



DAILY INFORMATION BULLETIN

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Bill of Rights Ordinance not supreme to other laws

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In response to press enquiries, a government spokesman said today (Tuesday):

"At present, the only law which is supreme to the laws of Hong Kong is the Letters Patent. After 1997, the Basic Law will be supreme.

"As we have stated previously, the substantive rights protected by the ICCPR (International Covenant on Civil and Political Rights) are entrenched by the Letters Patent now and the Basic Law after 1997 and are incorporated into the laws of Hong Kong through the provisions of the Bill of Rights Ordinance (BORO).

"The statement in the report to the Human Rights Committee that the BOR Ordinance 'overrides' any existing law that cannot be construed consistently with it, is simply a reference to the repealing effect of the Ordinance on pre-existing legislation, that is, laws which were in force prior to the enactment of the BORO in 1991.

"That reflects the common law principle that where two pieces of legislation are inconsistent, the later one repeals the inconsistencies in the earlier one.

"When the Government says that the BORO is 'not supreme' it means that it does not have a status superior to that of other Ordinances. It can be amended or repealed in the same way as any other Ordinance."

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Task of Buildings Department's Site Monitoring Team

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In response to some press comments about the Buildings Department Site Monitoring Team, the Director of Buildings, Mrs Helen Yu, emphasised today (Tuesday) that the task of the team was to monitor, not take over, the performance of building professionals and contractors on active sites.

"It is not for our Site Monitoring Team to take over the duties of professionals and contractors responsible for a project. Our aim is to deter dangerous operations and to make for better safety assurance, both on site and in interface with the public," she said.

Under the Buildings Ordinance, authorised persons, registered structural engineers and registered contractors have a duty to supervise and ensure that all building works are carried out in a safe manner and in accordance with approved plans.

As for the procedures for approving demolition works, consent is given in two stages:

- (a) Stage 1 - Consent for carrying out all precautionary/temporary works (including hoardings, covered walkways, scaffoldings, catch fans, dust screens and shoring); and
- (b) Stage 2 - Consent for actual demolition.

Before consent is given for commencement of works, Buildings Department staff (Development Division) would inspect the sites to ensure that all safety measures are in place.

For the guidance of authorised persons, registered structural engineers and registered contractors, the Building Authority has issued practice notes to provide them with advice on precautionary measures for safety on site and to the public.

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Amendments to Betting Duty Ordinance

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The Governor-in-Council has accepted the Royal Hong Kong Jockey Club's (RHKJC) application to introduce a Quinella Place bet, an extension of the existing Quinella bet, at a betting duty rate of 11.5 per cent.

The Quinella Place bet requires the punter to select two horses to finish in any order in the first three places to be eligible for a dividend.

RHKJC's proposal to introduce co-mingled bets to Hong Kong so that overseas punters can bet directly into the Hong Kong pools on local races was also endorsed. Betting duty for these bets will be half of the prevailing rates.

Announcing this today (Tuesday), a government spokesman said the Governor-in-Council has agreed in principle to amend Section 6 of the Betting Duty Ordinance to include these proposals.

Explaining the decision on the Quinella Place bet, the spokesman reiterated government's policy on gambling which was to restrict opportunities for gambling but to allow controlled gambling outlets to exist.

"The introduction of Quinella Place bet would not have any major gambling impact on the local community as it is only an extension of an existing bet. Moreover, it serves primarily to sustain punters' interest in local horse racing and is unlikely to induce non-punters to start betting," he said.

At present, there are two categories of betting duty under Section 6(1) of the Ordinance. The first one is charged on Win, Place, Double, Quinella and Forecast bets, at the rate of 11.5 per cent of the amount of every bet while the second is charged on any other bets at 17.5 per cent.

Since the pool of this new bet has to be split into three sub-pools, that is, for three groups of punters who have chosen the two horses in three different combinations of order, RHKJC believed that it would only be financially viable if betting duty was charged at the lower rate of 11.5 per cent.

The estimated increase in betting turnover by introducing the Quinella Place bet is about \$6,660 million per season, resulting in an estimated increase in government revenue from betting duty of \$760 million per season.

Regarding the overseas bets on local races, the spokesman explained that this proposal would not encourage gambling in Hong Kong as it explores overseas markets rather than expands the local gambling market. In addition, Hong Kong will benefit from this proposal as the allocation to local charities would be increased.

Hong Kong's races are, at present, simultaneously broadcast on a regular basis to Canada and the west coast of the United States where their own betting pools are run.

RHKJC's proposal will allow overseas punters to bet directly into the Hong Kong pools and enable the Hong Kong Government to share the betting duty with respective host governments, subject to RHKJC's negotiations with them.

The Government will levy duty in respect of overseas bets at half of the local rates, that is 5.75 per cent for Win, Place, Double, Quinella, Forecast and Quinella Place bets and 8.75 per cent for any other bets.

Government revenue from betting duty on overseas bets from North America is estimated at over \$100 million per season.

Meanwhile, opportunity is taken to transfer the regulation making power conferred under Section 7 of the Betting Duty Ordinance from the Governor-in-Council to the Secretary for the Treasury.

This power relates to minor decisions concerning mainly the making of regulations to govern the manner for collection of betting duty which is rarely exercised.

The amendments to the Ordinance as set out in the Betting Duty (Amendment) Bill 1995 will be gazetted on Friday (November 17).

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Efforts to further protect intellectual property rights

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The Government is considering ways and means of stepping up public awareness in Hong Kong of the importance of intellectual property rights and their protection.

Addressing the Asian Patent Attorneys Association's 38th Council Meeting this (Tuesday) morning, the Secretary for Trade and Industry, Mr T H Chau, said: "Although we consider that our standards and level of protection are high, we are looking at ways of improving these in line with international trends and to meet the specific needs of Hong Kong.

"Thus in the past year we have enacted amendments to our Copyright Ordinance to increase sharply the level of criminal penalties and we have increased the strength of the Intellectual Property Bureau of the Customs and Excise Department to help combat copyright piracy.

"We have also introduced into our Legislative Council a Bill to amend our intellectual property laws to fulfil our international obligations as a member of the World Trade Organisation," he added.

Mr Chau noted that the Government was currently engaged in an extensive exercise to update the laws on trade marks, patents, copyright and registered designs and to provide specifically for local laws and local administration systems for their protection.

He said: "To achieve this, a number of reviews have been conducted of our intellectual property laws and we are currently drafting new laws taking account of these reviews.

"In accordance with the Sino-British Joint Declaration and the Basic Law of the future Hong Kong Special Administration Region, China has agreed that these laws, when enacted, will continue to be valid after 1997.

"Our aim is to have in place, by 1997, modernised and localised laws for the protection of intellectual property rights which will be in line with international norms and standards."

"A good legislative framework for the protection of intellectual property which is properly enforce will, we believe, encourage creativity and innovation and the transfer of technology into Hong Kong and is therefore essential for Hong Kong's economic development and prosperity," he added.

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Environmental infrastructure and legislation put in place

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The Government has put in place, over the past 15 years, a comprehensive programme of environmental infrastructure and legislation to control air and water pollution, noise and hazardous wastes, the Director of Environmental Protection, Dr Stuart Reed, said today (Tuesday).

Addressing the Rotary Club of Peninsula on "Pollution Prevention and Control in Hong Kong", Dr Reed said, "all these programmes are now very definitely beginning to show results."

Cited as examples are the waste disposal strategy, which comprises three very large landfills and a network of refuse transfer stations, to meet Hong Kong's disposal need for solid wastes for the next 15 to 20 years, and the sewage programme to reduce pollution discharged to our streams and to the sea.

"The organic pollution load on Tolo Harbour has already been cut by nearly 60 per cent and looking only 18 months or so ahead, there is the firm prospect of a massive decrease in the pollution load on Victoria Harbour, as a result of the completion of new sewerage work in the area around the harbour and the commissioning of the Stonecutters Island treatment works in 1997," Dr Reed said.

Another programme that has helped protect the harbour is the chemical waste control scheme, which has reduced toxic metal flows to the harbour by almost three tonnes each day.

Much had also been done on the air and noise pollution front, but Dr Reed stressed that there were still some very important gaps to be filled in the overall strategy for pollution control in Hong Kong, in particular, on the control of air polluting emissions from road vehicles.

One of the ways the Government had proposed to tackle vehicle emissions, he said, was that all new road vehicles weighing less than four tonnes should be powered by petrol engines and fitted with three-way catalytic converters.

"If we are able to move forward on the proposals for diesel to petrol and one or two other new programmes we have in the pipeline, then these together with existing pollution control legislation, and the many environmental infrastructure projects that are being implemented, should mean that we have a reasonable grip on pollution that is generated within Hong Kong, and this should provide a degree of comfort," Dr Reed said.

While Hong Kong must continue its efforts to deal with pollution problems, Dr Reed said the focus of concern would now need to shift to addressing the increasing threat posed by rapid industrialisation and economic growth in neighbouring areas. For example, the Mai Po nature reserve was threatened not only by pollution generated in Hong Kong but also by emissions from all around Deep Bay, he said.

"Similarly, increasing pressure for transportation links through the territory brings with it the need to address thoroughly the environmental implications," he added.

In these circumstances, he said, it was reassuring to see the increasing attention and resources being devoted by China to environmental issues.

"But if we in Hong Kong are to get ourselves into a position to provide a rational and effective response to the inevitable environmental pressures stemming from rapid economic development in our hinterland, it will be essential that we establish a clear vision of the sort of place we want to live in and the quality of life that we expect to enjoy in Hong Kong 20 or 30 years from now," Dr Reed said.

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Land committee briefed on environment impact assessment

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The Land and Building Advisory Committee (LBAC) has been updated on the progress of the Environmental Impact Assessment Bill which is in the final stage of drafting for publication by the end of the year or early next year.

Under the bill, a list of designated projects which are considered to be of significant environmental impacts will require an environmental permit to be issued by the Director of Environmental Protection (DEP).

The project proponent should prepare an initial environmental report based on which DEP will determine the environmental acceptability of the project and whether a detailed Environmental Impact Assessment (EIA) study is required.

A statutory time limit will be prescribed under the legislation for processing the applications for the environmental permits.

Residential development which will not have adverse ecological implications will be exempted from the EIA requirements.

At a meeting held yesterday (Monday), the Committee was briefed on the reclamation projects under construction in the harbour and the proposed medium and longer term harbour reclamation projects.

Members were also informed that the new reclamation projects within the harbour were required to accommodate the population growth, to meet the needs of new land use, to restructure the metro area, to clear up environmental black spots and to improve the city design.

A committee member, Mr Winston Chu, expressed concern about the impacts of reclamations on the harbour.

He suggested to develop and to provide better infrastructure facilities in the New Territories.

At the meeting, members also noted the limits in developing the New Territories as a substitute for land supply from reclamation in the harbour. Land resumption, which was a lengthy and expensive process, would be required for implementing public projects in the New Territories.

Moreover, there were relatively few areas left in the New Territories that were under consolidated land ownership and were free from existing land use constraints and other encumbrances.

In addition, certain flood-plain areas were of scenic and ecological value, the character and functions of which could be severely compromised by their development for urban-type use.

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Committee committed to human rights education

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The launching of the Human Rights Education Publicity Campaign marks an important milestone in the long-term commitment of the Committee on the Promotion of Civic Education (the Committee) in promoting human rights education.

Speaking at a press conference to launch the 1995-96 Human Rights Education Publicity Campaign today (Tuesday), the Committee Chairman, Mr Moses Cheng, said this was the first time that such a large-scale publicity programme was held to promote human rights education.

He said promoting human rights education, like encouraging people to participate in community affairs and promoting the rule of law, had always been an important item in the work agenda of the Committee.

Though much had been done, it was time that a more focused and well co-ordinated approach should be taken to plan and set our objectives in the years ahead, he said.

"We are glad that the Government has allocated an additional \$20 million to the Committee over the next three years to promote equal opportunities and human rights education.

"A Working Group on Human Rights Education Publicity Campaign was thus set up this year to organise a three-year publicity campaign aiming to promote public awareness, understanding and respect for human rights," Mr Cheng said.

"Moreover, a Human Rights Education Unit was established with full-time staff to produce new human rights teaching kits for distribution to schools and community bodies," he added.

"We hope that this multi-faceted publicity drive can build on the foundation of our past achievements and build a momentum in the community's desire to learn more about human rights issues.

"However, we have also to make people understand that their enjoyment of rights is not unconditional and that respect and acceptance of the rights of others is equally as important," Mr Cheng said.

Echoing Mr Cheng's views, the Convenor of the Working Group on Human Rights Education Publicity Campaign, Dr Lo Chi-kin, said apart from making people understand that human rights were their basic rights, this year's campaign message also focused on telling people that they should respect the rights of others while protecting rights of their own.

"That is why our campaign logo is in the form of a smiling face made up of a harmonious fusion of two human figures of different colours, designed to represent people of different nationality, colour, age, sex and so on," he said.

Dr Lo noted that issues relating to the fundamental principle of equality and equal opportunities would also be addressed in this year's Campaign.

"In fact, the Campaign in its following two years will dedicate itself to a more thorough exemplification of these two concepts while also addressing the issue of non-discrimination," he added.

On this year's publicity campaign, Dr Lo said a lively and warm approach with examples from real life situations would be adopted to make it easier for the general public to understand how human rights were related to their everyday living.

"We have made use of interesting animation in our four TV publicity films, designed to introduce the basic concepts of human rights and expound on the ideas of equality.

"A theme song sung by famous pop-singer, Mr Lee Hak-ken, was also produced to bring out the message of equal entitlement of human rights," Dr Lo said.

He pointed out that a whole range of publicity items including posters, leaflets, MTR and bus advertisements, light electronic display, press advertisements and radio publicity were in place with a view to promoting the campaign messages to the widest audience possible.

Dr Lo added that a full-time education unit had been set up to produce a series of teaching kits catered for different age groups in the next three years.

The present plan also includes organising seminars for human resources staff in the private sector on equal opportunity and promoting the rights of children with the Hong Kong Committee for UNICEF.

"We hope that the publicity campaign, complemented by efforts of the education unit, can create an awareness of human rights issues in our society and to encourage a more extensive and active community participation in promotional and educational programmes," Dr Lo said.

"As our TV publicity film says, 'when we know all of our rights, if we protect our rights and respect the rights of others, Hong Kong will be a better place for us all'," he added.

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Social welfare In Hong Kong expands fast

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Social welfare in Hong Kong is probably expanding faster than anywhere else in the world at the present time, the Director of Social Welfare, Mr Ian Strachan, said today (Tuesday).

Addressing the Lions Club of Kowloon Central, Mr Strachan said the government's social welfare philosophy was to help, where possible, those who were in need with the ultimate aim of enabling them to help themselves.

He pointed out that five years ago the expenditure of the Social Welfare Department (SWD) was \$5 billion and this year it had increased to \$13 billion - that was compound growth of 27 per cent per year, or 260 per cent overall during this period.

"This is truly phenomenal growth," he said, adding that it would enable Hong Kong, by the year 2000 on our current planning, to have social welfare services worthy of a first world city.

Mr Strachan listed out some of the detailed planning which would enable SWD to achieve this most ambitious objective.

He noted that in 1995-96 the government would spend \$9 billion both on financial assistance and on its increasingly comprehensive health and welfare services for the elderly.

"This is an increase of 50 per cent in real terms over 1992. We are well on our way to creating a first world environment where we can meet the health, welfare and housing needs of old age," he said.

Expenditure on Comprehensive Social Security Assistance (CSSA), which had 122,000 beneficiaries, had also increased from \$1.4 billion in 1992-93 to \$4.3 billion this year, up 208 per cent, he said.

He said a major review chaired by him was examining how to improve the arrangements for social security and that a report would be made to the Secretary for Health and Welfare in early 1996.

On services for people with a disability, Mr Strachan said the government was committed to implementing the Rehabilitation Green Paper key targets (relating to 7,690 additional residential and day services places) in full by 1997.

"We recognise that amidst the many improvements we have made and are making to our services for disabled people, we must improve employment and training opportunities for them," he said.

"We are looking at, for example, the possibility of redeploying resources from the more traditional manufacturing related sheltered workshops to supported employment in the service industries, such as desk-top publishing, laundry and office cleaning services, where there is much greater potential for growth."

Pointing out that the government had made marked progress in tackling and preventing the problem of child abuse in the past year, Mr Strachan said SWD followed closely the principles laid down in the United Nations Convention on the Rights of the Child in the planning and provision of family and child welfare services.

"However, although we have increased substantially the number of trained social workers in family services centres in recent years, the caseloads carried by each professional are still far too high.

"We must provide the resources to reduce these caseloads from the present 1:73 to about 1:50, which is the standard in other developed countries," he said.

Since further improvements would cost money and require additional resources, he encouraged everyone in the social welfare sector to examine critically the need to redeploy resources and ensure that they managed their services efficiently and effectively and so obtained the best value for money for the community.

Though Hong Kong would truly have achieved first world status in the provision of social welfare, Mr Strachan stressed: "we must not then stop and be complacent."

End/Tuesday, November 14, 1995

Law Officer (International Law) appointed

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The Attorney General, Mr Jeremy Mathews, today (Tuesday) announced the appointment of Mr David John Little as Law Officer to fill the vacancy left by the departure of Mr David Edwards in the International Law Division of the Legal Department. Mr Little is currently Chief Counsel in the Securities and Futures Commission. He is expected to take up his new appointment in mid-February 1996.

Mr Little worked in Legal Department from 1975 to 1990. He held various posts in the department, reaching the rank of Principal Crown Counsel. He worked as Deputy Law Officer (International Law) from 1987 to 1990.

Mr Little is married with three sons.

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Over 6,200 agreements lodged with Land Registry in October

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A total of 6,265 sale and purchase agreements for building units, which include both residential and non-residential properties, were lodged with the Land Registry last month (October 1995).

The figure represents a decrease of 3.7 per cent from that of September 1995 and a 18.1 per cent decrease compared with October last year.

The total consideration of these agreements is \$16.51 billion, down 4.9 per cent and 29.3 per cent as compared with the amounts for September 1995 and October 1994 respectively.

The figures are contained in the monthly statistics released today (Tuesday) by the Land Registry on deeds relating to property transactions received for registration in the Urban and New Territories Land Registries last month.

Relevant statistics for September 1995 and October 1994 were provided for comparison.

Figures on sale and purchase agreements received for the past 12 months and the year-on-year rate of change were also released.

The statistics generally relate to land transactions executed up to four weeks prior to their submission for registration, as there is usually a time lag between the execution of deeds and their lodgement for registration.

End/Tuesday, November 14, 1995

Buildings Department will look into Fairview Park case

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Commenting on press reports on Fairview Park, the Director of Buildings, Mrs Helen Yu, said today (Tuesday) that the Buildings Ordinance (Application to the New Territories) Ordinance provides for the exemption of certain categories of buildings in the New Territories from some provisions of the Buildings Ordinance.

As regards to the case of Fairview Park, the Buildings Department is looking into the matter in consultation with other government departments concerned.

End/Tuesday, November 14, 1995

All postal services to Kuwait back to normal

The acting Postmaster General, Miss Nancy Law, announced today (Tuesday) that, with immediate effect, all surface mail services to Kuwait, which have been suspended since August 11, 1990, are resumed.

Following this, all postal services to Kuwait are now back to normal.

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Considerate contractors commended

The Secretary for Works, Mr H S Kwong, today (Tuesday) presented awards to nine public works contractors who had been considerate in providing a safe and healthy working environment on site to the benefit of the public.

The winners were chosen from among 28 Government contractors who participated in the Considerate Contractors Site Award Scheme organised by the Works Branch.

In recognition of their good efforts, the winners were presented with award placards for display outside their construction sites.

The participants are judged on whether the sites are safe, under good management and are being considerate to neighbours and passers-by.

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Salt water cut in Mong Kok and Sham Shui Po

Flushing water supply to some premises in Mong Kok and Sham Shui Po will be temporarily suspended from 9 am on Friday (November 17) to 9 am the following day to facilitate watermain works.

The suspension will affect Sham Shui Po, Beacon Hill and Broadcast Drive Hill.

Meanwhile, water pressure of all premises in Mong Kok will be weak because of the works.

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Hong Kong Monetary Authority tender results

| | |
|------------------------|--------------|
| Tender date | 14 Nov 95 |
| Paper on offer | EF bills |
| Issue number | Q546 |
| Amount applied | HK\$7,590 MN |
| Amount allotted | HK\$1,500 MN |
| Average yield accepted | 5.49 PCT |
| Highest yield accepted | 5.50 PCT |
| Pro rata ratio | About 2 PCT |
| Average tender yield | 5.50 PCT |

Hong Kong Monetary Authority

Tenders to be held in the week beginning 20 Nov 1995

| | | |
|-----------------|------------------|----------------|
| Tender date | 21 Nov 95 | 21 Nov 95 |
| Paper on offer | EF bills | EF bills |
| Issue number | Q547 | H578 |
| Issue date | 22 Nov 95 | 22 Nov 95 |
| Maturity date | 22 Feb 96 | 22 May 96 |
| Tenor | 92 days | 182 days |
| Amount on offer | HK\$1,500+300 MN | HK\$800+160 MN |

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Hong Kong Monetary Authority money market operations

| | \$ million | Time (hours) | Cumulative change (\$million) |
|--------------------------------|------------|-----------------|-------------------------------------|
| | ----- | ----- | ----- |
| Opening balance in the account | 2,149 | 0930 | +28 |
| Closing balance in the account | 1,626 | 1000 | +25 |
| Change attributable to : | | 1100 | +25 |
| Money market activity | +4 | 1200 | +25 |
| LAF today | -527 | 1500 | +25 |
| | | 1600 | +4 |

LAF rate 4.25% bid/6.25% offer TWI 122.2 *+0.2* 14.11.95

Hong Kong Monetary Authority

| EF bills | | EF notes | | | | |
|-----------|-------|----------|-------|--------|--------|-------|
| Terms | Yield | Term | Issue | Coupon | Price | Yield |
| 1 week | 5.20 | 2 years | 2711 | 5.60 | 99.80 | 5.79 |
| 1 month | 5.35 | 3 years | 3810 | 6.15 | 100.45 | 6.07 |
| 3 months | 5.50 | 5 years | 5009 | 6.95 | 101.60 | 6.66 |
| 6 months | 5.54 | 5 years | M502 | 7.30 | 100.72 | 7.25 |
| 12 months | 5.57 | | | | | |

Total turnover of EF bills and notes - \$10,808 million

Closed November 14, 1995

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