



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 842 8777

Wednesday, January 11, 1995

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Agreement on surrender of fugitive offenders signed

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An agreement on the Surrender of Fugitive Offenders which will remain in force after 1997 was signed between Hong Kong and Malaysia today (Wednesday).

This is the fourth Agreement which Hong Kong has signed in this important area of co-operation against international crime. The first agreement was signed with the Netherlands; the second with Canada and the third with Australia.

The Agreement sets out the conditions for the surrender of fugitive offenders between the two places both before and after 1997.

Signing the Agreement on behalf of the Hong Kong Government was Secretary for Security, Mr Alistair Asprey. The Commissioner of Malaysia, Mr Mohamad Khalis, signed on behalf of Malaysia.

Mr Asprey noted that Hong Kong's present arrangements for the surrender of fugitive offenders were based on bilateral treaties between Britain and foreign countries and a set of arrangements with Commonwealth countries, both of which the United Kingdom had extended to Hong Kong.

"However, these arrangements cannot continue in their present form beyond 1997. The British and the Chinese Government have therefore agreed that Hong Kong should negotiate a new network of bilateral agreements on the surrender of fugitive offenders that will survive 1997," he said.

The new Agreement signifies the shared commitment of Hong Kong and Malaysia to combatting international crime. It also contributes to Hong Kong's reputation as a place where the rule of law prevails.

The Agreement contains all the safeguards which are found in other similar international agreements. These include:

- * the double criminality rule: the act in respect of which a fugitive's return is requested must constitute a crime in both jurisdictions at the time it was committed;
- * the prima facie rule: there must be a prima facie case against a person whose return is requested;

- * the speciality rule: a returned fugitive should not be tried for offences other than those for which he was surrendered; and
- * the political offences rule: return may be refused if the offence in question is a political offence.

End/Wednesday, January 11, 1995

Statement by Governor on closure of Overseas Chinese Daily News

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The following is a statement made this (Wednesday) evening by the Governor, the Rt Hon Christopher Patten, on the closure of the Overseas Chinese Daily News:

"I was very sad to hear the news of the closure of the Overseas Chinese Daily News which for so many years play such a distinguished role in Hong Kong journalism.

The paper was renowned for its integrity and concern for community values and it will be missed by the many thousands of people who turn to it each day for their news and views of life in Hong Kong.

I hope the paper's staff will quickly find other work and continue their tradition of reporting impartially on Hong Kong affairs."

End/Wednesday, January 11, 1995

11 nominations for Municipal Council elections received today

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A total of 11 nominations of candidates were received today (Wednesday) for the Municipal Council Elections on March 5.

The total number of nominations received so far is 76.

The nomination period will last until January 23.

The breakdown of nominations by district is as follows:

Central and Western	3
Wan Chai	2
Eastern	9
Southern	3
Yau Tsim Mong	4
Sham Shui Po	3
Kowloon City	4
Wong Tai Sin	7
Kwun Tong	10
Tsuen Wan	0
Tuen Mun	7
Yuen Long	5
North	4
Tai Po	4
Sai Kung	2
Sha Tin	7
Kwai Tsing	2
Islands	0

Total	76

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Surveillance on sand barges stepped up

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The Marine Department's investigation into the collision between a container ship, M V "K H Chivalry", and a sand barge in the East Lamma Channel on March 8 last year revealed that poor navigation by both vessels in dense fog was one of the causes of the accident.

The investigation also revealed that neither vessel observed the requirements of the International Regulations for Preventing Collisions at Sea 1972.

Based on the findings of the report, the Director of Marine, Mr Allan Pyrke, today (Wednesday) urged sand barge operators from China, through their local contacts, to observe Vessel Traffic System procedures.

Mr Pyrke said vessels from China passing through Hong Kong waters should be made aware of the need to follow proper traffic lane in the Traffic Separation Schemes, through their Hong Kong agents.

"As part of an ongoing exercise, we issue notices and information pamphlets to educate Chinese and local vessels to obey navigational and traffic rules when they use Traffic Separation Schemes and fairways in Hong Kong waters," Mr Pyrke said.

"To further drive home our messages, meetings with agents and relevant associations are also held," he added.

Mr Pyrke said high level discussions with relevant Chinese authorities may be required to persuade them to urge their vessels to comply with all the regulations and requirements of the Immigration Department, Customs and Excise Department, and Marine Department.

"The matter will be discussed with the relevant Chinese authorities through our regular informal meetings," he said.

As vessels from China usually did not carry documents to show that they were permitted to come to Hong Kong carrying sand from China, it was not possible to establish that they complied with all safety requirements, including the masters knowledge of Hong Kong waters and associated local regulations.

"It would appear that greater surveillance by the Marine Police, Marine Department and Chinese authorities is required to try and prevent these craft making unauthorised calls at Hong Kong," Mr Pyrke said.

"The Marine Department has stepped up its surveillance since the accident and action is in hand to prevent the operation of sand barges with improper documentation in Hong Kong waters," he said.

The M V "K H Chivalry" and sand barge "Guan Zhong Yun 255" collided off Wah Fu Estate in Aberdeen about 8.30 am on March 8.

The K H Chivalry sustained minor damage to her bulbous bow while the sand barge capsized after the collision. The Master and the Chief Officer of the barge died in the accident.

Note to Editors:

Summary of the report into the collision between the M V "K H Chivalry" and sand barge "Guan Zhong Yun 255" is available on request.

Those who wish to obtain a copy of the summary are requested to contact the Information and Public Relations Section of the Marine Department on tel 2852 4423 or 2852 4425 during office hours or 9493 8262 after office hours.

End/Wednesday, January 11, 1995

Land Executives pass land administration course

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The Lands Department has an ongoing training programme to ensure that its staff can maintain a high standard of performance in land administration to meet the needs of the public.

The Director of Lands, Mr Bob Pope, said this today (Wednesday) when he presented certificates to 28 Land Executives of the department who have just passed a land administration course jointly organised by the department and the Hong Kong Polytechnic University.

"This training programme marks the first stage of the career of a Land Executive and has given them basic knowledge which is necessary in providing an efficient service to the public.

"The subjects covered include practice and procedure of local services, land surveying, legal studies related to land administration, building construction, and valuation," Mr Pope said.

He also praised the graduates for successfully completing the programme while carrying on a full working load.

End/Wednesday, January 11, 1995

More support for mentally handicapped urged

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The mentally handicapped can work in the community after receiving special training and what they need is to be given a chance, Mrs Patten said today (Wednesday).

Speaking at a ceremony to celebrate the 30th anniversary of the Hong Kong Association for the Mentally Handicapped, she said: "We need the support of not just employers but of the whole community."

Although the two job training teams of the association had found jobs for 172 people in the past couple of years, there are many more who are still looking for jobs, she said.

"That's why the association has chosen as its slogan for this anniversary year - 'We Want To Work'.

"Unfortunately we still see prejudice amongst residents against people with disabilities and this points to the need for further education and publicity," she said

Mrs Patten was delighted to see some of the employers of the mentally handicapped at the ceremony.

"You have set an excellent example which I urge more employers to follow, and give mentally handicapped people a chance to work," she added.

End/Wednesday, January 11, 1995

Kwai Chung lot to let

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The Lands Department is inviting tenders for the short-term tenancy of a piece of Government land in Kwai Chung.

Covering an area of 3,325 square metres, the lot is for use as a public fee-paying car park for the parking of container tractors and trailers only.

The tenancy is for one year, renewable quarterly.

Closing date for submission of tender is at noon on January 27.

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

Tender plan can also be inspected at these offices.

End/Wednesday, January 11, 1995

Award scheme spurs primary pupils to do better

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The Education Department has designed and produced cassette tapes and rulers to promote the Most Improved Primary Pupils Award Scheme.

A spokesman for the department said: "Each primary school will be provided with two cassette tapes containing the choral and the music of the theme song specially composed for the award scheme. Schools are encouraged to make good use of the tapes during school activities or music lessons.

"In order to promote the scheme in primary schools, every primary 4 to 6 pupils will also receive a ruler," the spokesman said.

He said circulars had been sent to principals of all primary schools advising them to collect the cassettes and rulers from tomorrow (Thursday) until January 18.

The award scheme, held for the second year, is jointly organised by Po Leung Kuk, Yan Chai Hospital, Tung Wah Group of Hospitals, Subsidised Primary Schools Council and the Education Department.

The spokesman said the scheme was aimed at encouraging primary pupils to fully develop their potential.

The scheme is open to all types of primary schools including Government, aided, private and special schools.

This year a total of 1,034 pupils attaining the best all-round improvement on completion of primary 3, 4 and 5 will receive an award of \$400 in a prize-presentation ceremony on February 25.

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Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,230	0930	-180
Closing balance in the account	805	1000	-183
Change attributable to :		1100	-183
Money market activity	-265	1200	-182
LAF today	-160	1500	-182
		1600	-265

LAF rate 3.75% bid/5.75% offer TWI 121.0 *+0.0* 11.1.95

Hong Kong Monetary Authority

EF bills		EF notes/Hong Kong Government bonds				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.00	17 months	2605	6.35	98.53	7.65
1 month	5.29	23 months	2611	6.90	98.40	7.99
3 months	5.83	28 months	3704	6.15	95.99	8.26
6 months	6.57	34 months	3710	7.25	97.57	8.40
12 months	7.24	60 months	5912	8.15	97.94	8.86

Total turnover of bills and bonds - \$43,428 million

Closed January 11, 1995

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Supplement

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Motion debate on sexual assault

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Following is the speech by the Secretary for Security, Mr Alistair Asprey, in the Legislative Council motion debate on sexual assault today (Wednesday):

Mr President,

Introduction

The Government accords high priority to tackling the problem of sexual crimes. Many departments are involved in this effort - the Police, the Legal Department, the Social Welfare Department, the Housing Department, and the Department of Health. We have in place good procedures to co-ordinate their work effectively, both to prevent the occurrence of these crimes, and to provide assistance to victims. We regularly monitor and review these procedures.

Extent of Problem

I should first like to comment on the seriousness of the problem. Recent year have not seen an increase in particular sexual offences. Some statistics will illustrate this. The number of cases of rape reported to the Police in 1990 was 109; in 1991, it was 93; in 1992, it was 99; in 1993, it was 103; and in 1994, it was 100. The number of reported cases of indecent assault are similarly shown no substantial increase in recent years. We are, nevertheless, concerned about all such crimes, and have taken a number of measures to prevent and reduce such crimes and to assist the victims.

First and perhaps most important, the Police are determined to apprehend all those who perpetrate these crimes. In the past four years, more than 350 persons have been arrested for rape and 2,500 for indecent assault. The overall detection rate for these offences is very high at more than 69 per cent. The Police will continue to do all that they can to prevent the occurrence of crimes of this sort and to arrest offenders.

Prevention

So far as prevention is concerned, we have conducted regular publicity programmes to advise people how to minimise the risk of becoming victims of such crimes. The Police Public Relations Branch regularly provides advice through radio and television programmes on how to avoid or respond to sex-related crimes. Pamphlets and guidelines issued by the Crime Prevention Bureau have been distributed to local communities through mutual aid committees, owners committees, District Offices and Police stations.

The Police Crime Prevention Bureau also maintains close liaison with the Housing Department on ways to improve and upgrade security in public housing estates to combat criminal activities, including sexual assault.

The Housing Department has taken a number of positive steps to prevent crime, including sexual assaults, in public housing estates. For example, in response to the series of sex-related crimes occurring in the Tuen Mun District in July last year, the Department has set up special waiting areas in all the public housing estates in the district and arranged for escort services, upon request, for female residents who come home late.

On a territory-wide basis, the Housing Department has begun implementing a \$56 million improvement programme to upgrade security measures in public housing estates. The programme will help minimise the opportunity for sex-related and other crimes in the estates. Harmony and Trident blocks will be installed with security gates, doorphones and closed-circuit television inside lifts and at entrances. A guard will be posted at each of these blocks to monitor entry into the estates and activities inside the lifts. Blocks of other design, will be fitted with CCTV inside the lifts, which will be linked up to a control room for central monitoring by a security guard. All of these measures will contribute to a safer environment in public housing estates.

Assistance to Victims

So far as assistance to victims of such crime is concerned, we recognise that the impact of such crimes on the victims can be traumatic. We have therefore developed special procedures for dealing with them sympathetically and sensitively. All police officers are trained to be aware of the special needs of the victims of sexual crimes and the importance of appropriate treatment. Special training is given to a cadre of women police officers and these officers are assigned to deal with victims of rape or other serious sexual offences. Where necessary, the Police Force Clinical Psychologists will assist these officers in dealing with the victims.

Unfortunately, in Hong Kong as elsewhere, some sex crimes are not reported. We have taken steps to make the reporting of these crimes by the victim, less traumatic, so as to encourage fuller reporting. These measures include allowing the taking of statements at the victim's home, providing a comfortable atmosphere in the report room and the use of one-way identification mirrors.

We will also be proposing a number of legislative amendments to the Criminal Procedure Ordinance and the Evidence Ordinance in the current legislative session with a view to reducing the trauma of vulnerable witnesses when giving evidence in court. These amendments will allow vulnerable victims, including children under 14 for all crimes, and those under 17 for sex-related crimes, the mentally handicapped, and those who have been severely intimidated, to testify and be cross-examined in court by way of live video from a room nearby. This will improve the present arrangements for testimony in court by more vulnerable victims.

Where necessary, the Police will refer the victim of a sexual offence to other government departments or voluntary agencies for assistance.

The Social Welfare Department provides a wide range of counselling, psychiatric assessment and welfare assistance for victims of sex crimes. Social workers in family services centres or medical social service units provide help to both the victims and their families. Social workers also make appropriate referrals to other Government departments or non-governmental organisations to provide other assistance to victims, such as child care services or rehousing.

Where the victim is aged under 18 and the abuser is a guardian or close relative, the Social Welfare Department may apply for a care or protection order under the Protection of Women and Juveniles Ordinance to protect the victim from further abuse. By virtue of this order, the victim can be placed under the regular supervision of a social worker, and may also be placed in the care of an institution.

Legislation and Sentencing

I would now like to turn to the legislation on sexual offences. This is contained primarily in the Crimes Ordinance. These provisions are regularly reviewed by the Administration. In 1991 several amendments were made to the Crimes Ordinance to update the law relating to sexual offences. For example, the maximum penalty for indecent assault was then doubled from five to 10 years of imprisonment.

I accept that some inconsistencies remain between the penalties for some sexual offences and we shall review these, I do not, however, believe it necessary to conduct a comprehensive review of the legislation relating to sex crimes. The offences are clearly and adequately provided for at present, and in general the maximum penalties adequately reflect the seriousness of the offences. A comprehensive review would be a major law reform exercise, requiring substantial resources and time. It would be better to act more speedily to revise those provisions which are inconsistent and out-of-date; this we propose to do.

As regards sentencing, I understand that the general public and Members of this Council may sometimes feel that the sentences imposed by the courts for sexual offences are too lenient. However, sentencing is a matter for the Judiciary and the Administration cannot, and should not, infringe upon the independence of the Judiciary in this respect. Where the Attorney General considers that the sentence imposed by court in any particular case is wrong in law, wrong in principle or manifestly inadequate to reflect the gravity of the offence, then he can seek a review of the sentence. I believe that the review of sentence has been sought in four cases of conviction for sexual offences in the past two years.

Conclusion

Mr President, I am pleased that this Council has had the opportunity to debate this important subject and I agree with the intent of the motion: we must closely monitor our legislation, our procedures and preventive measures against sexual assault. I am grateful for Members' suggestions about improvements we can make in this area. We will certainly consider these suggestions carefully.

Thank you, Mr President.

End/Wednesday, January 11, 1995

Waste Disposal (Amendment) Bill

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Following is a speech by the Secretary for Planning, Environment and Lands, Mr Tony Eason, in moving the second reading of the Waste Disposal (Amendment) Bill in the Legislative Council today (Wednesday):

Mr President,

I move the Second Reading of the Waste Disposal (Amendment) Bill. The Bill seeks to amend the Waste Disposal Ordinance to provide for controls on the import and export of hazardous and other wastes in line with current international standards and to effect other miscellaneous amendments.

The Bill introduces a new Part IVA which provides for a permit system whereby potential exporters and importers will have to apply to the Director of Environmental Protection for a permit before effecting the transboundary movement of specified wastes.

The wastes which it is proposed should be subject to control are set out in two schedules (Schedule 6 and 7). Schedule 6 wastes are those which will have minimal environmental effect and hence will only be subject to control if they are contaminated or imported or exported for purposes other than recycling, recovery or reprocessing. Schedule 7 wastes are those likely to create a significant health hazard and risk of pollution unless properly handled, and their import and export will be subject to control regardless of the purpose.

Under the proposed provisions, it will be an offence for a person to import or export waste except under and in accordance with a permit issued by the Director. The proposed penalty is a maximum fine of \$200,000 and six months' imprisonment for the first offence and \$500,000 and two years' imprisonment for the second or subsequent offences. It will also be an offence to make a false statement to procure the issue of a permit.

The Bill also seeks to effect other minor amendments to the Waste Disposal Ordinance by improving the administration of licensing control, by bringing the term of service for membership of the appeal board already provided for under the Ordinance in line with similar appeal boards set up under other environmental legislation, and by providing greater flexibility in implementing charging proposals.

Mr President, the Waste Disposal (Amendment) Bill seeks to establish a local regulatory regime which is compatible with international standards on control over the export and import of hazardous and other wastes. This will ensure that our trade with parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal will not be adversely affected and will prepare us for the eventual extension of the Convention to Hong Kong. The Bill also introduces other miscellaneous amendments to the principal Ordinance. I commend the Bill to Members for their consideration.

Thank you, Mr President.

End/Wednesday, January 11, 1995

Shipping and Port Control (Amendment) Bill

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Following is a speech by the Secretary for Economic Services, Mr Gordon Siu, in moving the second reading of the Shipping and Port Control (Amendment) Bill in the Legislative Council today (Wednesday):

Mr President,

I move that the Shipping and Port Control (Amendment) Bill be read the second time.

The purpose of the Bill is to extend the power of the Director of Marine in regulating traffic, thereby ensuring a higher standard of safety in the waters of Hong Kong. This will be achieved by enabling the director to -

- (a) close any area of the waters of Hong Kong; and
- (b) give general directions

to any number, group, class or any description of vessel at one time.

At present, the Shipping and Port Control Ordinance provides that the Director of Marine may give specific directions for the control of navigation only to one particular vessel at a time. If the Director needs to control the movement of a group or class of vessel, he must repeat such instructions to each and every vessel concerned. This restriction has proved to be both ineffective and inefficient in handling situations such as the diversion of marine traffic from reclamation areas, or, as Members may recall, prohibition of overheight barges from moving close to bridges. We propose to remove the restrictions by giving the Director more general powers so that he may promulgate a notice with which all specified vessels must comply. This concept is not new as similar powers are currently exercised by the Commissioner for Transport or the Commissioner of Police in handling road traffic. The situations requiring the exercise of such powers are usually temporary in nature. Only ad hoc measures are normally required.

To ensure that the Director of Marine is accountable in their exercise of these powers, we propose that each general direction or closure imposed by the Director -

- (a) should not last more than six months. Any conditions that need to be imposed permanently should be formally made by the Governor in Council as a regulation; and
- (b) the Administration shall be required to lay on the table of the Legislative Council in the same way as any other subsidiary legislation. This would allow Members of this Council to review the matter as necessary.

I would like to draw Members' attention to the concurrent amendments to the Shipping and Port Control Regulations. These amendments make specific provisions for the Director of Marine to handle marine traffic during fireworks displays and demonstrations held within the waters of Hong Kong.

As regards demonstrations in our waters, Members have raised concerns about the disruption to normal marine traffic and the safety of harbour users during the demonstration by fishermen in Victoria Harbour on June 14 last year. Having reviewed the matter, we consider that the Director should be given powers to

- (a) require advance notification from organisers for holding demonstrations at sea; and

- (a) to impose any necessary conditions as regards timing and routing.

This will enable measures to be adopted to ensure that demonstrations held within Hong Kong waters can be conducted safely and in an orderly manner. Any safety risks associated with the holding of a demonstration can be dealt with by deploying adequate Government launches at the scene and by imposing conditions on the organisers with respect to the avoidance of accidents and safety of persons.

Thank you, Mr President.

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Exchange Fund (Amendment) Bill 1994 goes to LegCo

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Following is the speech by the Financial Secretary, the Hon Sir Hamish Macleod in moving the second reading of the Exchange Fund (Amendment) Bill 1994 in the Legislative Council today (Wednesday):

Mr President,

I move that the Exchange Fund (Amendment) Bill 1994 be read a second time.

The Bill seeks to modernise certain provisions in the Exchange Fund Ordinance with a view to enhancing the robustness of the legal framework for monetary management and for the prudent management of the Exchange Fund.

The Bill covers six main areas. First, in relation to monetary management, Members will be aware that in the past few years, we have implemented a number of monetary reform measures to strengthen our ability to maintain exchange rate stability under the linked exchange rate system. One of the important milestones was the "Accounting Arrangements" introduced in 1988. There is a contractual arrangement between the Financial Secretary as the controller of the Exchange Fund, and the Hongkong Bank as the Management Bank of the Clearing House of the Hong Kong Association of Banks. Under the Accounting Arrangements, the Hongkong Bank is required to maintain an account with the Exchange Fund, and to manage the net clearing balance of the rest of the banking system in such a way that it does not exceed the balance in its own account with the Exchange Fund.

The Accounting Arrangements have worked very well. They have provided the Monetary Authority with a mechanism to control the level of interbank liquidity. This enables us to effectively influence interbank interest rates for the purpose of ensuring exchange rate stability. Given the significance of this monetary reform measure, it is important that it be provided a statutory backing. The Bill seeks to achieve this by conferring upon the Financial Secretary the authority to require any authorized institution to open an account with the Monetary Authority for the account of the Exchange Fund. The terms and conditions of operating the accounts will be determined with regard to the purposes of the Fund, as laid down in sections 3(1) and (1A) of the Ordinance.

This requirement will also facilitate the adoption in Hong Kong of a new and more robust interbank payment system, technically known as the Real Time Gross Settlement System. The conceptual design of this system, which has been endorsed by the Hong Kong Association of Banks and the Exchange Fund Advisory Committee, will involve all licensed banks opening clearing accounts with the Monetary Authority.

While we have enhanced the robustness of our monetary management system through the Accounting Arrangements and other reform measures, we still need the assurance that sufficient funds can be raised at short notice to defend the exchange rate of our currency in a crisis situation. This is the second area covered by the Bill. Section 3(3) of the principal Ordinance provides that the Financial Secretary may borrow for the account of the Fund on the security of any assets held by the Fund or on the general revenue. Such borrowings are, however, subject to a limit of HK\$50 billion in section 3(4), which can only be amended through a resolution of this Council. This constraint is undesirable as we cannot afford any delay in raising sufficient US dollars in a pressing situation. I therefore propose to disapply the limit to borrowings which are secured on the Fund's assets. It is, however, considered appropriate that the approval of this Council should still be sought on the maximum amount of the Fund's borrowings secured on the general revenue.

I now turn to the third aspect of the Bill, which is related to the investment power of the Exchange Fund. Over the years, a number of new financial products such as interest rate swaps, currency options and bond futures have become widely used in international financial markets. As these financial products provide very useful vehicles for the Exchange Fund to hedge interest rate and market risks, I propose to broaden the investment ambit of the Exchange Fund so that the Financial Secretary may enter into a wider range of financial arrangements.

Mr President, perhaps some Members may wish to remind us of what happened in Orange County in California. Let me reassure Members that there are two safeguards in the Bill against the Exchange Fund engaging in high risk financial activities. First, the financial arrangements can only be entered into for the prudent management of the Fund, i.e. for hedging purposes. Secondly, there will be prior consultation with the Exchange Fund Advisory Committee before the Financial Secretary can enter into such arrangements.

The fourth aspect of the Bill deals with the mechanism for a transfer of "excess assets" of the Exchange Fund to the general revenue and other funds of Hong Kong, as stipulated in section 8 of the principal Ordinance. The present section 8 was an addition in 1964. The purpose was to enable the Financial Secretary, subject to consultation with the Exchange Fund Advisory Committee and with the approval of the Secretary of State, to devote such assets of the Fund which have become surplus to the requirements of the Fund to the general revenue or to any other funds of Hong Kong as the Secretary of State may approve. The reason for the introduction of this measure was to avoid the excessive accumulation of assets in the Fund.

At the time, it was considered that a 105 per cent cover for the Certificates of Indebtedness outstanding, in other words the amount of bank notes issued, would be adequate for the requirements of the Fund. Section 8 was later amended in 1968 to require a 105 per cent cover not only for the face value of Certificates of Indebtedness outstanding but also borrowings for the account of the Exchange Fund.

It is therefore clear that the spirit of section 8 has always been that a transfer from the Exchange Fund can be made only when there are assets surplus to the requirements of the Fund. This is a sound and prudent principle which should continue to apply. However, the quantitative measure in section 8 as to what is adequate for the requirements of the Fund has become itself rather inadequate with the passage of time. First, Hong Kong's monetary system has undergone considerable changes since 1964. Exchange controls were totally abolished in 1973. A freely convertible currency, no exchange controls and free flow of capital have become important features of our monetary system. These features have been enshrined in the Joint Declaration and the Basic Law.

Secondly, exchange rate stability under the framework of the linked exchange rate system has become our primary monetary policy objective since October 1983. Section 3(1A) of the Exchange Fund Ordinance was also introduced in 1992 to include as the secondary purpose of the Fund the maintenance of the integrity and stability of the monetary and financial systems. Thirdly, there has been phenomenal growth in financial activities worldwide, involving huge flow of funds in an increasingly deregulated environment. The maintenance of currency stability now involves more than just full backing for bank notes and other borrowings.

In order to reflect more fully the original spirit of section 8, I propose to clarify and tighten the conditions under which a transfer from the Fund can be made. The proposed amendment requires that the Financial Secretary must satisfy himself that his ability to achieve the purposes of the Fund laid down in the Ordinance will not be adversely affected before he can make a transfer. Furthermore, instead of listing out the items for which 105 per cent asset backing is required, all obligations for the account of the Exchange Fund will need to be so backed by assets before a transfer can be made. It is also proposed that the Governor in Council should replace the Secretary of State as the approving authority for such transfer. Consultation with the Exchange Fund Advisory Committee will continue to be required.

In introducing these amendments to section 8 of the Ordinance, I must point out clearly that I have no intention to make any transfer. In my opinion as Financial Secretary, a sizable Exchange Fund is crucial to our ability to deliver monetary and financial stability in the transitional period. I simply cannot foresee that the conditions allowing a transfer from the Fund under section 8, if amended, would exist in the next few years.

Let me now briefly mention the fifth aspect of the Bill. As Members know, the issue of bank notes in Hong Kong is backed by the Certificates of Indebtedness issued by the Exchange Fund. At present, the issue and redemption of such certificates involve physical delivery. With a view to improving the efficiency and security of the process, the Bill contains provisions for the issue and redemption of these certificates to be handled through computerized book entries.

Last but not least, the Bill transfers to the Hong Kong Government certain powers over the control of the Exchange Fund which are presently vested in the Secretary of State in the UK Government. These changes are made in a manner which is fully consistent with the relevant provisions in the Joint Declaration and the Basic Law.

Mr President, the Bill is an important piece of legislation which will provide an up-to-date and more robust legal framework for our monetary management and for the prudent management of the Exchange Fund. The enhanced autonomy in the control of the Fund so vested in the Hong Kong Government will also contribute to a smooth transition to 1997.

End/Wednesday, January 11, 1995

Debate on Employees' Compensation Bill resumed

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Following is the speech by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, at the resumption of second reading debate on Employees' Compensation (Amendment) (No. 2) Bill 1994 in the Legislative Council today (Wednesday):

Mr President,

I am grateful to Members for their support for the bill. In particular, I should like to express my appreciation to the Honourable Henry Tang and other members of the Bills Committee for their detailed examination of this bill. In response to the Bills Committee members' suggestions, I shall be moving some amendments to the bill at the Committee Stage later. I have also taken note of the views expressed by members this afternoon.

End/Wednesday, January 11, 1995

Employees' Compensation Bill at committee stage

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Following is the speech by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, at the committee stage of the Employees' Compensation (Amendment) (No. 2) Bill 1994 in the Legislative Council today (Wednesday):

Mr Chairman,

I move that Clause 1(1) be amended as set out in the paper circulated to Members. This technical amendment is to correct the title of the Bill to 'Employees' Compensation (Amendment) Bill 1995'.

I move that Clause 3 be amended as presented in the paper circulated to Members. This amendment comprises two parts :

The first part concerns the proposed Section 5(4)(e) of the Ordinance. It seeks to specify that an employee driving or operating any means of transport provided by his employer between his home and his place of work for the purpose of work must be travelling 'by a direct route', in order to be eligible to claim compensation for any injuries sustained in the course of such travel. This will serve to prevent possible abuse of this newly proposed right to seek compensation by employees.

The second part is on the proposed Section 5(4)(g) of the Ordinance. It seeks to further extend the scope of compensation to cover injuries sustained by employees through accidents which occur to them whilst travelling on a work-related trip between two places outside Hong Kong. This is proposed in recognition of a genuine need for this extra protection on behalf of employees.

I move that Clause 7 be amended as set out in the paper circulated to Members for the same reason as I proposed to move Clause 1(1) to this Bill.

With these remarks, I beg to move, Mr Chairman.

End/Wednesday, January 11, 1995

Industrial Training (Clothing Industry) Bill

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Following is the speech by the Secretary for Trade and Industry, Mr T H Chau, at the committee stage of the Industrial Training (Clothing Industry) (Amendment) (No. 2) Bill 1994 in the Legislative Council today (Wednesday):

Mr Chairman,

I move that clause 1 be amended as set out in the paper circulated to Members. This is purely a technical amendment to update the title of the bill.

End/Wednesday, January 11, 1995

Motion to amend election regulations

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Following is a speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in a motion to amend the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation in the Legislative Council today (Wednesday):

Mr President,

I move the resolution standing in my name in the Order paper.

The purpose of the resolution is to amend the Boundary and Election Commission (Registration of Electors) (Functional Constituencies and Election Committee Constituency) Regulation which was tabled in this Council on 16 November. The Council set up a Subcommittee to study the Regulation after members expressed concern over some of the provisions relating to the detailed arrangements for registering electors in the nine new functional constituencies (FC). The Administration and the Registration and Electoral Office met the Subcommittee on three occasions to discuss Members' concerns and to explore ways to address such concerns. The proposed amendments, which have been fully endorsed by the Boundary and Election Commission (BEC), are the result of those useful discussions.

If I may recap, the registration of electors for the nine new FCs will mainly be operated through a simple notification system. The success of this system relies on the co-operation of the employers in providing some basic information about their employees eligible to vote in the nine new FCs. Some Members are of the view that although employers' co-operation is necessary, they should not be unduly burdened when it comes to the provision of information. Members consider that only the basic information should be obtained for the purpose of registering the electors. This actually has all along been the BEC's guiding principle and it is not adverse to having it spelt out even more precisely. Thus, to put employers' mind at ease, the Commission has agreed to amend Section 6 of the regulation to provide expressly that, for the purpose of sending notification under Section 7 of the Regulation, the Registration Officer can only obtain from an employer information on the nature of business of an organisation, as well as the names and identity card numbers of his employees. The power of the Registration Officer under the rest of Section 6 of the regulation will still be needed to allow him to obtain other information from relevant persons and organisations to update and improve the accuracy of the voter register.

Members have also expressed concern over the first-come-first-served arrangement in the BEC Regulation for registering up to 6 individual electors (or 4 in the case of trade unions) to replace the previously single corporate vote. They are concerned that the Registration Officer might have a problem in selecting which applicants to register if the number exceeds the quota, if they all arrive at the same time. Or that the later arrivals are the ones that have the endorsement of the organisation after a due process of internal agreement. The BEC has acknowledged the validity of the concern and has decided to replace the first-come-first-served method of registration by the drawing of lots if the quota is exceeded. As some applicants may be eligible for representing more than one corporate entity, provisions are also made to allow them time to register under another firm or organisation if they fail to be included after the first draw. To allow this to happen, the first draw will be held shortly after 1 May for this category of applicants in the amended Regulation. As a final safeguard, those applicants who are by themselves eligible to register in their own personal capacity in one of the non-corporate functional constituencies, had they not been required to represent a corporate body, will be encouraged to fill out a stand-by application so that even if they eventually fail to get registered under an organisation, their individual right to register as an elector for a FC will not be negated. The BEC and Registration and Electoral Office will explain the procedure to corporate voters in detailed guidelines to be issued during the registration period.

Finally, some Members have difficulties with the penalty provision of 6 months imprisonment for an employer's failure to provide the Registration Officer with information about his employees within the specified time. It is considered that the gravity of the offence should not attract such a severe punishment. While the original penalty provision of level 2 fine (\$5000) and 6 months imprisonment can be found in other similar legislative provisions, the BEC has agreed to delete the penalty provision of imprisonment under section 23(4) to allay employers' worry. I understand Members are of the opinion that wilful supply of false or incorrect information to the Registration Officer should still be subject to more severe sanction and therefore the level 2 fine and 6 months imprisonment penalty for such wilful offences have been retained.

Mr President, the registration of electors for the FCs, in particular the nine new functional constituencies, will be an onerous task as the electorate will encompass all eligible persons in our workforce of over 2.9 million. With the next Legislative Council elections scheduled to take place on 17 September, the BEC is operating under a very tight timetable. But registration work can only start upon the passage of this particular Regulation. I believe the proposed amendments have adequately addressed the concerns of members and I urge them to give their support to this resolution.

Mr President, I beg to move.

End/Wednesday, January 11, 1995

Amendments to Magistrates Ordinance

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Following is a speech by the Secretary for Economic Services, Mr Gordon Siu, in moving the Third Schedule to the Magistrates Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper which proposes that the Third Schedule to the Magistrates Ordinance, Chapter 227 be amended by resolution of this Council pursuant to section 18E(4) of the Ordinance.

Section 18E of the Ordinance provides that the defendant may plead guilty by letter to those offences specified in the Third Schedule. Item 2 in the Third Schedule specifies offences under regulation 3 (unlicensed dogs) and regulation 19 (improper control of dogs) of the Dogs and Cats Regulations, Chapter 167 as offences to which the defendant may plead guilty by letter. These two regulations have now been repealed and substituted by equivalent offences under the Rabies Ordinance, Chapter 421 and the Rabies Regulation. It is accordingly proposed that the Magistrates Ordinance should be amended by resolution of this Council to delete the references to the Dogs and Cats Regulations and to replace them by the references to the two equivalent offences under the Rabies Regulation.

Mr President, I beg to move.

End/Wednesday, January 11, 1995

Four new judicial offices set up

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Following is a speech by the Chief Secretary, the Hon Mrs Anson Chan, in moving a motion under the Judicial Service Commission Ordinance in the Legislative Council today (Wednesday):

Mr President,

On 8 July 1994, the Finance Committee of this Council approved the recommendation of its Establishment Sub-Committee that four new Judicial Officer ranks and posts should be created under the Court Leadership Scheme. These four new judicial offices are Chief District Judge, Chief Magistrate, Principal Presiding Officer, Labour Tribunal and Principal Adjudicator, Small Claims Tribunal.

Section 2 of the Judicial Service Commission Ordinance specifies the term "judicial office" as any judicial office specified in the First Schedule to the Ordinance. The Schedule now needs to be amended to include the four new judicial offices approved by the Finance Committee on 8 July. In accordance with section 14 of the Judicial Service Ordinance, the amendments to the Schedule now require the approval of this Council by resolution.

Mr President, I beg to move.

End/Wednesday, January 11, 1995

Air traffic co-ordination in Pearl River Delta

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Following is a question by the Hon Steven Poon Kwok-lim and a reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question :

In the Policy Debate of the Legislative Council in October 1991, I called on the Government to discuss with China the possibility of co-operation to resolve the problem which would arise from the existence of several international airports, including that of Hong Kong, in the Pearl River area within a radius of 100 kilometres. It has been reported that efforts are being made by the Chinese authority concerned to seek to make the Zhuhai and Guangzhou airports become the airports co-ordination centre in south China. In this connection, will the Government inform this Council of the following :

- (a) whether Hong Kong's new airport at Chek Lap Kok will have sufficient facilities to become the airports co-ordination centre in south China;
- (b) if the answer to (a) is in the affirmative, whether the Government has suggested to the Chinese authority that Hong Kong's new airport should become the airports co-ordination centre in south China; if so, how the suggestion has been conveyed to the Chinese authority;
- (c) whether the Government has assessed the implications on the local economy arising from Hong Kong's new airport becoming the airports co-ordination centre in south China; and

- (d) whether the Government knows when the Chinese authority will make a final decision regarding the siting of such a co-ordination centre?

Answer :

Mr President,

In view of the proximity of a number of existing and planned airports in the Pearl River Delta Region, the need for careful coordination of airspace management and air traffic control arrangements is well recognised by the civil aviation authorities concerned. Our fundamental objective is to develop, in consultation with neighbouring airports, arrangements which promote the optimal use of airspace, minimise air traffic congestion and lead to the highest levels of operational efficiency and safety.

To this end, regular technical coordination meetings are held between air traffic control managers in Hong Kong and Guangzhou to ensure that operational procedures are in place to meet the needs of existing airports.

A number of options exist for the safe and efficient management of airspace in the Pearl River Delta. The establishment of a joint air traffic control centre, responsible for airspace management for a number of neighbouring airports, is one of the options. The British and Chinese sides have agreed that the various options for air traffic coordination in the Pearl River Delta should be discussed under the auspices of the recently established Infrastructure Coordinating Committee (ICC); and we look forward to discussing the issue within the context of the Committee.

If, following discussions in the Committee, it is concluded that a joint air traffic centre is the preferred option, the air traffic control facility at Hong Kong's new airport would be well-able to undertake such a role. Our new airport at Chek Lap Kok will be the largest in the Region, with traffic volumes on opening likely to be more than double the total handled by all neighbouring airports. It will also have the benefit of the most up-to-date radar and other technical equipment.

End/Wednesday, January 11, 1995

Causes of fatal traffic accidents

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Following is a question by the Hon Simon Ip Sik-on and a reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question :

Deaths resulting from traffic accidents have risen in the past three years and several fatal accidents have occurred recently. Will the Administration inform this council :

- (a) what are the most common causes of fatal traffic accidents;
- (b) what measures will be taken to prohibit drunken driving;
- (c) what measures will be taken to prevent or reduce reckless and careless driving and to enforce good road discipline; and
- (d) whether young or newly qualified drivers will be subjected to a more rigorous system of testing?

Reply:

Mr President,

The number of fatal traffic accidents rose from 318 in 1992 to 336 in 1993, but in fact declined to 277 last year.

Based on investigations following fatal traffic accidents the Transport Department has established that the most common causes are:-

- (a) driving too fast for the road conditions;
- (b) losing control of the vehicle;
- (c) pedestrian negligence; and
- (d) defective vehicle brakes.

Drunken driving is already an offence under the Road Traffic Ordinance. However, enforcement of this particular offence is difficult since the legislation does not specify a limit for the concentration of alcohol in the blood and it does not require a suspected drunken driver to provide samples of breath, urine or blood for testing. For these reasons it is not possible to say with any accuracy the extent to which drunken driving is a cause of fatal traffic accidents, although of course there is circumstantial evidence to suggest that this is a factor. On the recommendation of the Road Safety Council, we plan to introduce legislative amendments correcting these deficiencies in the law on drink driving within the current session of this Council. The introduction of the new legislation will be accompanied by extensive publicity to warn the public about the dangers of driving after consuming excessive amounts of alcohol.

The Transport Panel of this Council has been briefed on our proposals. I am conscious of the need to do more to prevent reckless and careless driving and to enforce better road discipline. Certainty of detection and prosecution are the most effective means of changing unacceptable driving practices. In this respect, the Police patrols of expressways have increased and unmarked Police patrol vehicles equipped with video cameras will shortly be brought into service. These will facilitate the gathering of evidence to prosecute drivers. Also cameras installed at road junctions have proven to be a very effective deterrent against driving through red traffic lights. More of these cameras are being installed. We are also continuing our publicity efforts aimed at driver education, for example, using television API's, posters, and broadcasts in the road tunnels.

We believe that our system of driver testing is already very stringent. Nevertheless, I accept that it is now appropriate to review the situation and reconsider whether any special arrangements need be introduced in respect of young or inexperienced drivers. In this respect we are collecting data from other countries.

End/Wednesday, January 11, 1995

Prosecutions regarding smoking in public places

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

Question :

As smoking is prevalent in certain public places designated as no smoking areas (such as cinemas and public light buses), will the Government inform this Council:

- (a) whether the Government has conducted periodic reviews on the situation regarding the enforcement of the legislation on prohibition of smoking in public places;
- (b) of the number of prosecutions regarding smoking offences in public places in the past year; and
- (c) how the Government can ensure that the anticipated effects of the legislation will be achieved?

Reply :

Mr President,

The Smoking (Public Health) Ordinance stipulates that no one should smoke in public transport carriers and certain designated no-smoking areas like cinemas, concert halls, amusement game centres and public lifts as listed in Schedule 3 to the Ordinance. Any person who smokes or carries a lighted cigarette, cigar or pipe in a designated no-smoking area commits an offence and is liable on summary conviction to a maximum fine of \$5,000.

During the period from January to December 1994, we prosecuted 3,015 persons under the relevant provisions. Furthermore, separate enforcement action has been taken by transport operators and managers of designated no-smoking areas to ensure compliance with the law.

The Administration will review regularly the need to strengthen the existing anti-smoking measures in line with community aspirations and public attitude. However, this process of changing traditional culture and personal habits cannot be accomplished by punitive sanctions alone. I appeal to Honourable Members of this Council, the Council on Smoking and Health, our non-governmental organisations and the community as a whole to continue to support and participate in our mission to promote a smoke-free society through legislative provisions, publicity campaigns and educational programmes.

End/Wednesday, January 11, 1995

Reduction in air pollution

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Following is a question by the Hon Christine Loh Kung-wai and a reply by the Secretary for Planning, Environment and Lands, Mr Tony Eason, in the Legislative Council today (Wednesday):

Question:

In his policy address last October, the Governor made a policy commitment to cut vehicle pollution by 20 per cent over the next two years. Will the Administration inform this Council of:

- (a) the specific programmes that will be implemented to achieve this target;
- (b) the estimates of approximate pollution reduction, by type of pollutant, that are expected from each programme and the timetable for their implementation;
- (c) the way in which the reduction in air pollution will be verified as well as the numerical baseline the Administration is working from; and
- (d) the frequency of progress updates that the public can expect?

Reply :

Mr President,

To achieve the 20 per cent reduction in vehicle pollution we propose the following measures: the introduction of more stringent vehicle emission standards, a requirement for cleaner automotive diesel fuel, a more stringent vehicle inspection and maintenance programme, higher penalties for smoky vehicles, and a scheme to reduce the reliance on light duty diesel vehicles.

The 20 per cent reduction in vehicle pollution refers to the reduction in respirable suspended particulates. We aim to achieve about 9 per cent of the reduction by the introduction of more stringent vehicle emission standards and cleaner diesel fuel in 1995; about 9 per cent by reducing reliance on light duty diesel vehicles beginning in 1996; and about 2 per cent reduction by combining a stricter vehicle inspection and maintenance programme with the introduction of higher penalties for smoky vehicles by mid-1996.

The reduction in air pollution will be verified by monitoring ambient air pollution concentrations. The reference baseline is the projected 1996 air quality conditions without the measures proposed.

We intend to report on the progress on a yearly basis in addition to the air monitoring data already published every month.

End/Wednesday, January 11, 1995

Registration of doctors

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Following is a question by Dr the Hon Leong Che-hung and a reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

Is the Administration aware of cases where persons not qualified for registration, or persons having had their names struck off permanently or removed for a period of time from the Register of Medical Practitioners, professed themselves to be registered and practised medicine or surgery? If so, will the Administration inform this Council :

- (a) of the number of cases that have been investigated and successfully prosecuted in the past three years;
- (b) what measures the Administration will take to monitor the situation, so as to ensure that all practising medical practitioners are registered; and
- (c) whether the Administration will issue any guidelines to enable the public to distinguish "genuine" registered medical practitioners from those who are not registered?

Reply :

Mr President,

The Administration is not aware of any case where registered medical practitioners have continued to practise medicine after having had their names struck off permanently or removed for a period of time from the Medical Register of the Medical Council.

Notwithstanding this, in order to help the Police in initiating action, if necessary, against doctors who practice illegally, the Department of Health will inform the Commissioner of Police and the relevant District Police Commander of the particulars of medical practitioners whose names have been removed permanently or for a period of time from the register at the same time as the Medical Council publishes such orders in the Government Gazette.

The Department of Health and the Medical Council occasionally receive information or complaints from the public about persons not qualified for registration who are practising medicine. These cases are referred to the Police for further investigation and action. Professional input from the Department of Health is provided where necessary.

From 1992 to 1994 the Medical Council received 8 such complaints directly from the public. These have been referred to the Police. A total of 65 cases have been reported to the Department of Health in the same period. All have been referred to the Police for further investigation. 19 of these cases have resulted in conviction.

A full list of all registered medical practitioners in Hong Kong (with names and particulars) is published twice a year. It is available for sale through the Government Publications Centre, and for reference in major public libraries. The public can refer to the list if they are in doubt of the legitimacy of a doctor's practice. At the same time, they can always make enquiries direct to the Medical Council Secretariat.

End/Wednesday, January 11, 1995

Use of courtroom time

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

Question :

Is the Government aware of the following hearing times in one of the courts in the High Court on three consecutive working days in the month of November last year:

Friday, 18 November Application for bail lasting about half an hour;

Monday, 21 November Application for bail lasting about half an hour;

Tuesday, 22 November Plea and judgment lasting not more than one hour;

if so, will the Government inform this Council why such limited use of courtroom time has occurred and whether such a situation has resulted in unnecessary delays to other court cases awaiting adjudication?

Reply :

President,

The Judiciary has looked into the case referred to. A five months' trial was originally scheduled for the court in question. A week or so before the trial was due to commence on 7 November 1994, the case was adjourned at the request of the Defence. This resulted in a three-week gap in the diary of that court.

The unexpectedly vacant court days were immediately filled by other trials. The three vacant days referred to in the question arose as a result of the adjournment of a refixed trial because the Accused in that second trial insisted on changing his legal representative.

In a further attempt to fill the court's diary, several injunction applications were set down. These were duly disposed of. This left two vacant days for which no suitable cases could be found.

This case illustrates the problems that can arise because the present listing system assures parties of fixed dates for trials. Court diaries are fixed months in advance. If for whatever reason, a case has to be refixed at short notice, or a case runs for a shorter period than expected or is adjourned, it may not always be possible to fill the unexpected gap in the court diary despite the best efforts of the Judiciary.

The Judiciary recognises that there is scope for fine-tuning the listing system to improve judicial efficiency. Various initiatives are being explored to enable the filling of odd slots that unexpectedly arise in Judges' diaries e.g. the possibility of launching an interlocutory running list. Furthermore, the Judiciary is also consulting other relevant parties on how to achieve better case management through firmer control of the process of trials and refusal of unnecessary adjournments.

End/Wednesday, January 11, 1995

Landfill at Shang Xia Ping Valley

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Following is a question by the Hon Peggy Lam and a written reply by the Secretary for Planning, Environment and Lands, Mr Tony Eason, in the Legislative Council today (Wednesday):

Question:

It is learnt that the Shenzhen Municipal Government and a local company are planning to set up a joint venture to develop a landfill covering an area of 150 hectares at the Shang Xia Ping valley which is located at the northern end of the Luo Hu District. According to environmentalists, the proposed landfill will further pollute the Shenzhen River. In this connection, will the Government inform this Council whether:

- (a) the Environmental Protection Department (EPD) is aware of the details of the development project; if so, whether the EPD will assess the extent of pollution which the project will bring to the Shenzhen River; and
- (b) the EPD has started any dialogue with Chinese officials regarding the project?

Reply :

Mr President,

The Administration has not been informed that there are plans to develop the landfill referred to. We will try to obtain information on the project however.

End/Wednesday, January 11, 1995

Criteria for promotion of civil servants

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

Question:

In regard to the promotion system in the civil service, will the Government inform this Council:

- (a) of the criteria on which the promotion of civil servants is based;
- (b) whether the details of the criteria can be disclosed; and
- (c) whether the policy secretaries promoted recently have satisfied these criteria?

Reply:

Mr President,

My replies to the three questions raised are as follows:

- (a) The criteria for the promotion of civil servants are set out in general terms in the Civil Service Regulations which refer to character, ability, any qualifications prescribed for the promotion rank in question and experience. The regulations require that if no candidate stands out as clearly the most suitable, seniority should then be taken into account. The principle underpinning these regulations is that promotion is not a reward for long service, but a recognition that the officer selected is able and ready to perform the duties of the next higher rank. In line with this principle, individual grades may set out more detailed criteria to meet their particular requirements. In the case of the Administrative Officer Grade the promotion criteria in the Civil Service Regulations are reflected in what are referred to as the four 'P's : namely, performance, personality, postability and potential, which are the governing criteria in the selection of Administrative Officers for promotion;
- (b) the general promotion criteria are clearly laid down in the Civil Service Regulations. There are also guidelines requiring Heads of Departments/Heads of Grades to inform officers in the lower rank in writing of the holding of a promotion exercise and the criteria for selection for promotion;
- (c) the officers recently promoted to the rank of Secretary were selected in accordance with the selection criteria and procedures laid down in the Civil Service Regulations. The four 'P's referred to in (a) above were the guiding criteria in the selection exercise. These criteria were also used by the posting board which selected and recommended candidates to fill Secretary posts on an acting basis, also recently announced.

End/Wednesday, January 11, 1995

Community Electronic Trading Service

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Following is a question by the Hon Peter Wong and a written reply by the Secretary for the Treasury, Mr Donald Tsang, in the Legislative Council today (Wednesday):

Question:

In regard to the Community Electronic Trading Service, will the Government inform this Council of the reasons why the Government contractor had withdrawn from the supply of computer hardware and services to Tradelink in which the Government has a 30% interest and why another contractor was then picked to supply the hardware without a re-tendering exercise?

Reply :

Tradelink is a private company in which Government currently holds a 48% interest. Tradelink's original partner for the Community Electronic Trading Service (CETS) was selected in 1993 on the basis that it would best meet Tradelink's requirements following evaluation of a number of proposals from vendors. During negotiation of the detailed contractual arrangements in the course of 1994, it became clear that a number of important differences could not be resolved between Tradelink and its original partner over the terms and conditions for the system integration contract. Both sides therefore agreed to end the negotiations, allowing Tradelink to pursue an alternative solution as quickly as possible. A number of the other original proponents were asked to make further proposals for this purpose and Tradelink selected the one that best met Tradelink's requirements. To launch a tendering exercise ab initio would have been inconsistent with the original selection procedures, would have entailed serious delays to the CETS project and would not have been in the interests of the trading community.

End/Wednesday, January 11, 1995

New holding area for tourists at airport

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Following is a question by the Hon Howard Young and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

Travel agents often encounter difficulties in picking up arriving overseas tourists in the heavily congested arrival area at Kai Tak Airport. In order to facilitate travel agents to meet their clients from overseas, will the Government inform this Council whether it will consider :

- (a) granting permission with certain restrictions to some travel agents for entry to the arrival area buffer zone between the exits and the Customs counters to meet arriving tourist groups;
- (b) installing TV-monitors outside the designated exits leading to hotel and travel agents transport, to assist the travel agents in locating their clients; and
- (c) putting up more signs indicating the 'meeting point' for tourists at the existing airport as well as the future Chek Lap Kok Airport?

Answer :

The restricted access "Buffer Hall", which is located between the Customs and Arrivals halls in the Passenger Terminal at Kai Tak Airport, was established in 1978 to facilitate the smooth flow of arriving passengers and provide incoming visitors with an opportunity to seek assistance in finding accommodation or other services without being subject to possible harassment by touts. Facilities located within, or adjacent to the Buffer Hall, include counters manned by staff of the Hong Kong Tourist Association and the Hong Kong Hotels Association and a Tour Group Reception and Co-ordination Centre at which leaders of group tours can make contact with their local counterparts.

As the existing arrangements work well and have been successful in reducing the nuisance and obstruction formerly caused by touts, the Civil Aviation Department considers that the present restrictions on access to the Buffer Hall should be retained. Nevertheless in order to improve further services for travel agents and arriving tour groups the Department is planning to construct a new holding area, adjacent the Arrivals frontage, to serve arriving passengers awaiting group transportation to their hotels. Subject to approval of the necessary resources, this facility will be provided with seating, air-conditioning and flight information displays and will be accessible to travel agents meeting their clients from overseas.

As regards facilities to assist travel agents, closed-circuit television cameras will be installed at the exits of the Buffer Hall leading to the Arrivals Hall, on a trial basis, starting in mid-May. In addition, large television monitors will be positioned at various locations within the arrivals area. These new systems will help alleviate the congestion often experienced near the passenger arrival ramps by enabling greeters to identify incoming passengers on the television display units before moving towards the greeting area.

As regards signs, the Civil Aviation Department will consider the possible need for additional or improved signage to direct arriving tourists to the 'Meeting Point' in the Arrivals Hall at Kai Tak, in consultation with representatives of the travel industry. As regards the new airport, the Provisional Airport Authority (PAA) has held regular meetings with representatives of the travel industry in order to ensure that their requirements for the Passenger Terminal Building will be met. By way of example, the Buffer Hall at the new airport will be designed to accommodate group assembly areas and information desks in response to requests from the industry that they be able to collect their clients prior to entry into the Meeters/Greeters Hall. Also, tall signage posts displaying large graphic symbols and clear signage pictograms will be used.

End/Wednesday, January 11, 1995

Labour importation for new airport projects

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Following is a question by the Hon Michael Ho Mun-ka and a written reply by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

With regard to the importation of labour for the new airport projects, will the Government inform this Council :

- (a) of the procedures for the importation of labour for such projects (including the determination of wage rates, approving criteria and ancillary conditions);
- (b) of the respective numbers of local and imported workers employed for each of the projects under the Airport Core Programme up to the present moment;
- (c) of the types of jobs with imported workers, together with a breakdown of the number of imported workers and their wage levels in each type;
- (d) whether the Government has made an estimate of the types of jobs as well as the respective numbers of imported workers required for each type under various airport projects requiring importation of labour in 1996; if so, what are the details of the estimate; and
- (e) whether the Government has made an assessment of the impact which an expanded quota of imported workers for the airport projects will have on the wage increase of local construction workers in the next few years; if so, what is the out-come of the assessment?

Reply :

Mr President,

My reply to the Honourable member's question in seriatim is as follows :

- (a) Employers who have been awarded works contracts which qualify for importation of labour under the special labour importation scheme for Airport Core Projects (ACP) and who wish to do so should first submit a preliminary application to Immigration Department for permission to import workers. The Immigration Department will consult the Labour Department on employment matters and the New Airport Projects Co-ordination Office (NAPCO) to ensure that the number and types of workers to be imported and the proposed employment periods are compatible with the nature of works and the contract period. The vacancies are then registered with the Local Employment Services of the Labour Department and sent to relevant trade unions for information for a minimum period of four weeks in order that local workers are given first priority to apply for them. When the Immigration Department is satisfied that the application to import labour can be approved, a standard employment contract is provided to the employers who are required, amongst other conditions, to pay the imported workers wages at a level no less than the allowable median monthly wages of local workers for similar jobs in Hong Kong as determined by the relevant wage statistics compiled and published every six months by the Census and Statistics Department. Once their preliminary applications are approved, the employers involved can then submit formal visa applications for the workers to be imported.
- (b) The number and percentage of imported workers vis-a vis the total number employed for each of the ACP projects up to 31 December 1994 are set out at Annex A.
- (c) The cumulative breakdown of imported workers for the special Labour Importation Scheme for the ACP since it was introduced in 1991 by the types of jobs and corresponding wage levels as at 31 December 1994 is at Annex B.
- (d) We have estimated that the total number of workers required for ACP projects when it reaches the peak in 1996 will be 30,000 man-years. This figure has been worked out on the basis of the estimated gross labour demand of three categories of projects, namely, the 7 Government ACP projects and the Western Harbour Crossing, Chek Lap Kok Phase 1A works, and Mass Transit Railway Corporation's contracts for the Airport Railway. The detailed breakdown is at Annex C.

As regards the types of jobs requiring imported workers in 1996, it is not possible to break down the estimated total by types/categories of workers, because the actual types of workers vary with the methods of construction, and they also vary from one contractor to another.

- (e) An assessment of the impact on construction wages of a shortage in the supply of construction site workers has revealed that if the additional 17,000 imported workers under the Phase 1 of the revised quota ceiling are not available, it is likely that the wage level of the construction industry as a whole will increase more rapidly than it otherwise will by around 3 percentage points in 1995, 7 percentage points in 1996 when construction works on ACP projects reach their peak and 2.5 percentage points when ACP works advance towards completion. It also shows that even with the interim expanded quota ceiling, construction wages in the next couple of years can still be expected to increase at a faster rate than in the past two years.

End/Wednesday, January 11, 1995

Arrest of illegal immigrants

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Following is a question by the Hon James To Kun-sun and a written reply by the Secretary for Security, Mr Alistair Asprey, in the Legislative Council today (Wednesday):

Question :

There have been a number of robberies committed by illegal immigrants (IIs) in remote villages in the New Territories in recent months, causing great concern among the villagers. In connection with this, will the Government inform this Council:-

- (a) of the IIs arrested in each of the past six months, how many have been involved in robbery cases, and what is the number of such cases per month; and how do these figures compare with those of the same period last year;
- (b) how many IIs were intercepted by the Police near the border in the past six months and how does this figure compare with that of the same period last year;

- (c) whether the number of IIs entering the territory from places near the border is on the increase; if so, what the reasons are;
- (d) what difficulties have been encountered by the police in rounding up IIs; and
- (e) what measures will be taken by the police to step up efforts to round up IIs in the border area, thereby safeguarding villagers in remote locations from harassment and losses?

Reply :

Mr President,

- (a) The number of illegal immigrants arrested in each of the last six months, the number involved in robbery cases and the total number of robbery cases, compared to the numbers in the same period past year are set out below :-

	<u>1994</u>	<u>July</u>	<u>August</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
(i) no. of II's arrested		2524	2628	2741	2682	2766	2648
(ii) no. of II's involved in robbery cases		7	10	13	11	19	37
(iii) no. of territory-wide robbery cases		536	448	488	572	535	516

	<u>1993</u>	<u>July</u>	<u>August</u>	<u>Sept</u>	<u>Oct</u>	<u>Nov</u>	<u>Dec</u>
(i) no. of II's arrested		3107	3188	2942	3219	3102	2996
(ii) no. of II's involved in robbery cases		1	9	1	6	14	19
(iii) no. of territory-wide robbery cases		595	540	588	608	479	561

- (b) The number of illegal immigrants arrested by Police near the Border in the past six months was 4,787. This compares with a total of 5,212 in the same period last year.
- (c) The number of illegal immigrants entering Hong Kong was lower in 1994 than in the previous two years.
- (d) A number of factors account for the difficulties experienced by the Police in the arrest of illegal immigrants. The open sea approaches to the Territory and the large number of vessels plying these routes for legitimate reasons provide opportunities for illegal immigrants to enter Hong Kong. The rise in cross border traffic has provided more opportunities for illegal immigrants. The difficult terrain in the Sha Tau Kok area, with its thick undergrowth, provides good cover for illegal immigrants.
- (e) The Police have taken a number of measures to step up efforts to arrest illegal immigrants in the Border area. The Field Patrol Detachment, consisting of four PTU companies, covers the Border area from Tsim Bei Tsui in the west to Sha Tau Kok in the east. Three companies are deployed along the Border itself on a 24-hour basis. They are deployed in a combination of ambush positions and patrols. The fourth company is designated as a Quick Reaction Force, capable of deploying manpower at short notice to interdict illegal immigrants. In addition, operations based on intelligence are mounted at locations where illegal immigrants are known to be present. Close liaison is maintained with villagers to gather information and to give appropriate advice. The assistance of the Chinese authorities is also enlisted to counter the problem.

End/Wednesday, January 11, 1995

Measures ensure navigational safety in Victoria Harbour

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Following is a question by the Hon Samuel Wong Ping-wai and a written reply by the Secretary for Works, Mr James Blake, in the Legislative Council today (Wednesday):

Question:

Regarding the reclamation works on both sides of the Victoria harbour, will the Government inform this Council :

- (a) of the shortest distance between the Kowloon peninsula and the Central district as well as Wanchai on the Hong Kong Island respectively when the reclamation works are completed;
- (b) whether the existing ferry services are being affected by the reclamation works; if so, what the situation is; and when normal operation of the services can resume;
- (c) what measures are taken by the Government departments concerned and the ferry companies to avoid accidents involving vessels plying the Harbour; and
- (d) whether the Government has conducted an environmental impact assessment on how the Victoria Harbour will be affected before and after the completion of the works; if so, what the details of the assessment are.

Reply :

Mr President,

- (a) Upon the completion of the reclamation work, the shortest distance between Kowloon peninsula and Central will be 820 metres, that between Kowloon peninsula and Wanchai will be 880 metres. This may be slightly reduced if a helicopter landing pad is added.
- (b) There is very little affect to the one remaining ferry at West Kowloon. Reclamation works affecting Wanchai have given rise to increased journey times and a higher incidence of vessel breakdowns, mainly caused by increased debris in the sea. Ferry operators have made extra efforts to cope with the problems so as to minimise disruption to passengers, e.g., by adjusting berthing arrangements to minimise delays; exploring with engineer manufacturers on improving designs to overcome the problem of increased debris; and undertaking more frequent preventive maintenance.

The effect on the ferry services in Wanchai has been kept to the minimum by suitably arranging the sequence of works. The situation would be back to normal in mid 1996 after the reprovisioned pier facilities become available; and for Central services, in mid 1997 after completion of the current phase of Central Reclamation works. For the Jordan Road ferry service, a temporary ferry pier will be provided at the existing Government Dockyard site by Feb 96, so that the existing ferry pier can be abandoned for the reclamation works. This temporary arrangement will also allow more time to consider alternative locations of the permanent replacement ferry pier in the context of the Kowloon Point reclamation as envisaged under the Metroplan.

(c) The following measures has been adopted to ensure navigational safety in Victoria Harbour :

- Promulgation of accurate navigational information and safety advice by publication of Marine Department Notices and Notices to Mariners. Navigational information include the boundaries of works areas, the manner of demarcating the limits, nature of works, period of works, establishment of navigational aids, establishment of restricted areas and positions of fairway. Safety advice include professional guidance on speed of vessel, observance of good seamanship and how to avoid navigational hazards.
- Making announcements of traffic arrangements on radio and television.
- Establishment of navigational lightbuoys to enable more precise segregation of opposite traffic and to avoid crossing traffic.
- Removal of mooring buoys to provide more navigable space.
- Diversion of ocean-going traffic away from heavy traffic area of the harbour.
- Cancellation of speed restriction exemption when navigating in central harbour. Stepping up prosecutions against overspeeding.
- Giving specific directions to works contractors regarding movement of works vessels.
- Diversion of fairways to guide vessels to keep a safe distance from works area.
- Increase in the presence of patrol launches in harbour waters by commissioning three fast patrol launches and prolonging the operational hours of existing patrol launches.
- Keeping ferry (including local ferries, Macau ferries & China ferries) operators up to date on the traffic situation, and getting them involved in planning changes.
- Raising the safety awareness of vessel operators.

- (d) An assessment of the environmental implications of the reclamation in Victoria Harbour was conducted as part of a series of studies including the Harbour Reclamation and Urban Growth Studies completed in 1982, and Port and Airport Development Strategy and the Central and Wanchai Reclamation Feasibility Study, both completed in 1989. Detailed modelling of water quality implications of the reclamation was also carried out as part of Sewage Strategy Study completed in 1989, the Engineering Studies on Strategic Sewage Disposal Scheme Stage 1 and the current review of the Strategic Sewage Disposal Scheme Stage 2.

For the reclamation strategy currently adopted, the results indicate there would be a reduction in flow through the Victoria Harbour of up to 15%. However, with the implementation of the sewerage master plans, the Strategic Sewage Disposal Scheme as well as an early declaration of Victoria Harbour as a Water Control Zone water quality in the harbour can be within the established criteria.

End/Wednesday, January 11, 1995

Traffic accidents in tunnels

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

Question:

Regarding the adoption of the one-tube-two-way-traffic arrangement in the territory's road tunnels during certain periods of time, will the Government inform this Council :

- (a) of the number of traffic accidents which occurred in tunnels during the periods when such an arrangement was in force, together with the respective figures of casualties and fatalities, in the past three years;
- (b) what measures are being put in place to prevent traffic accidents in tunnels during such periods; and
- (c) whether such measures will be reviewed so as to reduce the number of traffic accidents?

Reply

Mr President,

- (a) There were 36 traffic accidents in tunnels in 1992 whilst the one-tube two-way arrangements were in operation. In 1993 there were 44 and in 1994 there were 38. The numbers of casualties were as follows :

	<u>1992</u>	<u>1993</u>	<u>1994</u>
Fatal injuries	2	1	4
Serious injuries	32	18	30
Minor injuries	<u>51</u>	<u>56</u>	<u>53</u>
	<u>85</u>	<u>75</u>	<u>87</u>

- (b) Road tunnels need to be regularly cleaned and inspected, for example, so that the electrical and mechanical equipment and services within the tunnels can be maintained, repaired and replaced as necessary. The least disruptive time to carry out such work is at night by closing one tube of each tunnel. Consideration has been given to restricting passage to a one-way traffic flow. However, there are operational constraints and this would also cause considerable inconvenience to motorists.

To reduce the likelihood of accidents occurring when one tube is used for two way traffic, the following arrangements are now adopted as far as possible :

- (i) cleansing and maintenance works carried out between 1:00 am and 6:00 am, when traffic is light;
- (ii) no tunnels are closed at weekends, on long holidays, or on the eve of long holidays;
- (iii) before and during closure, adequate warning traffic signs, cones and flashing beacons are provided at strategic locations to alert motorists;
- (iv) a lower speed limit of 50 km per hour is imposed, and radar speed checks are carried out;
- (v) road safety messages are broadcast within the tunnels; and

- (vi) enforcement of the tunnel regulations is strengthened, including more frequent mobile patrols.
- (c) These measures are regularly reviewed by the tunnel management, the traffic police and the Transport Department, to ensure that everything possible is done to reduce the incidence of traffic accidents.

The Police have reason to suspect that some serious accidents in tunnels at night have been caused by drunken drivers. I expect to introduce legislation into this Council to tighten the law on drinking and driving during the current session.

End/Wednesday, January 11, 1995

Provision of child services

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The following is a question by Dr the Hon Lam Kui-chun and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council as regards the planning for the future provision of child services in the territory :

- (a) the respective planning periods for the provision of places in primary schools, day nurseries and day creches; whether the planning for such services has taken into account the number of children born to Hong Kong residents in China who will come to Hong Kong for settlement in the future;
- (b) the anticipated demand for each of the three kinds of services during the planning period; and
- (c) the projected changes in the birth rate of the local population up to the year 2046?

Reply :

The reply is as follows :

- (a) Generally speaking, the planning period for the provision of places in primary schools is five years. As is set out in the White Paper, "Social Welfare into the 1990's and Beyond", the provision of aided day nursery and day creche places has been planned for the period 1991/92 to 1999/2000. The planning for all of these places has taken into account an estimate of the number of children in China born to Hong Kong residents who will be eligible to settle in Hong Kong in future.
- (b) To meet demand for primary school places in the present planning period 1994/95 - 1998/99, 31 new primary schools are planned to be built. The anticipated demand for aided day nursery places is estimated to be about 30,000 by 1999/2000; for aided day creche places, it is estimated to be 3000.
- (c) The crude birth rate (the number of live births in a year divided by the mid-year population of the same year) of Hong Kong in 1993 was 12.0 per 1000 population. This rate is expected to rise to 12.8 in 2014, to 13.2 in 2021 and to level out thereafter at about 13.0 with only slight fluctuations.

End/Wednesday, January 11, 1995

Industrial safety review

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Following is a question by the Hon Tam Yiu-chung and a written reply by the Acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

Regarding the comprehensive review of the present system for ensuring occupational health and safety, will the Government inform this Council :

- (a) what sorts of persons will be invited to join the newly established inter-departmental committee headed by the Secretary for Education and Manpower, and how selection criteria are determined;

- (b) in regard to the other committee which will be set up under the chairmanship of the Commissioner for Labour to study the feasibility of extending the general duties provisions under the Factories and Industrial Undertakings Ordinance to cover non-industrial premises, what criteria will be adopted in the selection of representatives from trade unions and the business sector to join this committee;
- (c) whether members of the Occupational Safety and Health Council will be invited to join these two committees; and
- (d) what is the scope of review of each of the two committees; and when the reviews will be completed?

Reply:

Mr President,

My reply to the Honourable Member's question in seriatim is as follows :

- (a) The Steering Group on Industrial Safety which is chaired by the Secretary for Education and Manpower comprises representatives from all policy branches and Government departments responsible for enforcing safety legislation and promoting industrial safety. The membership list is at Annex A. Representatives of non-governmental bodies will also be invited to attend meetings of the Steering Group as and when necessary.
- (b) The membership of the ad hoc Committee on 'general duties' provisions under the Factories and Industrial Undertakings Ordinance is at Annex B. This Committee consists of members nominated by the LAB representing employers' and employees' interest. It also includes representatives nominated by various non-industrial trade bodies, and representatives of major trade unions and employees organisations which have an interest in the review.
- (c) The Executive Director of the Occupational Safety and Health Council is a member of the Working Group on Education and Training formed under the Steering Group on Industrial Safety.

The ad hoc Committee on 'general duties' provisions under the Factories and Industrial Undertakings Ordinance consists of a member who is also a member of the Occupational Safety and Health Council. Representatives of the Occupational Safety and Health Council will also be invited to attend meetings of this committee as and when necessary.

- (d) The terms of reference of the Steering Group and the ad hoc committee are at Annexes C and D. Both reviews are expected to be completed by mid-1995.

Annex A

Steering Group on Industrial Safety

Membership List

Chairman - Secretary for Education and Manpower

Members - Secretary for Works or his representative

Secretary for Planning, Environment and Lands or his representative

Deputy Secretary for Education and Manpower

Commissioner for Labour

Director of Buildings or her representative

Director of Electrical and Mechanical Services or his representative

Director of Housing or his representative

Secretary - Principal Assistant Secretary for Education and Manpower

Ad hoc Committee on
Extension of 'General Duties' Provisions
to Non-industrial Establishments

Membership List

Chairman - Assistant Commissioner for Labour (B)

Members - 2 nominated from among the LAB's employee representatives

2 nominated from among the LAB's employer representatives

one representative from Retail Management Association

one representative from the Hong Kong Association of Banks

one representative from the Hong Kong Exporters' Association

one representative from the Real Estate Developers Association of Hong Kong

one representative from the Hong Kong Federation of Trade Unions

one representative from the Hong Kong and Kowloon Trades Union Council

one representative from the Federation of Hong Kong and Kowloon Labour Unions

one representative from the Hong Kong Confederation of Trade Unions

Secretary - Labour Officer (Factory Inspectorate)

Annex C

Steering Group on Industrial Safety

Terms of Reference

- (a) To review the respective roles and responsibilities of all key players in industrial safety with a view to clarifying and where necessary, redefining such roles and achieving better co-ordination.
- (b) To review the provisions of industrial safety legislation and to consider whether any changes should be made to the scope and nature of such legislation and the possible scope of change.
- (c) To review the existing organisational arrangements for enforcing industrial safety legislation and to consider whether any changes should be made and the resource implications.
- (d) To recommend measures to enhance the standard of industrial safety and to build up a safety culture.

Annex D

Ad hoc Committee on
Extension of 'General Duties' Provisions
to Non-industrial Establishments

Terms of Reference

To consider whether the "general duties" provisions under the Factories & Industrial Undertakings Ordinance should be extended to all establishments not yet covered by the Ordinance and to make recommendations to the Commissioner for Labour.

End/Wednesday, January 11, 1995

Forgery of banknotes

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Following is a question by the Hon Henry Tang Ying-yen and a written reply by the Secretary for Security, Mr Alistair Asprey, in the Legislative Council today (Wednesday):

Question :

It is reported that the forgery of banknotes by criminal elements using advanced technology has become a serious problem in recent years, particularly in the case of forged US banknotes which constitute 80 per cent of the total number of forged banknotes seized by the Interpol. In this connection, will the Government inform this Council:

- (a) whether triad syndicates in the territory are involved in the forgery of banknotes activity; if so, whether the Government has taken measures to tackle the problem, and how many forged banknotes have been seized in the past three years;
- (b) of the number of forged banknotes in circulation in the territory found by the police within the past three years, and whether the users of such banknotes have been charged by the police; if not, why not; and
- (c) what methods the police are adopting to differentiate between forged and genuine banknotes, and whether such methods can identify banknotes forged by crime syndicates using advanced technology?

Reply

Mr President,

- (a) The Police assess that counterfeit currency syndicates may include triad society members, but counterfeiting is not necessarily, or primarily, a triad crime.

The Police maintain close liaison with banks and financial institutions to help discover forged banknotes, and conduct regular operations to seize such banknotes and arrest the counterfeiters.

The number of forged banknotes seized in 1992 was 13,623; in 1993, it was 93,180; and in 1994, it was 16,577. In 1993 there were two major seizures of 49,765 and 37,252 counterfeit banknotes.

- (b) The Police do not have separate statistics for the number of forged banknotes in circulation.

Anyone manufacturing, distributing or using forged banknotes is prosecuted when sufficient evidence exists to support a charge. Between 1991 and 1994, 28 persons were charged with uttering forged banknotes in Hong Kong, and 11 persons with forgery of banknotes.

- (c) Identification of forged banknotes in Hong Kong is undertaken by the Police Force's counterfeit currency experts, who are well equipped with the technology required. These experts are capable of identifying all types of forged banknotes.

End/Wednesday, January 11, 1995

Use of helicopter to carry offenders

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Following is a question by the Hon Fred Li Wah-ming and a written reply by the Secretary for Security, Mr Alistair Asprey, in the Legislative Council today (Wednesday):

Questions:

The former Deputy Crown Prosecutor, Mr Warwick Reid, was released recently after serving his jail sentence. He was deported immediately upon release and was flown in a helicopter direct from the Siu Lam Psychiatric Centre to Kai Tak Airport. The transport cost of the trip, which lasted only eight minutes, was about \$14,000. In this connection, will the Government inform this Council of the following:

- (a) whether there were any precedent cases of the use of a helicopter to carry an offender; if so, what the details were;
- (b) if the answer to (a) is in the negative, what were the reasons for the use of a helicopter to transport Mr Warwick Reid to the airport; and
- (c) whether helicopters will be used to transport tainted witness on all occasions in the future?

Reply:

Mr President,

The estimated cost of the use of the helicopter was \$6,500; not \$14,000.

- (a) There is one precedent. In January 1975, Mr Peter Godber - the former Chief Superintendent of Police - was extradited from the United Kingdom on corruption charges. On arrival in Hong Kong, he was flown by helicopter from Kai Tak to Hong Kong Island, and then transferred by road to Central Court.
- (b) When Mr Peter Godber was released from Prison in 1977, he was transferred to the airport by road. In the course of this journey, the media pursued the transfer vehicle in such numbers and with such recklessness that they endangered other road users and caused an accident. We took into account these events in our planning for Mr Reid's transfer; we would have had to deploy substantial police resources if transfer had been by road. Use of a helicopter was cost-effective and in the interests of safety.
- (c) No. We will consider each case on its merits.

End/Wednesday, January 11, 1995

Elderly Services Division starts work

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Following is a question by the Hon Eric Li Ka-cheung and a written reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council :

- (a) when will the Government complete its review of the operation of the Elderly Services Division in the Health and Welfare Branch, including whether or not a central committee on services for the elderly should be set up;

- (b) of the channels through which the public will be consulted during the review period regarding the public's evaluation of the Elderly Services Division; and
- (c) whether the content of the report will be made public upon the completion of the review; if not, what are the reasons?

Reply :

- (a) The Elderly Services Division in the Health and Welfare Branch was set up shortly after Finance Committee approved the creation of the post for the head of the Division in October 1994. It has, therefore, only recently started its task of overseeing the implementation of the recommendations of the Working Group on Care for the Elderly. The Division is likely to need at least the coming three years to take forward its work. Its effectiveness in so doing will be under constant monitoring and review by both myself and my deputies to whom the head of the Division reports. Whether or not a central committee on services for the elderly should be set up will depend largely on the effectiveness of the new Division in carrying out its tasks.
- (b) In addition to being monitored from within the Administration, the work of the Elderly Services Division will, I am sure, also be closely monitored by many outside the Administration, including Members of the Legislative Council. All those affected by the implementation of the Working Group's recommendations will also be well placed to assess the effectiveness of the Division's work and well-established channels exist for non-governmental organizations and service providers to express their views on the way in which the Working Group's recommendations should be implemented. Service users will also be watching closely the implementation process and they, too, have many channels open to them to express their views on it.
- (c) In the ways I have described, the work of the Elderly Services Division will be subject to constant review and monitoring from both within and outside the Administration. The impact of its work will affect all those concerned in providing or receiving welfare services for the elderly. The Administration will listen carefully to any views expressed regarding the effectiveness or otherwise of the Division's work. It will take into account these views in reviewing in due course whether the establishment of a central committee on services for the elderly is needed.

Motions on sexual assaults and Chinese medicine passed

* * * * *

The Legislative Council passed two Private Member's motions during its sitting today (Wednesday).

The motion moved by Rev the Hon Fung Chi-wood urged for expeditious review and improvement of legislation relating to sexual assaults and the procedures adopted by the government departments concerned in handling such cases.

It also called for more educational, publicity and other measures so as to prevent the occurrence of such incidents.

Another motion, moved by Dr the Hon Leong Che-hung, urged the Administration to provide adequate resources, and work out a concrete plan and a timetable for implementing all the recommendations of the Report of the Working Party on Chinese Medicine, having regard to the views expressed by the profession, other health care professionals and the general public.

The Secretary for Security, Mr Alistair Asprey, and the Secretary for Health and Welfare, Mrs Katherine Fok, responded to the motions respectively on behalf of the Administration.

Of the bills, three - the Exchange Fund (Amendment) Bill 1994, the Waste Disposal (Amendment) Bill 1994 and the Shipping and Port Control (Amendment) Bill 1994 - were tabled for first and second readings. The debate on the bills was adjourned.

Other four bills, namely the Industrial Training (Clothing Industry) (Amendment) (No.2) Bill 1994, the Animals and Plants Protection of Endangered (Species)(Amendment) Bill 1994, the Shipping (Miscellaneous Powers) Bill 1994 and the Employees' Compensation (Amendment) (No. 2) Bill 1994, were passed.

During the sitting, Members asked a total of five oral and 14 written questions.

End/Wednesday, January 11, 1995