)

- (c) For the public hospitals, the Hospital Authority developed guidelines in 1994 to prohibit the use of mobile phones and other radio frequency transmitting devices in hospitals. When the guidelines were first introduced, a publicity exercise was launched and an appeal made to members of the public to cooperate with the hospital management in switching off their mobile phones within the confines of hospital wards, clinical departments, operating theatres and intensive care units in order to avoid causing interference with electronic medical equipment in use. To inform patients and visitors of the restriction, posters and signs have been put up at the entrance of these areas requesting mobile phone users to switch off their phones before entering. Major private hospitals have also put up notices to request visitors and patients not to use mobile phones to avoid interference with hospital electronic equipment.

End

Persons without recognised nurses qualifications

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Following is a question by the Hon Michael Ho Mun-ka and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

In her reply to a written question at the Legislative Council sitting on 8 January this year, the Secretary for Health and Welfare stated that there were about 80 persons without recognised nursing qualifications currently employed in patient care in private hospitals. In this connection, does the Government know:

- (a) of the positions held in private hospitals by such persons who are without recognised nursing qualifications, as well as the nature and scope of their work;
- (b) whether there are any channels available in these hospitals to enable patients to know distinctly that such persons are neither registered nurses nor enrolled nurses, so that patients can decide whether they will accept the services provided by such persons as well as to ensure that the rights of patients are safeguarded and that the question of professional liabilities can be pursued; and
- (c) how the Government monitors the nursing services provided by such persons who are without recognised nursing qualification, so as to ensure the safety of patients?

Reply:

- (a) Persons without recognised nursing qualifications currently employed in patient care in private hospitals hold positions that are designated as clinical assistants, health care assistants or similar titles, depending on the individual institutions. These persons undertake duties such as ward errands, attendance to patient cleanliness, assistance in patient feeding, assistance with patient transfer, bed making, tidying up nursing stations and treatment areas.

- (b) Individual hospitals adopt various measures to identify different grades of staff. Examples include use of staff uniform with different design, and badges bearing the staff's name and title.
- (c) Personnel in (a) above are employed to work under the direction and supervision of registered personnel who are responsible for monitoring their performance. The Director of Health is authorized under the Hospitals, Nursing Homes and Maternity Homes Registration Ordinance (Cap 165) to register a hospital subject to conditions relating to staffing, accommodation and equipment. The Director of Health may take action against those hospitals which contravene the provisions of the Ordinance.

End

Forward sale of uncompleted flats

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Following is a question by the Hon Lee Wing-tat and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the names of all the buildings in respect of which consent letters for the forward sale of uncompleted flats were issued by the Lands Department last year, together with the dates on which these consent letters were issued, the expected completion dates of such buildings and the number of residential flats to be provided; and
- (b) whether, in order to prevent developers from hoarding, the Government will require the Lands Department to stipulate in the Conditions of Sale in land grants that the developers must offer all residential flats for sale within a certain period after the completion of buildings, so as to increase the housing supply?

Answer:

Mr President,

In 1996, 31 pre-sale consents involving 13,115 private residential units were granted. Details are given at Annex.

Developers are required by the terms of Building Covenants to complete the housing projects to the satisfaction of the Director of Lands within a specified period, normally three to five years, depending on the scale and complexity of each project. Penalties, calculated as a percentage of the current land value of the concerned site, are imposed in the event of delay.

We do not consider it appropriate to require developers to sell flats within a specified period of time after completion as the timing of sale is primarily a commercial decision which takes into account changing market conditions. In a free market economy, developers should have the freedom to determine when to sell their flats.

To increase housing supply, we will continue to provide a sufficient supply of land, together with supporting infrastructure, for housing development.

Lands Department
Legal Advisory & Conveyancing Office

Annex

Pre-sale Consent (Residential Units) issued during the year of 1996

Lot No.	Development	Date of Consent	Est. date of completion	No. of Units
DD 104 Lot 4754 s.A	Royal Palms Phase IIA	4.1.1996	31.12.1995	224
DD 104 Lot 4754 RP	Royal Palms Phase IIB	4.1.1996	30.4.1996	200
Kowloon Inland Lot No. 11003	Harmony Garden	29.2.1996	29.2.1996	112
Sha Tin Town Lot No. 392	The Tolo Place	21.3.1996	29.12.1996	616
Sha Tin Town Lot No. 411	Royal Ascot (Blocks 8-11) Phase II	29.3.1996	31.3.1997	1280
Kwai Chung Town Lot No.460	Hang King Garden	27.3.1996	30.6.1996	216
DD 121 Lot 2042	Windsor Villa	12.4.1996	31.8.1996	72
DD 352 Lot 385 RP & Ext.	Coastline Villa	9.4.1996	30.6.1996	230
Cheung Chau Lot No. 1829	Peakville	19.4.1996	31.8.1996	24
DD 124 Lot 4290	Meadowlands Phase II	24.4.1996	31.8.1996	24
Tseung Kwan O Town Lot No.36	Metro City	31.5.1996	31.5.1997	2048
Kowloon Inland Lot No. 11036	Cypress Garden	11.6.1996	27.7.1996	57
Tai Po Town Lot No.113	Dynasty View, Classical Gardens, Phase III	27.6.1996	30.9.1996	265
Kowloon Inland Lot No.11002	King's Park Villa	24.6.1996	31.3.1997	360
Tai Po Town Lot No.138	Fuller Gardens	5.7.1996	30.6.1997	136
New Kowloon Inland Lot No.6157	San Po Kong Plaza	19.7.1996	31.12.1996	460
DD 221 Lot 1854	Burlingame Garden	31.7.1996	30.11.1996	15
Tuen Mun Town Lot No.365	Villa Tiara	9.8.1996	31.5.1997	556
Tsuen Wan Town Lot No.361	Discovery Park, Phase 1, Blocks 1-4	27.8.1996	30.4.1997	1120
Yuen Long Town Lot No.456	(unknown)	28.8.1996	31.3.1997	350
Inland Lot No. 8849	Island Place	29.8.1996	31.12.1996	784
Sha Tin Town Lot No. 397	Rich Court	14.10.1996	15.4.1997	30
Sha Tin Town Lot No. 410	Granville Garden	28.10.1996	31.10.1997	666
Rural Building Lot No. 1114	Roalton	30.10.1996	31.5.1997	30
Ping Chau Lot No.661	Monterey Villas	20.11.1996	31.3.1997	136
Rural Building Lot No. 1120	Villa Rosa	29.11.1996	31.3.1997	16
Cheung Chau Lot No.1779	Scenic Garden	29.11.1996	14.4.1997	192
Kwai Chung Town Lot No.453	Greenwood Regency	12.12.1996	31.5.1997	18
Tseung Kwan O Town Lot No. 17	East Point City	12.12.1996	30.11.1997	2184
Kowloon Inland Lot No. 11064	Carmen's Garden	13.12.1996	31.8.1997	190
Sha Tin Town Lot No.393	The Waterside	17.12.1996	30.6.1997	504

Total number of units: 13,115

End

Commemorative stamps for the Year of Ox

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Following is a question by the Hon Choy Kan-pui and a written reply by the Secretary for Economic Services, Mr Stephen Ip, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the reasons why the commemorative stamps for the Year of the Ox could not be issued before the Lunar New Year;
- (b) whether the delay in putting the commemorative stamps on sale will result in additional expenses for the Government;
- (c) whether the organisation engaged in printing the commemorative stamps have to compensate the Government for the delay; if not, why not; and
- (d) whether consideration will be given to improving the present queuing arrangements for the purchase of commemorative stamps when putting such stamps on sale?

Reply:

Mr President,

The rescheduling of the issue date of the commemorative stamps for the Year of the Ox from 17 January to 27 February 1997 was due to the late delivery of the stamps caused by breakdowns of the machines used for printing the stamps.

The postponement of the date of issue has resulted in the Post Office incurring additional expenditure of approximately \$360,000 to cover media advertising, re-printing of associated souvenir covers and presentation packs, and printing of corrigendum sheets for First Day Covers and stamp booklets already printed. Steps are being taken by the Government to seek liquidated damages from the stamp printing company concerned.

The Post Office has introduced since January 1997 a local standing order service under which customers may place an advance annual order for mint stamps, definitive stamp sheetlets, souvenir sheets, serviced first day covers for new stamps and serviced souvenir covers for definitive stamp sheetlets. The 57,000 customers who have been registered under this service do not need to queue up at post offices on the first day of issue.

The Post Office has also introduced a number of measures to improve queuing arrangements for purchase of commemorative stamps. To shorten the waiting time for customers, the opening hour of 19 district post offices has been advanced to 8 am on the first day of issue. Philatelic products have also been pre-packaged in sets to shorten counter transaction time. In addition, the Post Office employs security personnel to improve crowd control on the first day of issue.

End

Government computer system

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

Question:

It is reported that the findings of a detailed study conducted by the Information Technology Services Department indicates that about 20% of the computer systems in the Government departments will malfunction when the year flips from 1999 to 2000. Will the Government inform this Council whether, as the major user of information technology, it has formulated any plans to address the above problems; if so, what the details are?

Reply:

We have adopted a two-pronged approach to the Year 2000 problem. The first is concerned with the operating systems and system softwares used in developing computer applications provided by outside suppliers, and the second with the computer applications developed by our in-house professional staff.

As regards the first, the Information Technology Services Department (ITSD) has already asked our software suppliers to provide us their Year 2000 compliance plans, including their target date of releasing products of the new Year 2000 compliant versions (i.e. those using four-digit year approach). When such products are available, we will use them to upgrade our systems accordingly. Since last November, we have required suppliers to provide Year 2000 compliant products in all new purchasing contracts.

As regards the second, it is worth noting that ITSD started work relating to the Year 2000 problem as far back as 1990. Computer applications developed since then are all Year 2000 compliant. However, some of the applications developed earlier may have the Year 2000 problem. A preliminary assessment conducted by ITSD in May 1996 revealed that about 20% of the some 250 computer applications maintained by it may fall into that category.

ITSD is now conducting a pilot exercise to examine the use of automated tools to assist in ascertaining whether the computer applications are Year 2000 compliant. Upon the completion of this exercise in March 1997, we will, with the aid of the automated tools assess the extent of Year 2000 non-compliance for each and every computer application and prioritise, where necessary, time-critical applications for early implementation of the required conversion and validation work. To ensure that all the necessary modification work is completed in good time, ITSD has set up a high level steering group chaired by the Director of Information Technology Services to co-ordinate and oversee the entire implementation process.

Apart from those applications developed and maintained by IT professionals, there are many small-scale IT applications developed by end user departments using software packages. Some of these applications may also be affected by the Year 2000 problem. To help departments understand the problem and to solicit early participation of IT users in addressing this problem, ITSD organised a series of seminars on this subject for different departments in 1996. In addition, ITSD are finalising guidelines to advise end user departments on how to ensure Year 2000 compliance.

Apart from ITSD, six other government departments develop and maintain their own computer applications and have their own IT staff. About half of these 310 applications would be affected by the Year 2000 problem. The six departments, with the advice of ITSD, are also taking active steps to address the problem and ensure timely modification and validation.

End

Interim housing

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Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

Regarding the use of re-developed public housing for interim housing, will the Government inform this Council:

- (a) of the amount spent by the Housing Department in converting each of the re-developed public housing blocks to interim housing units;
- (b) of the difference between the converting cost of interim housing and the cost of constructing a brand new public housing block of similar sizes during the same period of time;
- (c) of the estimated years of occupancy of these interim housing units before they are demolished;
- (d) of the method of determining the rents of these interim housing units, and whether such method is different from that of other public housing units;
- (e) whether there is any difference between the management practice for interim housing units and that for other public housing estates; and
- (f) whether periodic inspection on safety standards of these interim housing units will be carried out by the Housing Department?

Answer:

Mr President,

The Housing Authority has so far refurbished two public rental housing blocks evacuated under the Comprehensive Redevelopment Programme for use as vertical interim housing. Both blocks are located in Kwai Chung. The first block was refurbished in 1994 at a cost of \$31 million (or \$40,800 per flat), and the second block, refurbished in 1996, cost \$31 million (or \$37,000 per flat). By comparison, the construction cost of a standard Harmony 1 rental block is approximately \$320 million (or \$290,000 per flat) at December 1996 prices. The two interim housing blocks can be occupied for this purpose for at least five years.

The main consideration in determining the rents of these units is the same as for other public rental housing flats, and is based on tenants' affordability. Inflation, rates, operating costs and the relative value of the estates concerned are taken into account, and rents are set at a level such that the median rent-to-income ratios for the estates concerned do not exceed 15%, in respect of the minimum space allocation standard of 5.5 square metres internal floor area per person, and 18.5% in respect of the higher space allocation standard of 7 square metres or more per person. Rent levels in the two vertical interim housing blocks represent about 7% of tenants' median incomes.

Management services provided are similar to those in other public rental housing blocks.

Maintenance staff of the Housing Department conduct regular inspections and repair work in interim housing blocks to ensure that they meet relevant safety standards, in the same way as in other public rental housing blocks.

End

Localisation of the civil service

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Following is a question by the Hon Chim Pui-chung and a written reply by the Secretary for the Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) whether the progress of the localisation plan for senior civil servants has reached the expected target;
- (b) of the reasons why the post of Attorney General has not yet been taken up by a local officer; and
- (c) when the localisation of the Legal Department is expected to be fully accomplished?

Answer:

Mr President,

- (a) Localisation of the civil service is a long-established government policy dated back to 1950. Our policy objective is to staff the civil service with qualified and suitable local candidates as far as possible. One key aspect of the policy is to give preference to qualified and suitable local candidates in recruitment. Overseas candidates are considered for appointment only when there is no qualified and suitable local candidate available. Since 1985, overseas candidates are appointed only on agreement terms. Overall, the localisation policy is successful. At present, 99.1% of the civil service are local officers. All Policy Secretaries and over 70% of Heads of Department are local officers. The percentage of local officers at the directorate and senior management/professional levels has been increasing over the years. The localisation statistics in the last 10 years and the position as at 1 April, 1996 compared with 18 years ago are annexed.
- (b) The Legal Department is historically a department with a high percentage of overseas officers due to difficulties in recruiting local officers until recent years. As a result, three of the five Law Officer posts were localised less than three years ago and this has affected the pace to localise the post of Attorney General.
- (c) The Legal Department is at present 73% localised with 100% at the Crown Counsel rank, as compared with 39% and 74% respectively in December 1988, when the Double Ladder Scheme was introduced to speed up localisation. The pace of localisation in the department is satisfactory. There is no set target for full localisation of the department and the present steady pace will continue.

Localisation Statistics

	Directorate officers		Senior management/ professional officers		Overall	
	Local officers (%)	Overseas officers (%)	Local officers (%)	Overseas officers (%)	Local officers (%)	Overseas officers (%)
1.4.78	34.2	65.8	61.3	38.7	97.4	2.6
1.4.87	52.3	47.7	69.8	30.2	98.5	1.5
1.4.88	55.6	44.4	70.4	29.6	98.6	1.4
1.4.89	56.2	43.8	71.7	28.3	98.6	1.4
1.4.90	59.7	40.3	74.2	25.8	98.7	1.3
1.4.91	62.1	37.9	75.7	24.3	98.7	1.3
1.4.92	60.1	39.9	75.8	24.2	98.8	1.2
1.4.93	61.7	38.3	77.2	22.8	98.8	1.2
1.4.94	63.6	36.4	79.0	21.0	98.9	1.1
1.4.95	66.6	33.4	81.1	18.9	99.0	1.0
1.4.96	70.2	29.8	84.5	15.5	99.1	0.9

End

Applications for Senior Citizen Cards on the rise

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

Question:

I have received a number of complaints concerning the long time taken in processing applications for Senior Citizen Cards. In this connection, will the Government inform this Council of:

- (a) the respective average number of applications received and cases processed each month during the past year;
- (b) the current number of Social Welfare Department staff who are responsible for processing applications for Senior Citizen Cards, and the average number of applications which they have to handle each month; and
- (c) the vetting procedure for the issue of a Senior Citizen Card as well as the average time an applicant has to wait before being issued with the card after filling an application, and whether the Government has considered increasing the number of staff handling the applications or streamlining the application procedure in order to expedite the process?

Reply:

- (a) During the past year, the average number of applications received each month is 4,588 (including both new applications and applications for replacement cards). The average number of cards issued each month is 3,981.
- (b) The current number of Social Welfare Department staff who are responsible for processing applications for Senior Citizen Cards is 5. As mentioned in part (a) of the answer, the average number of applications received (including new applications and applications for replacement cards) is 4,588. Due to a marked increase in the number of applications received in the second half of 1996, the Senior Citizen Card Office has to deal with an average of 3,881 accumulated applications each month.

- (c) Once the Social Welfare Department receives an application, the staff will separate the new applications from the applications for replacement cards. They will then check if all the necessary documents are submitted. If all the necessary documents are submitted, the staff will input the relevant data into the computer and subsequently issue a card. The staff will contact the applicants if the applicants have failed to provide all the necessary documents. It takes slightly over a month for a card to be issued after the applicant files an application.

As there is a marked increase in the number of applications in the second half of 1996, the number of accumulated cases has increased. The Social Welfare Department has employed temporary staff to assist in clearing the backlog. At the same time, the Social Welfare Department will evaluate the processing procedures with a view to shortening the time required.

End

Noise abatement facilities installed in schools

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Following is a question by the Hon Zachary Wong Wa{-yin and a written reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of the total number of primary and secondary schools built by the Government in the past three years, together with the number of these schools which were required to install noise abatement facilities due to noise problems;
- (b) of the addresses of the above schools which were required to install noise abatement facilities and the respective types of facilities which were installed; and

- (c) whether the noise problems faced by the above schools were related to improper planning in the selection of school sites; if not, what the reasons for the noise problems were; if so, what improvements will be made on the future selection of school sites?

Reply:

Mr President,

- (a) Of the 52 schools completed in the past three years, 19 of them required noise abatement facilities such as sound barriers and noise insulation to mitigate traffic noise impacts.
- (b) The addresses of the school projects requiring noise abatement and the noise mitigation facilities installed are detailed in the attached table.
- (c) In selecting suitable school sites, factors such as noise, site size, topographical features, accessibility and convenience to students in the catchment area are taken into account. The detailed provision standards and locational guidelines are set out in the Hong Kong Planning Standards and Guidelines and are adhered to as far as practicable. Sites which are affected by significant noise sources such as busy trunk roads are normally ruled out. Nonetheless, given the scarcity of land, some sites reserved for school use could not meet all the locational requirements. An Environmental Review is therefore conducted on each school site to assess the potential environmental impact and to identify practicable preventive and mitigation measures. For school sites affected by potential road traffic noise, measures such as setback from the road, protective building layout and sound barrier at the site boundary are implemented where practicable to minimise the noise impact. If after implementing these measures the residual noise impact still exceeds the planning standard of 65 dB(A), noise insulation will be provided as an additional measure to ensure a quiet internal learning environment.

School Projects Requiring Noise Abatement Facilities

Year of Completion	Address	Sound Barrier	Noise Insulation (Special Windows and Air Conditioning)	
			Partial	Full
1994	Secondary School at Wharf Road, North Point			√
	Practical School at Au Tau, Yuen Long	√		
1995	Primary School in Area 100, Ma On Shan	√		
	Secondary School in Siu Sai Wan, Hong Kong			√
	Two Secondary Schools in Lei Tung Estate, Ap Lei Chau		√	
	Skill Opportunity School in North Point		√	
	Skill Opportunity School in Shui Pin Tseun, Yuen Long		√	
	Special School for Severely Mentally Handicapped Children in Tseun Kwan O		√	
1996	Primary School in Kam Tin, Yuen Long (St Joseph)	√		
	Two Primary Schools in Lam Tin Estate, Kwun Tong	√		
	Primary School in Area 90, Ma On Shan	√		
	Two Primary Schools in Tsz Lok Estate, Tsz Wan Shan			√
	Secondary School in Area 49B, Fanling, North	√		
	Secondary School in Area 6, Tai Po	√	√	
	Secondary School in Area 92, Shatin	√		
	Secondary School in Area 9, Tuen Mun			√

End

Rents for public housing determined by tenants' affordability

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Following is a question by the Hon Leung Yiu-chung and a written reply by the Secretary for Housing, Mr Dominic Wong, in the Legislative Council today (Wednesday):

Question:

The Housing Authority proposes that rents for new and existing public housing estates in the next decade will be fixed at a level tenants can afford. Rents for housing flats are fixed so that the median rent-income ratio should be 15 percent for a minimum allocation standard of 5.5 square metres of internal floor area per person; and 18.5 percent for seven square metres per person. In this connection :

- (a) does the Government know of the criteria adopted in determining the above percentages; and
- (b) will the authorities illustrate, in accordance with the criteria mentioned in the answer to (a) above and with different allocation standards of internal floor area for units in old and new public housing estates, how the rents in each case will increase progressively towards the proposed percentages, together with the amounts of rent increases of public housing in the next ten years?

Answer:

Mr President,

Rents for public housing are determined on the basis of tenants' ability to pay. Other factors, including the relative value of the estates concerned, rates and operating costs, are also taken into account. In any event, the median rent to income ratio for the concerned estates should not exceed 15% or 18.5% for the relevant space allocation standards. These percentages have regard both to local patterns of expenditure on housing and to international trends.

In the Long Term Housing Strategy Review Consultative Document released recently, we have proposed that public housing rents should be increased gradually to achieve these ratios by 2006, and that the Housing Authority should be asked to draw up specific measures to achieve this aim. It is not possible at present to give details of proposed rent increases at this stage, but clearly it will be necessary for average rents to increase in real terms in order to achieve the median rent-to-income ratio targets.

End

SFC and SEHK Code of Conduct Regulations

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

Question:

In connection with the Code of Conduct (the Code) issued by the Securities and Futures Commission (SFC) in February 1994 to the persons registered with the SFC and the Code of Conduct Regulations (the Regulations) promulgated by the Stock Exchange of Hong Kong (SEHK) in November 1993, does the Government know whether:

- (a) the above Code and Regulations have any retrospective effect; and whether a person who had breached the relevant provisions prior to the promulgation of the Code and Regulations will be subjected to disciplinary action; if so, what the reasons are; and
- (b) the SFC and the SEHK will be required to abide by the spirit of introducing the regulations when taking disciplinary action, so as to avoid violating the Bill of Rights?

Answer:

- (a) The Code of Conduct for persons registered with the Securities and Futures Commission issued by the Securities and Futures Commission (SFC) applies to persons registered with the Securities and Futures Commission under the Securities Ordinance and Commodities Trading Ordinance (registered persons), such as dealers, investment advisers and commodities trading advisers.

The Code of Conduct Regulations promulgated by the Stock Exchange of Hong Kong (SEHK) expands on the Professional Conduct Rules contained in Chapter 6 of the SEHK's Rules and Regulations relating to conduct and business practices. The matters covered in the Code represent minimum standards of a Member as widely defined to include sales representatives, authorised clerks and other dealing employees on the Stock Exchange (SEHK members).

Both sets of the Codes codify what are commonly referred to as best practice requirements expected of registered persons and SEHK members. These best practice requirements have been in existence in the days of the Securities Commission established in 1974 for ensuring that the Securities Ordinance was properly administered. They were the precursors of the Fit and Proper Criteria introduced in 1990 by SFC. As such, failure to comply with the requirements stipulated in the Codes, whether before or after the publication of the Codes, would reflect on the concerned person's ability to satisfy the fit and proper test in order to remain registered and on that person's conduct and business practices. Compliance with the Codes would indicate satisfaction of the relevant requirements under the Fit and Proper Criteria and therefore the question of retrospectivity does not arise.

- (b) The Codes of Conduct do not have the force of law and are not to be interpreted in a way that would override the provisions of any law. In the exercise of their powers, the SFC and SEHK are expected to give full effect to the spirit and letter of the laws and regulations which they administer and have due regard to other relevant laws affecting the performance of their functions including the Bill of Rights Ordinance.

End