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## DAILY INFORMATION BULLETIN

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Wednesday, January 22, 1997

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Chief Secretary's statement

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Following is the text of the statement by the Chief Secretary, Mrs Anson Chan, at the Legislative Council Select Committee today (Wednesday):

With your permission Mr Chairman, I should like to make a statement to address the concerns that have arisen in the course of this enquiry. These concerns seem to fall into four main contentions -

- (a) that the Administration has lied and misled this Committee in an attempt to cover up the reasons behind Mr Laurence Leung's sudden departure from the Civil Service.
- (b) that the reasons provided by the Administration for Mr Leung's sudden departure do not justify such harsh treatment.
- (c) that the Governor had forced the early retirement of Mr Leung for political reasons.
- (d) that sensitive information concerning the operations of the Immigration Department had been passed on to unauthorised parties by Mr Leung.

On point (a): I wish to make it clear that the Administration has not lied nor sought to mislead this Committee. All officers appearing before Members have tried to answer questions put to them as honestly as they could bearing in mind the limitations imposed by the rule of confidentiality. As the Secretary for the Civil Service, Mr W K Lam, has made clear, it is an unwritten rule well understood by all civil servants that matters discussed between an officer and the Secretary for the Civil Service concerning personal and employment matters should remain confidential and should not be divulged publicly unless and until the officer concerned consents to disclosure. Strict adherence to this rule is crucial for the good management of the Civil Service. Mr Lam gave his word to Mr Leung that he would regard Mr Leung's retirement as a personal matter between him and the Government. Despite persistent questioning he has kept his word until Mr Leung himself waived the rule of confidentiality. I can well understand Members' frustration but until that stage, Mr Lam was simply not in a position to give this Committee as comprehensive a response as you would have liked. I hope you will make allowance for the constraints facing Mr Lam and other officers who were summoned before this Committee.

Since Mr Leung chose to waive the rule of confidentiality, Mr Lam has set out clearly the reasons for contemplating action under CR 59 against Mr Leung. Our decision was based on information gathered during the ICAC investigation, reinforced by the findings of the integrity checking which Mr Leung failed. There are no other reasons for our action.

On point (b): It has been suggested by some that non-disclosure of assets and investments and failure to repay a housing loan were mere indiscretions or technical breaches, not sufficiently serious to warrant instant dismissal or forced retirement. As head of the Civil Service, I have to say that I disagree strongly. Mr Leung has blatantly disregarded rules, despite having his attention drawn specifically to the requirements and warned of the consequences of non-compliance, that is disciplinary action or dismissal. Mr Leung headed an important disciplinary force responsible for a range of sensitive issues that could affect every man, woman and child in Hong Kong as well as overseas visitors. On his leadership depended the reputation of the entire Immigration Department, not only in the eyes of the local community but also with overseas Governments. In the course of his normal duties, Mr Leung himself would have taken disciplinary action against junior officers for similar or other breaches. Rules governing conduct and discipline apply equally to both junior and senior staff. Indeed we take a more serious view of breaches by senior staff from whom we demand a high standard of personal integrity, absolute honesty and accountable behaviour. The community would expect no less. In our view, each of the offences listed in the letter which would have been sent to Mr Leung was sufficiently serious on its own to warrant action. Taken together, they cast serious doubt over Mr Leung's integrity, character and his suitability to remain in post. These breaches and Mr Leung's failure to pass his integrity checking left us no choice but to act and to act decisively. We decided that Mr Leung must leave the service quickly. Our concern was to minimise the adverse impact on staff morale, and to avoid tarnishing the image of the Immigration Department which could in turn have undermined the confidence which other countries have in our immigration services. It was Mr Leung's own choice to retire immediately (as he was perfectly entitled to do). If Mr Leung had chosen to face action under CR 59, he would have been interdicted from duty immediately. There could be no question of his remaining in post whilst facing CR 59 proceedings. Equally, it would have been imprudent to allow Mr Leung to remain in charge of sensitive issues and systems whilst serving his period of notice, however short, given the circumstances of his departure. In this instance, it is entirely reasonable for us to require Mr Leung to leave his post with one day's notice. Indeed in the private sector, little notice is given in similar circumstances.

On point (c): As head of the Administration, the Governor is naturally consulted on any actions against senior staff. In Mr Leung's case, the Governor was kept fully in the picture but he did not at any stage issue any directive. He relied on my judgement as head of the Civil Service and I of course took into account the views of the Secretary for the Civil Service, Mr Lam and the Secretary for Security, Mr Peter Lai who was Mr Leung's immediate superior officer. We all agreed to initiate action under CR 59 unless Mr Leung chose to retire voluntarily. I wish to make it clear that no political motives were involved. The grounds for proceeding against Mr Leung have been clearly set out by Mr Lam. There are no other grounds.

On point (d): I wish to state categorically that there is no evidence to suggest that the integrity and security of any systems handled by the Immigration Department have been compromised and I include in that the process for issuing the new SAR passports. Let me address the specific newspaper allegations made against Mr Leung:

- (a) There is no evidence and no reason to suppose that Mr Leung is or was a "Chinese Agent".
- (b) There is no evidence and no reason to believe that the list of BNSS beneficiaries has been compromised. In any case, Mr Leung, as Director of Immigration, did not personally hold such a list.
- (c) Nor do we have any evidence and reason to believe that he has passed any information on asylum seekers in Hong Kong to unauthorised parties. He did not personally hold this information, nor do we have any record of his seeking to acquire it.

Mr Chairman, we have in Hong Kong a Civil Service that is the envy of many communities elsewhere. We are known for our efficiency and high standard of integrity and probity. That reputation has not come about by chance. It has been hard won by good management and scrupulous adherence to well tried rules and regulations governing civil servants' work and private lives. These rules have evolved over the years and contain sufficient checks and balance to prevent arbitrary and unfair behaviour on the part of management. They are designed as much for the protection of individual officers as to provide effective tools for the Administration to manage a body of 180,000 officers. This is not an easy task. At this sensitive and critical stage of the transition when there is concern over maintaining standards in the Civil Service after 1997, it seems to me all the more important that we should re-affirm our standards, and be seen to deal decisively with a very senior officer who by his own acts or omissions has demonstrably fallen well below the standards we expect of him and in whom we no longer have any confidence or trust.

The Administration fully accepts that it is accountable to this Legislature. At the same time, we must be allowed to manage the Civil Service and to take the necessary decisions affecting individual officer's careers. It is never easy to ask a senior colleague to leave. In the final analysis, it is a matter of judgement as to whether an officer remains suited or unsuited for high office. We have made that decision in so far as Mr Leung is concerned and we stand by that decision.

Mr Chairman, I hope that my testimony today together with Mr Lam's testimony earlier this morning will satisfy Members as to the reasons for Mr Leung's sudden departure. I urge the Committee to bring this enquiry to a close as soon as possible in order to avoid further damage to the morale and image of the Immigration Department.

Members have asked me to produce "a copy of the ICAC Investigation Report forwarded to the Administration for consideration as to whether any administrative and disciplinary action was necessary." I should explain that ~~what~~ was sent to me by the Commissioner was a letter with certain enclosures. I have taken the advice of the Commissioner and I am prepared to disclose the letter to the Committee and do my best to answer any questions thereon, in camera. Members will appreciate however that there are limits to the extent to which the inner-workings of the ICAC can be revealed without compromising its future operations and I propose therefore that further discussion on the issue be conducted in camera.

End

Chief Secretary's press statement

\* \* \* \* \*

The following is the transcript of the Chief Secretary, Mrs Anson Chan's press statement today (Wednesday) after attending a Legislative Council Select Committee meeting on Mr Laurence Leung's departure :

Chief Secretary: I am very glad to have this opportunity to appear before the select committee in order to clarify the reasons as to why we proceeded against Mr Leung and asked for his retirement from the civil service. I stressed the reasons we have already laid out very, very clearly. They have everything to do with his conduct, with his integrity and it was because he had breached fairly blatantly these regulations and rules that we no longer had confidence in his ability to continue to lead a very important disciplinary force.

I particularly feel it important to maintain the very high standard of integrity and probity that we expect of senior officers in the civil service, particularly officers who are in charge of disciplinary forces. It is crucially important to maintain the reputation of the civil service, particularly given the community's concern about maintenance of a high standard of behaviour and conduct in the civil service after 1997.

We feel within the administration that based on the actions and omissions of Mr Leung, there was full justification in requiring him to leave the service. I made it quite plain that other than the reasons that have already been clearly stated, there are no political motives. I stress, no political motives. I also clarified that we have no reason to believe and no evidence to suggest that any of the systems operated within the Immigration Department have in any way been compromised. I very much hope of course that the inquiry can be brought to a close speedily.

I have also in camera offered to disclose the letter that the Commissioner of ICAC sent to me together with certain enclosures. But members require more time to look at these papers and of course after they have perused these papers I shall be very happy to answer further questions and other officers, including the Secretary for the Civil Service and the Secretary for Security would also be happy to answer further questions arising from those disclosures.

End

CS to strengthen ties with USA

\* \* \* \* \*

The Chief Secretary, Mrs Anson Chan, will depart tomorrow (Thursday) for a visit to the United States. This is her second trip to the US since June 1996. She will be attending a conference in Monterey, and conducting speaking engagements in San Francisco, Dallas and Houston.

The first leg of Mrs Chan's visit is to Pebble Beach of Monterey. There she attends a conference organised by the Asia-Pacific Roundtable. She will deliver a speech on "HK Beyond 1997".

Upon adjournment of the three-day conference in Pebble Beach, Mrs Chan will depart for San Francisco in the evening of January 26.

While in San Francisco, Mrs Chan will visit the University of California, Berkeley where she will address a luncheon hosted by Chancellor Tien. She will renew her business contacts there.

She will deliver a keynote speech on January 28 at the luncheon jointly hosted by The World Affairs Council of Northern California, Hong Kong Association of Northern California and The Commonwealth Club of California.

Mrs Chan will arrive at Dallas, Texas in the evening of January 28. There she will meet Mayor Kirk of Dallas the following day and deliver a keynote speech at the inauguration dinner of the Hong Kong Association of Northern Texas.

The last stop of Mrs Chan's visit is Houston where she will have a private meeting with the former US President George Bush and call on Mayor Robert Lanier. She will deliver a keynote address at a luncheon meeting hosted by the Houston Forum and the Asia Society.

At the gala dinner hosted by the Asia Society the following evening, she will receive an award in recognition of her contribution to international understanding and an honorary citizen award of the City of Houston.

Mrs Chan will be back to Hong Kong in the evening of February 3.

End

Governor to inspect CSD annual parade

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The Governor, the Rt Hon Christopher Patten, will take the salute at the annual inspection of the Correctional Services Department (CSD) this Friday (January 24) at the CSD Staff Training Institute in Stanley.

Mr Patten will also present Colonial Prison Service medals to 30 CSD officers.

The ceremony will feature pipers and marching performances by inmates of the Tai Tam Gap Correctional Institution and the marching band of inmates of the Cape Collinson Correctional Institution.

End

Fee revision to operate ropeways and lifts and escalators

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The Government proposed that specific fees charged under the Aerial Ropeways (Safety) Ordinance and the Lifts and Escalators (Safety) Ordinance would be increased with effect from 8 March 1997, subject to the Legislative Council's approval.

A Government spokesman today (Wednesday) said the proposed general rate of increase was 9 per cent which was based on the movement of the Government Consumption Expenditure Deflator. Regarding the fees for registering as aerial ropeways operator and for amending their limited certificates, the proposed increase was 44 per cent.

"These two items were last revised based on a two-year cost recovery phasing programme. This year is the last phase of the programme and the proposed increase is to achieve full cost recovery," the spokesman said.

"Although the 44 per cent increase which is proposed in accordance with this principle appears to be quite high, the monetary increase is only \$390.

"The impact on the operating cost of the single aerial ropeways operator in Hong Kong is therefore minimal," he added.

End

#### Workload of language teachers to be reviewed

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The Education Department has commissioned the Hong Kong Institute of Education (HKIEd) to conduct a review of the workload of language teachers in primary and secondary schools in a bid to improve language teaching and learning.

The review, which was recommended in Education Commission Report No 6, is to find out whether the total workload of these teachers, including preparation, delivery and marking, is in general no greater than that of teachers of other subjects.

It was also recommended that the teaching methods for language subjects, the curriculum and examinations should all be reviewed as they affect the acquisition of language proficiency and have a bearing on teachers' workload.

The review by the Hong Kong Institute of Education will take place from this month (January) until April 1997, and will involve a survey through questionnaires and interviews, followed by consultation.

The Education Department called on teachers, school principals and related educational organisations to co-operate with the researchers if they are approached for assistance.

An Education Department working group formed in response to the Education Commission recommendation will monitor the progress of the HKIEd review, discuss the survey findings and make recommendations to the Director of Education.

End

Hong Kong Monetary Authority Interbank Liquidity

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		Time	Aggregate Balance of Settlement  Accounts
Opening aggregate balance	530 mn	0930 hr	8,105 mn
Closing aggregate balance	695 mn	1000 hr	9,857 mn
Change attributable to :		1100 hr	19,141 mn
Money market activity	-39 mn	1200 hr	19,145 mn
LAF reversal	+6,521 mn	1500 hr	22,553 mn
LAF today	-6,317 mn	1600 hr	34,714 mn

LAF rate 4.00% bid/6.00% offer TWI 126.4 \*+0.1\* 22.1.97

Hong Kong Monetary Authority

EE bills		EF notes/MTRC notes				
Terms	Yield	Terms	Issue	Coupon	Price	Yield
1 week	4.13	2 years	2811	5.72	100.26	5.64
1 month	4.32	3 years	3001	6.17	100.28	6.16
3 months	4.51	5 years	5112	6.57	100.35	6.59
6 months	4.75	7 years	7311	6.80	100.54	6.81
12 months	5.09	10 years	1610	7.37	103.28	7.02
		5 years	M503	7.35	102.25	6.88

Total turnover Of Ef bills and notes - \$37,208 mn

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End





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Administration of Justice (Miscellaneous Provisions) Bill

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Following is a speech by the Attorney General, Mr Jeremy Mathews, in moving the second reading of the Administration of Justice (Miscellaneous Provisions) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Administration of Justice (Miscellaneous Provisions) Bill 1997 be read the second time. The Bill aims to amend seven Ordinances which relate to the administration of justice and which need revision or improvement, and to repeal eight Ordinances which are no longer needed or do not suit Hong Kong's present circumstances. The main elements of the Bill are as follows.

Part II of the Bill amends the Supreme Court Ordinance, the District Court Ordinance, the Small Claims Tribunal Ordinance and the Coroners Ordinance to modernize the qualifications for judicial appointment under those Ordinances.

At present, some of the professional qualifications and post-qualification experience required for judicial appointment contain colonial connotations. For example, under section 5 subsection (1) of the District Court Ordinance, no person shall be appointed to be a District Judge unless, among other matters, "he is qualified to practise as an advocate or as a solicitor in a court in England, Scotland, Northern Ireland or some other part of the Commonwealth or the Republic of Ireland having unlimited civil or criminal jurisdiction in that country". There are similar provisions in the Small Claims Tribunal Ordinance and the Coroners Ordinance. Furthermore, under section 9 subsection (2) of the Supreme Court Ordinance, service as a member of the Colonial Legal Service, the Legal Branch of Her Majesty's Overseas Civil Service, or Her Majesty's Overseas Judiciary is recognized as relevant experience in the consideration of a person's qualification for appointment as a judge of the Supreme Court. It is necessary to modernize these outdated provisions.

We propose to replace those overseas qualifications by a standard requirement that, to be eligible for judicial appointment, an applicant who is not qualified to practise in Hong Kong as a barrister or solicitor must be qualified to practise as an advocate in a court in another common law jurisdiction. This is consistent with Article 92 of the Basic Law, which provides that judges and other members of the judiciary of the Hong Kong Special Administrative Region shall be chosen on the basis of their judicial and professional qualities and may be recruited from other common law jurisdictions, and will also assist Hong Kong in retaining its links with the common law world.

Although this is not the purpose of the proposal, the amendments will also have the effect of widening the pool of eligible candidates for judicial appointment. For example, an overseas advocate with no Hong Kong or colonial experience is at present eligible for appointment as a High Court judge only if he has 10 years' experience as an advocate or solicitor in the United Kingdom or the Republic of Ireland. Under the proposed amendments an advocate with 10 years' experience in any common law jurisdiction will be eligible. I would, however, emphasize that the Judiciary remains committed to attracting Hong Kong lawyers to become judges and magistrates.

Part III of the Bill amends the Application of English Law Ordinance and the Defamation Ordinance in order to tidy up the legislative provisions concerning the functions of the judge and jury in a trial on indictment for criminal libel. At present, the Application of English Law Ordinance provides that the English Libel Act 1792 applies in Hong Kong. That Act states that it is the members of the jury, rather than the judge, who are to decide whether the words complained of in a libel case refer to the plaintiff, and whether the words have a defamatory meaning. We propose to amend the Defamation Ordinance to include provisions similar to those in the Libel Act. Consequently, the Bill provides for the reference to the Act in the Application of English Law Ordinance to be repealed.

Part IV of the Bill repeals the General Loan and Stock Ordinance, the Hong Kong Treasury Bills (London) Ordinance, the Public Stores Ordinance, the Essential Commodities Reserves Ordinance, the Law Reform (Miscellaneous Amendments) Ordinance, the Norwegian Seamen's Mission Incorporation Ordinance, the Institute of the Soeurs des Missions Etrangeres Incorporation Ordinance and the Hong Kong General Chamber of Commerce Special Relief Fund Ordinance. These Ordinances are either redundant or no longer suitable to Hong Kong and should be repealed.

Finally, Part V of the Bill amends the Magistrates Ordinance in respect of the proof of service of a summons. At present, under section 8 subsection (3) of the Magistrates Ordinance, a statutory declaration made by a police officer or bailiff stating that he personally delivered a summons to the person named in the summons is admissible as evidence of service without further proof. However, such a declaration only covers a situation where the summons was personally delivered to the relevant person. Where the summons was left with a third person at the recipient's last or most usual place of abode, the person serving the summons must currently appear in court to give evidence of its service. This has resulted in the inefficient deployment of the police officer's or bailiff's time. The proposed amendment to section 8(3) will recognize a statutory declaration as proof of service where the summons was left with a third person at the recipient's last or most usual place of abode.

Mr President, this Bill is a further move to modernize and tidy-up outdated or redundant legislative provisions. I commend it to this Council for early passage into law.

End

Auxiliary Forces Pensions (Miscellaneous Amendments) Bill 1997

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the second reading of the Auxiliary Forces Pensions (Miscellaneous Amendments) Bill 1997 in the Legislative Council today (Wednesday):

Mr President,

I move that the Auxiliary Forces Pensions (Miscellaneous Amendments) Bill 1997 be read a second time.

This Bill seeks to introduce a unified scheme of calculation and payment of pensions and gratuities for the auxiliary forces.

Members of the auxiliary forces, unlike civil servants, are not eligible for pension emoluments upon normal retirement. However, a pension and/or a gratuity may be awarded to a member or his dependants if he is permanently injured or killed in connection with his duties. The payment of such pension and gratuity is provided for in the respective Ordinances of individual auxiliary forces.

There are a number of deficiencies in the present legislation concerning the calculation and payment of pensions and gratuities to members of the different auxiliary forces. For instance, the widow and dependants of a deceased member would be eligible for pension benefits, but not the widower and dependants if the deceased member is a female. There are differences in the calculation and payment of pensions for different auxiliary forces, and existing legislation does not provide for the necessary medical treatment for a member of the auxiliary forces who has retired because of an injury sustained in the course of his/her duty.

The Auxiliary Forces Pensions (Miscellaneous Amendments) Bill 1997 aims to provide a common basis and benchmark for the calculation of pensions and gratuities for different auxiliary forces in order to ensure fairness and uniformity. It will also bring the system for auxiliary forces into line with that for the Civil Service.

Under the unified scheme as provided for in the Bill -

- (a) an injury pension will be granted to a member who is permanently injured while on duty and whose service has to be terminated. Such an injury pension will be exempt from salaries tax;

- (b) a death gratuity will be granted to a member who dies as a result of any injury sustained in the discharge of his duty;
- (c) in addition to death gratuity, a dependant pension will be paid to the spouse, covering both widows and widowers, and the dependants of a member who dies as a result of any injury sustained in the discharge of his duty;
- (d) increases to pensions will be paid in line with those applicable to members of the Civil Service; and
- (e) free medical treatment in respect of injuries sustained in the course of duty will be provided to a member who has retired because of that injury.

The Legislative Council Panel on Security was briefed on 28 October 1996 on the proposed legislation, and has not raised any queries. Early enactment of this Bill will be welcomed by members of the Auxiliary Services, who have done and will continue to do so much in support of the overall Government's efforts to maintain order, security and safety of the community. I urge Honourable Members to give this Bill speedy consideration.

Thank you, Mr President.

End

#### Efforts made to help CSSA recipients find jobs

\* \* \* \* \*

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 continuing increase in the number of Comprehensive Social Security Assistance ("CSSA") cases in the unemployed and low-income categories in recent years, will the Government inform this Council:

- (a) of the measures in place to assist CSSA recipients in the unemployed and low-income categories to regain employment and to increase their income;
- (b) whether it will strengthen the liaison between the Labour Department and the Employees Retraining Board so as to promote the Employees Retraining Scheme (the "ERS") actively among CSSA recipients and encourage them to enrol in the ERS courses;
- (c) how many of the 90000-plus workers who have undergone retraining under the ERS -
  - (i) are CSSA recipients, or
  - (ii) have now regained employment and are no longer receiving assistance under the CSSA Scheme, together with a breakdown of the trades in which they are engaged and the types of jobs in which they are employed; and
- (d) whether consideration will be given to requiring all CSSA recipients eligible for receiving ERS retraining to enrol in the ERS courses, so as to increase their chances of regaining employment; if not, why not?

Reply:

Mr President,

First of all, I would like to thank the Hon CHENG Yiu-tong for this timely question on retraining for the unemployed, as the Employees Retraining Scheme is currently under review. My answer is as follows:

- (a) It is Government policy to help CSSA recipients who have the ability to work to join the workforce so that they can support themselves rather than rely on social welfare. Under the CSSA Scheme, able-bodied adults aged between 15 and 59 are required to register with the Labour Department for employment assistance. The Local Employment Service (LES) of the Labour Department provides job seekers with a full range of employment services. Priority to such services is given to CSSA recipients. They can either choose to use the self-help mode of employment service or join the Job Matching Programme which provides in-depth interviews and counselling as well as job matching and placement services. For disabled CSSA recipients who wish to seek open employment, the Selective Placement Division of the Labour Department provides specialised placement services for them.

In addition, the Employees Retraining Board (ERB) offers a wide range of courses to help displaced workers acquire new or enhanced vocational skills which will facilitate them to find alternative employment. Many training bodies also provide placement services for retrainees. As an added incentive to CSSA recipients who are unemployed to receive retraining and actively look for work afterwards, any retraining allowance they receive is disregarded when determining their CSSA entitlements.

- (b) The Labour Department and ERB maintain close liaison at both policy making and working levels. The Commissioner for Labour is a member of the ERB. She actively participates in formulating the retraining policy and monitoring the effectiveness of the Employees Retraining Scheme. At the working level, the LES and ERB maintain close ties in the referrals of job seekers for retraining. Leaflets introducing the Employees Retraining Scheme and monthly prospectus of the retraining programmes are distributed at all the nine LES centres and the Job Matching Centre of the Labour Department. For those CSSA recipients who are actively looking for jobs but require retraining to improve their job search skills and those who wish to acquire new vocational skills, they will be referred to the ERB and accorded priority in enrolling in suitable courses to enhance their employability.
- (c) The Employees Retraining Scheme (ERS) is primarily designed to help the unemployed to re-enter the labour market through retraining, irrespective of whether they are CSSA recipients or not. Hence, retrainees are not required to provide information as to whether or not they are CSSA recipients.
- (d) The Administration will consider the possibility of requiring CSSA recipients eligible for receiving ERS retraining to enrol for ERB courses.

End

### Supplementary Labour Scheme

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

Question:

As the number of imported labour approved under the Supplementary Labour Scheme has exceeded the quota of 2000. Will the Government inform this Council whether:

- (a) the Labour Advisory Board will stop vetting applications for import labour quota thus putting the Supplementary Labour Scheme to a halt; and whether the industrial and commercial organisations in the territory should continue to apply for imported labour to fill those job vacancies where local employees are not available; and
- (b) there is an upper limit on the quota under the Supplementary Labour Scheme, if so, what the exact number is?

Reply:

Mr President,

The twin objectives of the Supplementary Labour Scheme (SLS) are -

- (a) to ensure that local workers have priority in employment; and
- (b) to allow those employers who have proven difficulties in recruiting suitable local workers to import foreign workers to fill the necessary vacancies.

The objectives and main features of the SLS were drawn up following extensive public consultations and have been broadly accepted by employer and employee representatives and the community at large.

Under the SLS, the Labour Advisory Board (LAB), which is a tripartite body made up of representatives in equal numbers from employers and employees as well as the Labour Department, is consulted on all eligible applications. As the Secretary for Education and Manpower, I am grateful to the LAB for its thorough examination of these applications. Since the SLS commenced operation on 1 February 1996, I have accepted in full the advice from the LAB on whether an application should be approved or rejected.

So far, approval-in-principle for the importation of 2458 workers has been granted under the SLS. As at 18 January this year, out of the 1289 visa applications received, the Immigration Department has approved a total of 485 visas for importation of labour.

As regards part (a) of the question, the LAB has been most responsible in its monitoring role, and it continues to examine eligible applications and renders advice to the Government. It is therefore open to industrial and commercial organizations to apply for imported workers under the SLS if they believe they have genuine difficulties in recruiting suitable local workers. In this respect, all eligible applications must undergo a local recruitment exercise, which includes advertising the vacancies in local newspapers and joining the Labour Department's Job Matching Programme, before they can be further considered by the LAB.

As regards part (b) of the question, unlike the previous General Labour Importation Scheme, the SLS considers applications for imported workers on a case by case basis. There is therefore no quota ceiling under the SLS.

When the SLS was launched, the Government undertook to conduct a review of the scheme in consultation with the Labour Advisory Board to ensure that the SLS is achieving its policy objective when a total of 2 000 visa applications have been approved, that is to say, when 2,000 imported workers have arrived or will soon arrive in Hong Kong. This was explained clearly in the Legislative Council Brief - "Importation of Labour : The Way Forward", issued to Members on 9 January 1996. I have since reiterated the Government's position on various occasions.

End

#### Action against unauthorised building works

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Following is a question by the Hon Zachary Wong and a 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 number of cases involving the illegal alteration or redevelopment of small houses on private rural building lots in the New Territories over the past three years;
- (b) whether there are any laws prohibiting the carrying out of such works; and
- (c) if the answer to (b) is in the affirmative, whether any prosecutions have been instituted over the past three years against the property owners in the cases mentioned in (a) above; if so, of the total number of prosecutions instituted and the highest and lowest penalties imposed amongst the successful prosecutions; if not, why not?

Answer:

Mr President,

- (a) The Government does not have records on illegal alteration or redevelopment of small houses on private rural building lots in the New Territories. However, over the past three years, the Buildings Department has received a total of 784 complaints about unauthorised building works relating to New Territories Exempted Houses (NTEHs), including small houses, either from the public or Government departments.

These complaints concern three main areas, namely NTEHs built without obtaining certificates of exemption under the Buildings Ordinance (Application to the New Territories) (Cap 121), NTEHs built larger than the specifications stipulated under the Ordinance, and additional structures to NTEHs in the form of roof-top structures, additional storeys, or enclosed balconies;

- (b) the Buildings Department may take enforcement action against any building works relating to an NTEH which are in breach of the specifications laid down in the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121) and are in contravention of the Buildings Ordinance (Cap 123). However, building works relating to an NTEH can be exempted from the Buildings Ordinance (Cap 123) if certificates of exemption are obtained from the Director of Lands under Cap 121. In non-compliance cases, the Director of Lands may consider retrospective approval if the NTEH does not breach the specifications under Cap 121 nor the lease conditions. If necessary, he may take lease enforcement action (including re-entry of the land) under the Crown Rights (Re-entry and Vesting Remedies) Ordinance (Cap 126); and

- (c) the Buildings Department's current practice, in both the urban area and New Territories, is to take enforcement action against unauthorised building works if they pose a danger to life and property. The Department has examined each of the complaints in (a) above, and confirmed that the cases did not pose a danger to life and property. On the other hand, the Lands Department may take lease enforcement action on breaches of lease conditions leading to re-entry/vesting of the property concerned. The Department also intends to register, in the Land Registry, a notice of a breach of lease conditions against the titles of properties with unauthorised building works. The notice would warn of the breach and the intended formal lease enforcement action. Such a registration is likely to put pressure on the offender to rectify the breach if he intends to sell his property.

It is our wish to tackle the problem more actively in the future. To this end, the Lands Department intends to conduct a sampling survey to quantify the extent of the present problem. On the basis of such information, we will consider how the current policy and procedures should be amended and whether additional resources are required.

Furthermore, one of the conditions for rates exemption for village houses inhabited by indigenous villagers is that the house is free from illegal structures. If illegal structures are found in subsequent random checks, the rates exemption will be withdrawn.

End

#### Issue of medical certificates to patients

\* \* \* \* \*

Following is a question by the Hon Chan Yuen-han and a reply the the acting Secretary for Health and Welfare, Mrs Doris Ho, in the Legislative Council today (Wednesday):

Question:

Regarding the issue of medical certificates by medical officers in public hospitals, does the Government know:

- (a) of the criteria adopted by the public hospitals under the management of the Hospital Authority for determining the level of the fee charged on medical certificates issued to patients, and the proportion of the fee charged to the cost involved in issuing such a certificate;
- (b) the respective figures on the number of medical certificates issued by medical officers in public hospitals and the income therefrom in each of the years since the establishment of the Hospital Authority; and
- (c) the reasons usually put forward by patients in requesting medical officers in public hospitals to issue them with medical certificates; and the average time taken by the medical officers concerned in issuing medical certificates to patients?

Mr President,

- (a) I would like to start by explaining the different types of documents pertaining to a patient's conditions issued by the Hospital Authority in order to avoid any misunderstanding.

The Hospital Authority issues certificates to patients at their requests, which are usually in a standard form, or in a memo or letter format. A certificate contains very little clinical information on the patient and is usually for the purpose of certifying sick leave or fitness or unfitness of a patient to perform duty.

On the other hand, medical reports issued by the Hospital Authority contain detailed information on the medical history and conditions of individual patients.

Not all certificates and medical reports are issued at a charge. For example, certificates issued for sick leave purposes or for certifying fitness or unfitness to perform duty are issued free of charge. Medical reports requested by a non-Hospital Authority medical practitioner for the sole purpose of continued care by that medical practitioner are also issued free of charge. For certificates and medical reports issued for other purposes, a fee varying from \$555 to \$2,200 per certificate or medical report is charged.

The underlying principle for charging or not charging for this service is that where the certificate or medical report has a direct bearing on the immediate care of the patient, no charge is levied. Where the certificates or medical reports requested have no direct bearing on medical care or treatment of the patient, such as in the case of medical reports issued for legal proceedings, a fee is charged which covers the cost involved in the production of these documents, and is non-profit making.

- (b) The total number of medical certificates and reports requiring a fee issued to patients was 25,000 in 1994/95 and 28,000 in 1995/96, with a corresponding income of \$11 million and \$14 million respectively. The figures in 1991/92, 1992/93 and 1993/94 are not available as they were not collected in those years by the hospitals.
- (c) Some of the most common reasons for requesting certificates and medical reports include legal proceedings; immigration applications; insurance or employee compensation claims; and sick leave. The time required to produce such documents is influenced by the level of complexity involved. Simple certificates certifying sick leave are issued on the spot while the compilation of a medical report could take four to six weeks.

End

#### Criteria for turning rental flats into flats for sale

\* \* \* \* \*

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

Question:

It is learnt that upon the completion of the redevelopment projects at Kwun Lung Lau and Tanner Hill Estate, the Hong Kong Housing Society (the Society) will put the units of the two housing estates up for sale, as opposed to the existing units in these two housing estates being put to rental use. In this connection, will the Government inform this Council of the criteria adopted in permitting the Society to sell the units of the redeveloped Kwun Lung Lau and Tanner Hill Estate?

Answer:

Mr President,

In deciding whether a redevelopment site will be used for building flats for sale or rental flats, the Hong Kong Housing Society takes into account the demand for subsidised home ownership flats generally and by Housing Society tenants.

The decision to redevelop a particular estate is taken by the Executive Committee of the Housing Society. Such a decision does not require the policy approval of the Government. If a site is to be converted from rental use to flats for sale, the Housing Society is required to apply to the Lands Department for lease modification.

End

#### Fund-raising activities on flag days

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Following is a question by the Hon Li Wah-ming and a written reply by the acting Secretary for Health and Welfare, Mrs Doris Ho, in the Legislative Council today (Wednesday):

Question:

Regarding fund-raising activities on "flag days", will the Government inform this Council:

- (a) of the following in each of the past three years -
  - (i) the number of charitable organizations which applied for permission to sell flags to raise funds;
  - (ii) the organisations whose applications were approved and the dates of the "flag days" allocated to these organisations;
  - (iii) the organisations whose applications were rejected and the reasons for rejection;

- (b) of the criteria adopted for granting approval to such applications and for determining the allocation of the "flag days"; and
- (c) whether an organisation permitted to raise funds on a "flag day" in a year is required to raise a specified amount of money in order to gain permission to sell flags to raise funds in the following year; if so, what the reasons are?

Reply:

- (a) (i) The Social Welfare Department received applications from 68, 70 and 91 organisations to hold "flag days" in 1995, 1996 and 1997 respectively.
- (ii) A total of 50, 52 and 52 organisations were approved to hold "flag days" in, respectively, 1995, 1996 and 1997.
- (iii) The main reasons for rejection were as follows:
  - (1) the purpose of flag day is outside the ambit of welfare/medical/community services;
  - (2) the amount of donation required is relatively small and can be met by other forms of fundraising;
  - (3) the amount of funds raised by the applicant in a previous flag day is well below average compared with net proceeds raised in flag days in that year;
  - (4) the applicant's expenses ratio in a previous flag day exceeded 10% of its gross proceeds.

Where the number of organisations that meet the assessment criteria exceeds the number of "flag days" available in a year, the Social Welfare Department will allocate the "flag days" by ballot.

- (b) The Director of Social Welfare has developed a set of general criteria for assessing applications in consultation with the Subventions and Lotteries Fund Advisory Committee (SLFAC). They include the following -

- \* the applicant must demonstrate to be of good integrity, and have good management capability and performance record of its services;
- \* funds raised must be used to support charitable activities. Priority will be given to those applications relating to the provision of essential social welfare, medical and health services to meet local needs;
- \* the applicant must demonstrate a genuine need for fundraising. The Department would assess the applicant's financial status based on the annual statement of account taking into consideration its operating deficit or surplus, amount of usable reserve and the availability of other sources of funding; and
- \* the applicant must have the ability to organise a flag day effectively.

The Community Chest and six specified organizations, namely the Tung Wah Group of Hospitals, the Po Leung Kuk, the Pok Oi Hospital, the Yan Chai Hospital, the Yan Oi Tong and the Lok Sin Tong Benevolent Society Kowloon are automatically allocated a flag day every year in recognition of their long standing contributions to help the disadvantaged and vulnerable groups in our community.

- (c) As explained in para (a)(iii)(3) above, one of the reasons based on which an application for fundraising is rejected is that the amount of funds raised by the applicant in a previous flag day is well below average compared with the net proceeds raised in flag days in that year. However, the Director of Social Welfare would take into account justified causes such as inclement weather before taking a decision on whether to reject the application on such ground. This requirement is to ensure that organisers will make the best use of the limited number of "flag days" to maximise proceeds.

End

Buildings identified for comprehensive improvement

\* \* \* \* \*

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

Question:

At the meeting of the Home Affairs Panel of the Legislative Council held on December 20 last year, the Government informed the Panel that about 1,000 private buildings in the territory with potential fire and safety hazards had been put on a "watchlist". It is learnt that a total of 331 of these buildings are located on Hong Kong Island. In this connection, will the Government provide this Council with a list of the names and addresses of the 331 buildings located on Hong Kong Island?

Reply:

Mr President,

The Home Affairs Department's District Offices in Eastern, Wanchai and Central & Western, like their counterparts in other districts, co-ordinate government efforts in assisting the owners concerned in enhancing the management of private buildings. This is done through Building Management Co-ordination Teams (BMCT) which include professional officers seconded from the Housing Department. The BMCTs identify buildings with building management problems and select them as the target for comprehensive building management improvement. Buildings so targeted may not necessarily be those with potential fire and safety hazards. Moreover, the Home Affairs Department does not use the term "watchlist" but simply regards such buildings as those which can benefit from additional co-ordination efforts to improve their management.

End

High occupancy rate in Housing Society's rental flats

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

Question:

Regarding rental flats under the management of the Housing Society (HS), does the Government know:

- (a) of the total number of rental flats managed by the HS;
- (b) of the proportion of vacant rental flats to the total number of rental flats, together with the number of such flats being left vacant for over a year, in each of the past five years; and
- (c) whether the HS has considered lowering the rent of the flats being left vacant for over a year so as to attract potential tenants?

Answer:

Mr President,

The Hong Kong Housing Society manages 33,271 rental flats. In the past five years, the average occupancy rate is about 99%. Details are given as below:

Average occupancy rate

1991-92	99.3%
1992-93	99.1%
1993-94	99.2%
1994-95	99.6%
1995-96	99.1%

In the past five years, only about 30 rental flats in Kwun Lung Lau have been left vacant for over a year, in order to facilitate slope repair following the slope failure in 1994.

As the rental flats are popular and the vacancy rate is minimal, there is no need to lower rents.

End

Psychiatric services in public hospitals

\* \* \* \* \*

Following is a question by Dr the Hon Huang Chen-ya and a written reply by the acting Secretary for Health and Welfare, Mrs Doris Ho, in the Legislative Council today (Wednesday):

Question:

Is the Government aware of the following data in public hospitals in 1995-96:

- (a) the respective numbers of psychiatric patients and non-psychiatric patients who were hospitalised and the respective numbers of psychiatric patients and non-psychiatric patients who attended the out-patient departments;
- (b) the respective numbers of psychiatric and non-psychiatric patients who were hospitalised for more than 28 days; and
- (c) the establishment and strength of medical doctors and nurses in psychiatric service and non-psychiatric service respectively?

Reply:

Activity statistics are captured by the Hospital Authority based on the number of in-patient discharges rather than individual patients. In 1995/96, there were 8,709 discharges from psychiatric hospitals and units compared with 644,779 discharges from non-psychiatric hospitals and units. Among these cases, a total of 5,199 (59.7%) were involved with psychiatric patients and 27,820 (4.3%) with non-psychiatric patients whose length of hospital stay exceeded 28 days. The number of out-patient attendance for psychiatric and non-psychiatric patients during this period were 320,369 and 3,832,335 respectively.

The planned staffing positions and actual strength of medical and nursing staff providing psychiatric and non-psychiatric services as at March 1996 are as follows:

		<b>Planned Staffing Positions</b>	<b>Actual Strength</b>
Medical staff	Psychiatric	167	161
	Non-psychiatric	2,814	2,808
Nursing staff	Psychiatric	1,893	1,866
	Non-psychiatric	16,872	16,772

End

Criteria for appointing judges and judicial officers

\* \* \* \* \*

Following is a question by the Hon Chim Pui-chung and a written reply by the Chief Secretary, Mrs Anson Chan, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of the criteria adopted for appointing judges to the different levels of the court?

Reply:

Judges and judicial officers are selected on the basis of their judicial and professional qualifications. They are appointed by the Governor on the advice of the Judicial Service Commission. Their qualifications are stipulated in the legislation relevant to their respective tiers of the courts.

End

Overseas medical students

\* \* \* \* \*

Following is a question by the Hon Emily Lau and a written reply by the acting Secretary for Health and Welfare, Mrs Doris Ho, in the Legislative Council today (Wednesday):

Question:

Under the Medical Registration (Amendment) Ordinance 1995 which came into effect on 1 September last year, all medical graduates other than those of the local universities have to pass the Universal Licensing Examination before they can practise medicine in the territory. In this connection, will the Government inform this Council:

- (a) of the number of local residents who, before the commencement of the above Ordinance, had already enrolled in courses at recognised overseas medical institutions and are therefore exempted from the former Licentiate Examination; whether there are any of these students who are not eligible for taking the Universal Licensing Examination and if so, what the details are; and whether such students will, in consequence, become ineligible for registration as medical practitioners in the territory;

- (b) whether the Government has advised the overseas medical institutions concerned of the amendments to the Medical Registration Ordinance; if not, when such institutions will be advised; and
- (c) whether the students mentioned in (a) above will be given a grace period so that they can be exempted from taking the Universal Licensing Examination; if not, what other kinds of assistance will be provided to these students?

Reply:

- (a) We have no information on the number of Hong Kong residents who were enrolled in courses at recognised overseas medical institutions exempted from the former Licentiate Examination requirement prior to the commencement of the Medical Registration (Amendment) Ordinance 1995.

Some individual students, studying medicine in Australia and Ireland, have informed the Hong Kong Medical Council that they feared they might have difficulty in securing internship training overseas which is a requirement for candidates of the Licensing Examination under the Medical Registration (Amendment) Ordinance 1995. To date, the Hong Kong Medical Council has been able to resolve satisfactorily all cases seeking the Council's help by approaching the overseas Medical Councils. At present, we are not aware of any student studying medicine abroad who cannot fulfill the requirements to sit the Licensing Examination.

- (b) Upon enactment of the Medical Registration (Amendment) Ordinance in 1995, the Hong Kong Medical Council wrote to overseas Medical Councils including UK, Ireland, Australia and New Zealand to set out the details of the amendments to the Medical Registration Ordinance and to explain the new requirements. In mid-1996, the Hong Kong Medical Council through the Hong Kong Government Office in London issued a press release, informing the Hong Kong medical students in UK the details of the amendments and the implementation date.
- (c) The Ordinance does not provide a grace period for the Hong Kong medical students under (a) above. Other than assisting these medical students in satisfying the requirement for internship in order to qualify for the Licensing Examination, the Hong Kong Medical Council announced in November 1996 that it would use administrative measures to facilitate them to register in Hong Kong, for example:

- (i) the Hong Kong Medical Council will try to minimize the time gap between the holding of different parts of the Licensing Examination so that the medical graduates may complete the entire examination within the shortest time span;
- (ii) the medical graduates may be exempted from taking Part II (Use of Professional English) of the Licensing Examination provided that English is used as the medium of instruction in the course of their medical training;
- (iii) the Hong Kong Medical Council will recommend to the Council's Licentiate Committee to consider adjusting the 12 months' period of internship training following the Licensing Examination, on the basis of individual performance and upon application by the medical graduates concerned.

These medical graduates may also be able to serve the community under limited registration if they obtain employment in those institutions specified under the Medical Council's Promulgation (No. 2) i.e. the University of Hong Kong, the Chinese University of Hong Kong, the Department of Health and the public hospitals administered by the Hospital Authority. While serving under limited registration, they can apply for and complete the Licensing Examination.

End

Conventional door-phone systems well received

\* \* \* \* \*

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

Question:

At present, all new public housing blocks are equipped with door-phone systems ("the old systems"). In this connection, does the Government know:

- (a) of the names of the housing estates, and the total number of public housing flats involved, which are equipped with the old systems, together with the total costs of the installation of the old systems in these estates;

- (b) whether those public housing flats already equipped with the old systems will switch to the entry phone control systems ("the new systems"); if so, what the reasons are and how the authority concerned will dispose of the old systems;
- (c) of the names of the housing estates, and the total number of public housing flats involved, which will be equipped with the new systems, together with the total costs of the installation of the new systems in these estates; and
- (d) of the number of public housing blocks under construction which will not be equipped with the new systems because the tendering procedures for the installation of the old system in these housing blocks have been completed?

Answer:

Mr President,

Details of public housing estates, involving 24,937 rental flats, which are equipped with conventional door-phone systems, are given at Annex A. The total installation cost is about \$26 million.

The conventional door-phone systems have generally been well received by residents. There is no plan to replace these systems by the telephone-entry door-phone systems. However, in 11 blocks within four estates, involving 7,335 flats, where a large amount of door-phone circuit wiring has become faulty as a result of tenants changing the location of their handsets without permission, the conventional door-phone systems are being replaced by telephone-entry door-phone systems. Details of the housing estates concerned are at Annex B.

Details of public housing estates, involving 198,449 rental flats, which are equipped or will be equipped in the near future with telephone-entry door-phone systems, are given at Annex C. The total installation cost is about \$4.7 million.

The conventional door-phone system will be installed in all the 73 new public housing blocks now under construction. The Housing Department will conduct an overall review later this year of the effectiveness of the different types of security systems used in public housing estates.

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Annex A

**Public rental housing blocks  
equipped with conventional door-phone systems**

Estate	Number of blocks	House	Number of flats
Shek Lei I	1	Shek On	681
Ko Yee	2	Ko Chi	420
		Ko Yuen	491
Lok Fu	4	Lok Him	360
		Lok Tsui	360
		Lok Man	340
		Lok Tai	460
Yiu Tung	2	Yiu On	360
		Yiu Fung	375
Choi Fai	2	Choi Wah	681
		Choi Yip	681
Ka Fuk	3	Fuk Tai	454
		Fuk Lok	723
		Fuk On	681
		Block 5A**	145
Wah Sum (Phase 1)	2	Wah Koon	671
		Wah Min	665
		Block 6A**	145
Shek Yam East (Phase 1)	3	Yam Yue	754
		Yam Hing	757
		Yam Heng	759
		Block AX**	145

\*\* Annex block to the existing block

Estate	Number of blocks	House	Number of flats
Sau Mau Ping (Phase 3)	2	Block 3	749
		Block 4	830
Tsui Ping	4	Tsui Wing	827
		Tsui Heng	827
		Tsui Hon	749
		Tsui Lok	749
Tsz Oi (Phase 2)	2	Block B	390
		Block BX	145
Hing Tung (Phase 2)	3	Hing Cho	681
		Hing Fung	681
		Hing Hong	681
Ming Tak (Phase 1)	2	Ming Kok	788
		Ming Toa	775
Kam Peng	1	Kam Peng	255
Kwai Fong (Phase 4)	2	Kwai Ching	795
		Kwai Ming	798
MOS Area 90 (Phase 1)	1	Chung Tak	787
Lam Tin (Phase 1)	3	Block 4	759
		Block 2	750
		Block 3	813
<b>Total</b>	<b>39</b>		<b>24,937</b>

Annex B

**Blocks requiring replacement of  
conventional door-phone systems by telephone-entry door-phone systems**

<b>Estate</b>	<b>Number of blocks</b>	<b>House</b>	<b>Number of flats</b>
On Yam	5	Tak Yam	681
		Yiu Yam	681
		Chak Yam	608
		Fung Yam	658
		Shing Yam	592
Tsz Ching	2	Ching Hong	742
		Ching On	681
Shek Lei (II)	2	Shek Wah	665
		Shek Kai	665
Tsz Lok	2	Lok Tin	681
		Lok Cheung	681
<b>Total</b>	<b>11</b>		<b>7,335</b>

**Existing Harmony and Trident Blocks  
equipped/will be equipped with telephone-entry door-phone systems**

<b>Estate</b>	<b>Number of blocks</b>	<b>House</b>	<b>Number of flats</b>
Cheung Fat	1	King Fat	1024
Cheung Hang	6	Hang Chun	749
		Hang Yee	642
		Hang Lai	893
		Hang Chi	659
		Hang Chui	567
		Hang Yip	659
Cheung Hong	4	Hong Cheung	1166
		Hong Fung	800
		Hong Mei	800
		Hong Shun	1264
Cheung On	6	On Chiu	800
		On Hoi	816
		On Kong	814
		On Mei	792
		On Pak	1088
		On Yeung	816
Cheung Wah	2	Cheung Chi	816
		Cheung Tak	792
Choi Ha	3	Choi Sing	864
		Choi Yat	594
		Choi Yuet	693

Estate	Number of blocks	House	Number of flats
Chuk Yuen North	8	Cheung Yuen	816
		Chung Yuen	768
		Mui Yuen	808
		Pak Yuen	808
		Toa Yuen	816
		Tung Yuen	816
		Wai Yuen	1088
		Yung Yuen	816
Fu Heng	6	Heng Cheong	712
		Heng Lung	714
		Heng Tai	714
		Heng Tsui	816
		Heng Wing	792
		Heng Yiu	1054
Fu Shin	6	Shin King	792
		Shin Kwan	1134
		Shin Lun	1134
		Shin Mei	816
		Shin Tsui	816
		Shin Nga	816
Fung Tak	5	Chu Fung	748
		Suet Fung	612
		Toi Fung	816
		Tsz Fung	1054
		Pik Fung	816
Fung Wah	2	Hiu Fung	611
		Sau Fung	607

Estate	Number of blocks	House	Number of flats
Hau Tak	6	Tak Chak	681
		Tak Chi	665
		Tak Fu	681
		Tak Hong	665
		Tak On	672
		Tak Yue	681
Heng On	6	Heng Fung	908
		Heng Hoi	816
		Heng Shan	816
		Heng Sing	816
		Heng Yat	816
		Heng Yuet	816
Hin Keng	8	Hin Fu	612
		Hin Pui	808
		Hin Tak	816
		Hin Wan	612
		Hin Yau	808
		Hin Yeung	792
		Hin Hing	816
		Hin Kwai	612
Hing Tin	3	Choi Tin	816
		Mei Tin	816
		Yan Tin	816
Kin Sang	4	Hong Sang	714
		Lok Sang	612
		Tai Sang	714
		Yue Sang	612
King Lam	5	King Min	891
		King Nam	714
		King Tao	1054
		King Yu	816
		King Yung	707

<b>Estate</b>	<b>Number of blocks</b>	<b>House</b>	<b>Number of flats</b>
Kwong Tin	4	Kwong Hin	665
		Kwong Nga	665
		Kwong Yat	681
		Kwong Ching	442
Kwai Fong	1	Kwai Kin	442
Kwai Shing East	2	Shing Hing	681
		Shing On	390
Kwong Fuk	2	Kwong Chi	816
		Kwong Shung	808
Kwong Yuen	6	Alder	1056
		Banyan	612
		Crypress	612
		Kapok	896
		Oak	612
		Pine	612
Lai On	5	Lai Ching	420
		Lai Lim	260
		Lai Ping	280
		Lai Tak	280
		Lai Wing	260
Lee On	5	Lee Fung	749
		Lee Hing	749
		Lee Shing	636
		Lee Wah	749
		Lee Wing	749

Estate	Number of blocks	House	Number of flats
Lei Tung	8	Tung Cheong	816
		Tung Hing	1460
		Tung Mau	1218
		Tung On	800
		Tung Ping	816
		Tung Sing	808
		Tung Yat	824
		Tung Yip	792
Leung King	7	Leung Chun	952
		Leung Kit	612
		Leung Shui	1088
		Leung Wah	792
		Leung Wai	1088
		Leung Yin	816
		Leung Ying	612
Li Cheng Uk	2	Hau Chi	408
		Hau Lim	414
Lok Wah South	4	Hei Wah	1226
		Man Wah	1224
		On Wah	1224
		Wun Wah	1224
Long Ping	3	Hay Ping	816
		Wah Ping	792
		Yuk Ping	812
Lower Wong Tai Sin (I)	4	Lung Fung	714
		Lung Tat	714
		Lung Yat	612
		Lung Yue	612

Estate	Number of blocks	House	Number of flats
Lower Wong Tai Sin (II)	7	Lung Hei	442
		Lung Moon	442
		Lung Wo	442
		Lung Cheong	442
		Lung Tai	442
		Lung Chi	442
		Lung Wai	442
Ma Hang	4	Chun Ma	176
		Leung Ma	176
		Kin Ma	176
		Koon Ma	132
Mei Lam	1	Mei Wai	1224
On Yam	3	Cheung Yam	681
		Hong Yam	681
		Kar Yam	681
Pak Tin	2	Tsui Tin	204
		Yue Tin	204
Po Lam	4	Po Chi	768
		Po Tai	816
		Po Tak	816
		Po Yan	816
Pok Hong	3	Pok Chi	792
		Pok Tai	816
		Pok Yat	808
Sau Mau Ping 1	2	Sau Fu	390
		Sau On	442

Estate	Number of blocks	House	Number of flats
Shan King	6	King Lai	1224
		King Lok	814
		King Mei	1224
		King On	816
		King Wah	1176
		King Yip	816
Siu Sai Wan	7	Sui Fu	558
		Sui Hei	594
		Sui Keung	558
		Sui Lok	594
		Sui Lung	681
		Sui Ming	665
		Sui Tai	662
Tai Wo	6	Fook Wo	792
		Hei Wo	1077
		Kui Wo	906
		Lai Wo	816
		Sun Wo	816
		Tsui Wo	952
Tai Wo Hau	3	Fu Tai	681
		Fu Tak	681
		Fu Yin	681
Tak Tin	5	Tak Lok	612
		Tak Lung	816
		Tak Shing	1088
		Tak Shui	816
		Tak Yee	612
Tin King	3	Tin Tsui	612
		Tin Tun	792
		Tin Yue	816

Estate	Number of blocks	House	Number of flats
Tin Ping	6	Tin Cheung	816
		Tin Hee	816
		Tin Hor	816
		Tin Long	714
		Tin Mei	816
		Tin Yee	816
Tin Shui	12	Shui Choi	630
		Shui Chuen	681
		Shui Fai	642
		Shui Fung	642
		Shui Kwok	610
		Shui Lam	608
		Shui Lung	681
		Shui Moon	679
		Shui Shing	681
		Shui Sum	681
		Shui Yee	681
Shui Yip	608		
Tin Yiu	12	Yiu Chak	642
		Yiu Cheong	642
		Yiu Foo	884
		Yiu Fung	642
		Yiu Hing	714
		Yiu Hong	612
		Yiu Lung	642
		Yiu Man	1020
		Yiu Shing	642
		Yiu Tai	642
		Yiu Wah	642
Yiu Yat	816		
Tsz Man	3	Man Kin	681
		Man Tai	681
		Man Yue	681

Estate	Number of blocks	House	Number of flats
Tsz Ching	1	Ching Tak	454
Tsing Yi	4	Yee Kui	812
		Yee Wai	606
		Yee Yat	516
		Yee Yip	808
Tsui Lam	4	Choi Lam	816
		Fai Lam	816
		Nga Lam	816
		Yan Lam	816
Tsui Ping	3	Tsui Chung	714
		Tsui Tung	693
		Tsui Yung	816
Tsui Wan	4	Tsui Fuk	540
		Tsui Hong	630
		Tsui Ning	630
		Tsui Shou	540
Tung Tau	2	Chun Tung	576
		Kwai Tung	576
Wah Kwai	5	Wah Hau	612
		Wah Lai	612
		Wah Lim	612
		Wah Sin	714
		Wah Yin	714
Wah Ming	7	Chung Ming	612
		Fu Ming	612
		Hong Ming	612
		Lai Ming	816
		Shun Ming	1056
		Tim Ming	816
		Yiu Ming	816

Estate	Number of blocks	House	Number of flats
Wan Tau Tong	3	Wan Hang	816
		Wan Lam	918
		Wan Loi	952
Wang Tau Hom	4	Wang Cho	442
		Wang Lai	442
		Wang Wai	442
		Wang Yiu	442
Yiu On	6	Yiu Chung	612
		Yiu Him	792
		Yiu Ping	612
		Yiu Shun	800
		Yiu Wing	612
		Yiu Yan	612
Yiu Tung	9	Yiu Fook	675
		Yiu Fu	681
		Yiu Lok	681
		Yiu Wah	677
		Yiu Cheong	300
		Yiu Fai	279
		Yiu Hing	390
		Yiu Kwai	204
		Yiu Ming	230
<b>Total</b>	<b>275</b>		<b>198,449</b>

End

Emergency alarm systems for elderly singletons

\* \* \* \* \*

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

Question:

Regarding elderly singletons residing in public housing units, does the Government know:

- (a) of the number of elderly singletons presently residing in public housing units which are planned to be redeveloped in three years' time or thereafter, and the number among this group of elderly singletons who are residing in Mark IV public housing units;
- (b) how many of the elderly singletons referred in the answer to (a) above are Comprehensive Social Security Assistance (CSSA) recipients; and
- (c) in the light of the incident which took place at the end of last year in which an elderly singleton living in a public housing unit, which was not equipped with an emergency alarm system, was killed in a fire caused by the short circuit of a mosquito extinguisher, whether the authority concerned has:
  - (i) conducted any review for the purpose of preventing the occurrence of similar incidents; and
  - (ii) any plan in the near future to assign staff to visit elderly singletons living in public housing units who are not CSSA recipients, so as to assist them in applying for the installation of an emergency alarm system; if so, when the plan will be implemented; if not, why not?

Answer:

Mr President,

There are about 42,700 elderly singletons living in public rental housing estates managed by the Housing Authority. About 11,700 of them are living in flats planned for redevelopment in three years' time or thereafter; of these, about 4,000 are living in Mark IV blocks. The numbers of elderly singletons who are Comprehensive Social Security Assistance (CSSA) recipients are given as below :

Elderly singletons who are CSSA recipients

	<u>Number of elderly singletons</u>	<u>CSSA recipients</u>
Elderly singletons living in public rental housing estates	42,700	32,000
Elderly singletons residing in estates which are due for redevelopment in three years' time or thereafter	11,700	8,700
Elderly singletons residing in Mark IV blocks which are due for redevelopment in three years' time or thereafter	4,000	3,000

The incident of the elderly singleton in Sau Mau Ping Estate killed in a fire caused by the short circuit of a mosquito extinguisher last year was an isolated one. The victim was a CSSA recipient who refused the offer to install an emergency alarm system for personal reasons.

The Housing Department has written to all elderly singleton tenants informing them of the procedures involved in applying for the installation of emergency alarm systems. Department staff make regular contacts with these elderly tenants by telephone or through home visits to encourage and help them to apply.

End

Assignment of judges

\* \* \* \* \*

Following is a question by the Hon Chim Pui-chung and a written reply by the Chief Secretary, Mrs Anson Chan, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether the plaintiff in civil proceedings has the right to make requests to the court regarding the assignment of judges; if not, of the reasons why cases involving certain organisations are always adjudicated by the same judges?

Reply:

In any trial, litigants have no right to choose judges or to make requests to the court regarding the assignment of judges.

The Judiciary maintains several specialist lists of cases, and assign judges with expertise in these particular areas to hear these cases. Cases falling within the specialist lists are therefore usually heard by judges assigned to those lists.

End

Overpayment of tax

\* \* \* \* \*

Following is a question by the Hon Albert Chan Wai-yip and a written reply by the Secretary for the Treasury, Mr K C Kwong in the Legislative Council today (Wednesday):

Question:

At present, the Inland Revenue Department (IRD) imposes a surcharge not exceeding 5% of the tax in default on a taxpayer who has not paid the tax by the specified date. However, in the event of overpayment of tax by a taxpayer due to the IRD's incorrect assessment, no interest is paid to the taxpayer when the excess tax is refunded. In view of this, will the Government inform this Council whether the IRD has any plan to pay interest to taxpayers who have paid excess tax; if so, when such a plan will be implemented; if not, why not?

Answer:

The surcharge imposed by the Inland Revenue Department (IRD) on tax overdue is a penalty and a deterrent against default or late payment in tax.

Overpayment of tax by taxpayers would normally arise in the following circumstances:

- (a) the amount of provisional tax paid by a taxpayer exceeds his final tax liability for the same year of assessment due to reduced income, increase in tax allowances or other reasons; or
- (b) correction of an error or omission in the taxpayer's tax return.

In respect of (a) above, a taxpayer may apply to have the whole or part of his provisional tax held over if his net chargeable income for the year concerned is likely to be less than 90% of that assessed provisionally, or if he has become entitled to additional tax allowances in the year in question. In respect of (b) above, the need for revision of assessment and refund of tax paid can be much reduced if taxpayers exercise care in completing their tax returns and file them in good time. There is no provision under existing law for payment of interest on tax refunded under the above circumstances.

Separately, however, interest is payable in respect of certain tax reserve certificates (TRCs) purchased by taxpayers in connection with their objection to the tax assessment made by the IRD. Under the existing law, if the taxpayer is aggrieved by IRD's assessment, he may lodge an objection. The Commissioner of Inland Revenue will consider his claim and may hold over the whole or part of the tax in dispute on the condition that the taxpayer purchases an equal amount of TRCs. If upon determination of the objection, the whole or part of the tax held over has to be discharged, the taxpayer can redeem the corresponding amount of TRCs purchased and will receive interest on them.

There are thus adequate means under the existing system for taxpayers to avoid overpayment of tax and we do not consider that there is a need for payment of interest on tax refunded.

End

**CSSA statistics**

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Following is a question by the Hon Cheng Yiu-tong and a written reply by the acting Secretary for Health and Welfare, Mrs Doris Ho, in the Legislative Council today (Wednesday):

**Question:**

Will the Government inform this Council of the number of Comprehensive Social Security Assistance (CSSA) recipients who were among the unemployed and low-income categories of CSSA cases in the past three years but who are no longer receiving assistance under the CSSA Scheme, and the respective numbers of these former CSSA recipients who have not applied for CSSA either because their current income exceeds the stipulated income requirement or because of other reasons?

**Reply:**

Mr President,

The Social Welfare Department does not have information on the number of CSSA cases classified under the categories of "unemployment" and "low earning" who are no longer receiving assistance under the Comprehensive Social Security Assistance Scheme. According to the records of the Department, about 1,500 'unemployment' cases under the Scheme were closed in 1994, 2,300 in 1995 and 4,000 in 1996 but no statistics are available on the specific reasons for closing these cases.

End

Mandatory Provident Fund

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

Question:

It is learnt that the Administration has proposed that a specified proportion of the Mandatory Provident Fund (MPF) is to be denominated in Hong Kong dollar. In this connection, will the administration inform this Council:

- (a) of the percentage of the MPF which it has proposed to be held in Hong Kong dollar;
- (b) of the objective of imposing the above restriction, and whether such a restriction in effect imposes a ceiling on the MPF's exposure to foreign currency; and
- (c) whether such a restriction contravenes Article 112 of the Basic Law which stipulates that the Hong Kong Special Administrative Region will not adopt foreign exchange controls?

Answer:

- (a) It has been proposed that the percentage of the MPF assets to be held in Hong Kong dollar should be 30%. Nevertheless, hedging of foreign currency assets into Hong Kong dollars is allowed for the purpose of determining compliance with the limit.
- (b) The objective of imposing such a requirement is to protect the contributors and pensioners against excessive currency risk. It is also a prudential measure designed to ensure that MPF funds are so managed that they will have adequate Hong Kong dollar assets on their balance sheet to meet their predictable Hong Kong dollar obligations, given that most MPF beneficiaries will retire in Hong Kong.

While such a requirement effectively imposes a ceiling on the MPF's exposure to foreign currency, through hedging of the foreign currency assets into Hong Kong dollars, a scheme could have all its assets invested in foreign currency assets provided that there is appropriate currency forward contracts in place to convert foreign currency into Hong Kong dollars.

As a matter of fact, this requirement is similar to the prudential measures imposed by other regulatory regimes. Many countries, including Germany, Canada, and Japan, which have no exchange control policy, also set maximum foreign currency exposure limits on pension funds on prudential grounds.

- (c) Such a requirement is not foreign exchange control and, therefore, it is not in conflict with Article 112 of the Basic Law. First of all, foreign exchange control policies would be those which impose controls on the ability of holders of Hong Kong dollars to exchange them for a currency of another country. The proposed MPF regulation would not have such an effect. It would not prohibit the exchange of Hong Kong dollars for their equivalent in money in either Hong Kong dollars or currency of another country.

Secondly, the proposed regulation does not contain a specific requirement that MPF assets denominated in Hong Kong dollars have to be maintained in Hong Kong. There would be no restriction on the freedom of movement of capital in and out of Hong Kong. This is a feature that is inconsistent with the notion of exchange control.

Exchange control regulations are usually imposed for reasons of conserving gold and foreign currency reserves, protecting the currency itself and/or helping to maintain the balance of payments. The proposed MPF regulation relating to the maximum limit on foreign currency exposure is not devised for any of these reasons. It is, instead, a prudential measure designed to protect the interest of MPF beneficiaries.

End

#### Traffic accidents caused by tail-gating

\* \* \* \* \*

Following is a question by the Hon John Tse Wing-ling, and a written reply by the acting Secretary for Transport, Mr Paul Leung, in the Legislative Council today (Wednesday):

Question:

As the occurrence of some traffic accidents is due to tail-gating, will the Government inform this Council:

- (a) of the number of traffic accidents caused by tail-gating, as well as the number of casualties arising from such accidents, in each of the past five years; and
- (b) whether it will consider introducing legislation to prohibit tail-gating by motorists so as to prevent the occurrence of such accidents?

Answer:

Mr President,

- (a) Statistics on traffic accidents caused by driving too close to the vehicle in front and the associated number of casualties in the last five years are summarised at Annex.
- (b) In a rear-end collision, the driver of the second vehicle may be charged with careless driving. It is impractical to introduce legislation to prohibit driving too close to the vehicle in front because keeping a safe distance cannot be easily defined. A safe distance varies with the prevailing speed of the vehicles and other factors such as road conditions.

However, as a general guideline, the Road Users' Code suggests the use of a two-second gap under normal conditions in judging whether or not a sufficient distance is kept from the vehicle in front.

In July last year, we introduced, as a trial, chevron markings on a section of Tolo Highway near Hong Lok Yuen Interchange to assist motorists in keeping a safe distance. These markings give a two-second gap on the basis of the maximum speed allowed on that stretch of the road.

We believe continuous vigilance on enforcement and publicity is needed to reduce the hazards of driving too close to the vehicle in front. Government publicity is made through various channels, including the Road Safety Quarterly, Government announcements on radio and pamphlets issued by the Transport Department.

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Table 1 : Traffic accident caused by driving too close to vehicles in front

Year	Severity of Accident			Total
	Fatal	Serious	Slight	
1992	7	169	1,280	1,456
1993	11	159	1,323	1,493
1994	14	173	1,499	1,686
1995	7	207	1,452	1,666
1996	14	181	1,396	1,591

Note : These accidents constitute about 10% of the annual accident totals.

Table 2 : Casualties associated with accidents in Table 1

Year	Degree of Injury			Total
	Fatal	Serious	Slight	
1992	8	190	2,290	2,488
1993	11	181	2,325	2,517
1994	17	200	2,518	2,735
1995	7	244	2,620	2,871
1996	17	215	2,427	2,659