



DAILY INFORMATION BULLETIN

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

Wednesday, November 13, 1996

<u>Contents</u>	<u>Page No.</u>
Agreed Minute on transfer of Exchange Fund signed	1
Experts to discuss transfer of Hong Kong's archives	1
Post-Release Supervision of Prisoners (Amendment) Bill 1996	2
New member appointed to Law Reform Commission	2
Seminar on draft Copyright Bill	3
Two lots sold for \$380 million at land auction	4
Labour Department to organise job matching exhibition	4
Weather of October	5
Sai Kung lot to let by tender	7
Hong Kong Monetary Authority money market operations	8

Agreed Minute on transfer of Exchange Fund signed

* * * * *

The senior representatives of the Sino-British Joint Liaison Group signed an Agreed Minute this (Tuesday) morning on the question of the arrangements for the transfer of the Exchange Fund of Hong Kong.

The Agreed Minute signed today makes clear that the "Exchange Fund of Hong Kong shall on the commencement of July 1, 1997 be transferred in its entirety to the Hong Kong Special Administrative Region Government, which shall manage the Fund on its own in accordance with the relevant laws of the Hong Kong Special Administrative Region".

The Agreed Minute also specifies that "All documents, contracts and agreements signed by the Hong Kong Monetary Authority up to June 30, 1997 shall continue to be valid after June 30, 1997 and be protected by the laws of the Hong Kong Special Administrative Region."

These arrangements will clearly ensure continuity in the management of the Exchange Fund by the Hong Kong Monetary Authority. There will be no gap in the transfer process and no possibility of any doubt concerning the ownership of the Exchange Fund by Hong Kong.

The Chinese and the British sides have agreed to appoint a reputable international audit firm in Hong Kong to audit the accounts of the Exchange Fund. They have also agreed to continue to strengthen consultation and co-operation on matters relating to the transfer of the Exchange Fund.

End

Experts to discuss transfer of Hong Kong's archives

* * * * *

Experts from the two sides of the Sino-British Joint Liaison Group will meet in Hong Kong on November 14, 1996 to discuss the transfer of Hong Kong's archives.

The British side will be led by British Representative, Mr Alan Paul. The Chinese side will be led by Chinese Representative, Mr Wang Weiyang. They will be assisted by experts from the two sides.

End

Post-Release Supervision of Prisoners (Amendment) Bill 1996

* * * * *

The Government is seeking to amend existing legislation to empower certain officers to arrest, and take into custody, a person who has failed to comply with the terms of a supervision order issued under the Post-Release Supervision Scheme, a Government spokesman said today (Wednesday).

The Post-Release Supervision of Prisoners (Amendment) Bill 1996, to be gazetted on Friday (November 15), seeks to give such powers to Police officers and certain ranks of Correctional Services officers.

"It is desirable and necessary to specify such powers in the Ordinance because without them, it will hamper the effective implementation of the Scheme," the spokesman explained.

The objective of the recently-announced Post-Release Supervision Scheme is to provide discharged prisoners with guidance and supervision to help them reintegrate into society and lead a normal, useful life, thus minimising recidivism.

The Scheme is needed because many prisoners, after serving long periods of detention and with limited preparation for what to expect after their release, often do not know how best to adapt to a law-abiding life upon their return to the community.

The Bill is expected to be introduced into the Legislative Council on November 27 this year.

End

New member appointed to Law Reform Commission

* * * * *

The Chairman of the Law Reform Commission, the Attorney General, Mr Jeremy Mathews, today (Wednesday) announced the appointment of a new member to the Commission. Dr Lawrence Lai, Deputy Director (Corporate Affairs) of the Hospital Authority, has been appointed a member of the Commission for a term of three years.

Mr Mathews welcomed Dr Lai's appointment and said he looked forward to working with him on the Commission. Mr Mathews also announced the re-appointment of Professor Yash Ghai, Mr Gage McAfee and Mr Justein Wong for a second three year term. Mr Mathews said he was pleased that Professor Ghai, Mr McAfee and Mr Wong had accepted another term, saying that it was important to the Commission to have continuity of membership.

Dr Lai replaces Mrs Miriam Lau who is retiring after serving on the Commission as a member for six years. Mr Mathews paid tribute to the hard work and dedication of Mrs Lau. He noted that Mrs Lau would continue to chair the Commission's sub-committee on Guardianship and Custody.

With the latest appointment, the Law Reform Commission now consists of 12 members appointed by the Governor. They are: Mr Justice Chan, Mr Eric Cheung, Professor Yash Ghai, Professor H C Kuan, Dr Lawrence Lai, Mr Andrew Liao, QC, Mr Gage McAfee, Mr Alasdair Morrison, Mr Robert Ribeiro, QC, Professor Derek Roebuck, Professor Peter Wesley-Smith and Mr Justein Wong. The Attorney General, the Chief Justice and the Law Draftsman are ex officio members.

End

Seminar on draft Copyright Bill

* * * * *

Two seminars will be organised by the Trade and Industry Branch to explain details of the draft Copyright Bill.

The Government has issued a consultation paper on the Bill early this month to a number of organisations, including copyright owners and users in the relevant sectors as well as those in the professional and academic fields to seek their comments.

They are invited to attend two seminars which will be held tomorrow (Thursday) and on Saturday (November 16) to express their views.

The Bill is planned to be introduced into the Legislative Council in February 1997 and is expected to be enacted before July 1997.

Speakers at the seminars will include the Deputy Secretary for Trade and Industry, Mr Augustine Cheng, Director of Intellectual Property, Mr Stephen Selby and Head of Intellectual Property Investigation Bureau of the Customs and Excise Department, Mr Ronny Tsang.

More than 120 participants are expected to attend the two seminars.

End

Two lots sold for \$380 million at land auction

* * * * *

Two lots of government land were sold for a total of \$380 million at a public land auction held by the Lands Department this (Wednesday) afternoon.

The first lot, located at the junction of Tai Yuk Road and Ma Tin Road in Yuen Long, was sold to Dragon View (HK) Limited at \$370 million, with bidding opened at \$180 million.

It has an area of about 4,206 square metres for non-industrial purposes, excluding petrol filling station, hotel and godown.

The developer has to complete a gross floor area of not less than 13,880 square metres on or before December 31, 2000.

The second lot, in Mui Wo, Lantau Island, was bought by J K N International Limited at the opening price of \$10 million.

With an area of about 720 square metres, the lot is for non-industrial purposes excluding residential, godown, hotel, guest house and service apartment.

The developer has to complete a gross floor area of not less than 860 square metres on or before December 31, 1999.

Held in the Concert Hall of the Hong Kong Cultural Centre, Tsim Sha Tsui, the auction was conducted by Government Land Agent, Mr Roger Harding.

End

Labour Department to organise job matching exhibition

* * * * *

Members of the public are invited to visit a two-day job matching services exhibition organised by the Labour Department on Friday (November 15) and Saturday.

The exhibition - open from 10 am to 6 pm daily at Gallery A and B of the New World Centre, Salisbury Road, Tsim Sha Tsui - is aimed at promoting the free job matching services of the Labour Department to both employers and job-seekers.

The exhibition will include display panels introducing the job matching services offered by the Job Matching Programme (JMP) and the Job Matching Centre.

There will also be a on-the-spot registration service for employers wishing to make use of the free recruitment service offered by the JMP or job-seekers wishing to join the JMP.

Publicity leaflets introducing the JMP will also be distributed at the venue.

Vacancies registration under the Supplementary Labour Scheme will also be available. Job-seekers who wish to apply for these vacancies can register on the spot.

The JMP was first set up in April 1995 to provide special employment assistance to unemployed local workers aged 30 or above to find jobs. The programme is now operating at nine Local Employment Services offices.

Since its inception the JMP has registered over 12,600 job-seekers and secured over 9,600 job offers, achieving a success rate of 76 per cent.

End

Weather of October

* * * * *

October 1996 was warmer and drier than normal. The mean temperature of 26 degrees was the sixth highest for October. The mean minimum temperature of 24 degrees was the seventh highest for the month. With only a total of 44.8 millimetres recorded, October's rainfall was 69 per cent below normal.

The accumulated rainfall since January 1 of 2,245.6 millimetres was four per cent above the normal for the same period. The Stand By Signal No. 1 was hoisted on one occasion in the month.

The first day of the month saw light showers but also sunny periods during the day. There were again light showers on the afternoon of October 2 but it turned fine and hazy on October 3.

The weather was mainly fine from October 4 to 6, albeit there were some heavy showers at Sha Tin and Kat O on the morning of October 6. On October 7, it became fairly hot with a maximum temperature of 30.3 degrees, the highest in the month.

On October 8, a cold front crossed the South China coast early in the morning. The northerlies behind the cold front brought slightly cooler weather and some showers to the territory. Generally fine weather returned and persisted for the next few days.

An area of low pressure over the northern part of the South China Sea enhanced the Northeast monsoon over southern China and brought cloudy weather and light rain to the territory on October 14 and 15. It turned sunny on October 16 and remained fine for the next couple of days.

Typhoon Beth entered the South China Sea on October 18. As it edged closer to Hong Kong, the combined effect of Beth and a strengthening monsoon resulted in strong winds offshore and over high grounds. Under the influence of the outer rainbands of Beth, it was rainy on October 20 and temperatures fell to 20.5 degrees, the lowest in the month. As Beth weakened and drifted away, the weather improved on October 21 and it was fine from October 22 to 25.

On October 26, winds freshened from the north bringing cool and dry weather. Winds turned easterly on October 27 and generally fine weather prevailed until the end of the month.

Five tropical cyclones occurred in the western North Pacific and the South China Sea in the month. Details of the issuance/hoisting and cancellation/lowering of various warnings/signals in the month are summarised in Table 1.1. Monthly meteorological figures and departures from normal of October are tabulated in Table 1.2.

Table 1.1 Warnings and Signals in October 1996

<u>Warnings/Signals</u>	<u>Effective date and time</u>
<u>Tropical Cyclone (TC) Warning Signal</u>	
<u>Name of TC</u>	<u>Signal No.</u>
Beth	1
	19 Oct 1145 - 20 Oct 1400
<u>Fire Danger Warnings</u>	
Yellow	12 Oct 0630 - 13 Oct 1730
Yellow	19 Oct 0600 - 20 Oct 1640
Red	25 Oct 1100 - 27 Oct 1800

Table 1.2 Figures and Departures from Normal - October 1996

Total Bright Sunshine	201.1 hours; 6.1 hours above normal
Mean Daily Global Solar Radiation	14.60 MJ/SQM; 0.86 MJ/SQM below normal
Total Rainfall	44.8 mm; 100.0 mm below normal
Mean Cloud Amount	58%; 2% above normal
Mean Relative Humidity	74%; 1% above normal
Mean Daily Maximum Temperature	28.2 Degrees Celsius; 0.3 Degree Celsius above normal
Mean Air Temperature	26 Degrees Celsius; 0.8 Degree Celsius above normal
Mean Daily Minimum Temperature	24 Degrees Celsius; 0.9 Degree Celsius above normal
Mean Dew Point	20.8 Degrees Celsius; 1 Degree Celsius above normal
Total Evaporation	119.9mm; 32.3mm below normal

Remarks: All measurements were made at the Royal Observatory except sunshine, solar radiation and evaporation which were recorded at King's Park.

End

Sai Kung lot to let by tender

* * * * *

The Lands Department is inviting tenders for the short-term tenancy of a piece of government land at Tseng Lan Shue, Sai Kung.

With an area of about 740 square metres, the lot is intended for use as a plant nursery. The tenancy is for three years, renewable quarterly.

The closing date for submission of tenders is noon on Friday, November 29.

Tender form, tender notice and conditions can be obtained from the Lands Department, 14th floor, Murray Building, Garden Road, Hong Kong, and the District Lands Offices of Kowloon and Sai Kung.

Tender plan can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

	<u>\$million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	2,577	0930	+319
Closing balance in the account	2,451	1000	+319
Change attributable to:		1100	+319
Money market activity	+314	1200	+319
LAF today	- 440	1500	+319
		1600	+314

LAF rate 4.00% bid/6.00% offer TWI 124.4 *+0.2* 13.11.96

Hong Kong Monetary Authority

EF bills		EF notes/MTRC notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.90	2 years	2811	5.72	100.10	5.75
1 month	4.89	3 years	3910	6.28	100.74	6.09
3 months	4.92	5 years	5109	7.32	103.28	6.62
6 months	4.99	7 years	7308	7.24	102.41	6.90
12 months	5.23	10 years	1610	7.37	102.20	7.18
		5 years	M503	7.35	102.00	6.96

Total turnover of EF bills and notes - \$17,669 million

Closed November 13, 1996

End



DAILY INFORMATION BULLETIN

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

SUPPLEMENT

Wednesday, November 13, 1996

<u>Contents</u>	<u>Page No.</u>
<u>Legislative Council meeting:</u>	
Concerns about selection procedures for SARCE will be reflected	1
Motor Vehicles (First Registration Tax) Bill 1996	2
Second reading of Wild Animals Protection (A) Bill 1996	4
Progress of the Athletes Fund	5
Repeal of Women and Young Persons (Industry) Regulations	6
Accidents arising from children left alone at home	8
Financial assistance for Chinese language classes in UK	13
On-going discussions on sewage tunnelling works	15
Home Ownership Scheme and Private Sector Participation Scheme	17

/Treatment of



DAILY INFORMATION BULLETIN

ISSUED BY DEPARTMENT OF HEALTH, GOVERNMENT OF HONG KONG
DAILY INFORMATION BULLETIN
NO. 1234

<u>Contents</u>	<u>Page No.</u>
Treatment of discarded vehicle lubricating oil	20
Control on Chinese medicine	21
Freedom of expression and assembly	23
Alleged gas cylinder mislabelling case explained	25
Attendance at public hospitals' A&E departments	26
Owners' corporations	27
Patients suffering from mental breakdown	28
Metroplan principles applied on a case by case basis	30
Status of VMs released on recognisance	31
Waterproof roofing system for public housing blocks	32
Issuing of bulk tender to Internet Service Providers	34
Facilities in Government-aided primary and secondary schools	35
Supervision fee to meet overhead and staff cost	36

Concerns about selection procedures for SARCE will be reflected

* * * * *

Following is the speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the Legislative Council motion debate on "Political Platforms of the SAR Chief Executive Candidates" today (Wednesday):

Mr President,

The HKSAR Chief Executive (Designate) will be selected next month. As we all know, the Chinese Government and the SAR Preparatory Committee are responsible for devising the selection method for the Chief Executive, as well as for its implementation. As stipulated in the Basic Law, the first Chief Executive, once selected, will be reported to the Central People's Government for appointment.

As the first Chief Executive will be playing a crucial role in the formation of the SAR and the SAR Government, it is perfectly natural that the community is concerned about the selection procedures for the Chief Executive as well as the candidates' platforms. It will not be appropriate for the Administration to comment on the selection arrangements. But we share the community's expectation that the selection process should be open, fair, and transparent; and that the candidate chosen is able to command confidence and respect both locally and overseas. We would continue to reflect the community's expectation to the Chinese side at every available opportunity. In this connection, Chinese officials have also, on many occasions, stressed that the Chief Executive should uphold the principle of "one country, two systems" and be acceptable to all sectors of the community.

Mr Lee's motion advocates election of the Chief Executive by universal suffrage. The method for selecting the Chief Executive is prescribed in the Basic Law and the Decision of the National People's Congress on 4 April 1990. Implementation of these provisions is a matter for the Chinese side and the future HKSAR Government. I would, therefore, only want to state a point of fact here: Article 45 of the Basic Law provides that "the ultimate aim is the selection of the Chief Executive by universal suffrage upon nomination by a broadly representative nominating committee in accordance with democratic procedures".

The coming eight months will be a critical period for Hong Kong. The Hong Kong Government is fully committed to working towards a successful transition by continuing its effective and accountable administration, and through practical co-operation with the Preparatory Committee and the Chief Executive (Designate).

We believe that the Hong Kong community will also look to the Chief Executive (Designate) to fully implement the principles of "high degree of autonomy", "Hong Kong people ruling Hong Kong", and "one country, two systems" as stipulated in the Joint Declaration and the Basic Law, and lead Hong Kong towards a bright future.

End

Motor Vehicles (First Registration Tax) Bill 1996

* * * * *

Following is the speech by the Secretary for the Treasury, Mr K C Kwong, in moving the second reading of the Motor Vehicles (First Registration Tax) (Amendment) (No.2) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Motor Vehicles (First Registration Tax) (Amendment) (No. 2) Bill 1996 be read the second time.

The Motor Vehicles (First Registration Tax) Ordinance provides the legislative framework within which the first registration tax system for motor vehicles operates. The current system was introduced in August 1994. We then undertook to review the operation of the system after its implementation. We have completed the review. Members may recall that in the context of the 1996-97 Budget, we introduced legislation to tackle the problem of over-declaration of the value of tax exempted items, i.e. exempted vehicle accessories and distributor's warranty, in order to manipulate the price structure of vehicles, thereby reducing the first registration tax payable. This is one of the main issues identified in the review. The legislation was passed by this Council and came into operation on 3 June 1996.

The Bill before Members today aims to deal with other issues identified in the review. It seeks to improve the operation of the first registration tax system, to facilitate trade operation, and to further reduce opportunities for tax evasion. However, no major change to the first registration tax policy has been proposed. Let me briefly explain the amendments.

First, to improve operation of the first registration tax system. Under the Bill, we seek to provide clear definitions in law so as to minimise uncertainty and disputes in tax assessment work. To strengthen enforcement, the Bill includes provisions to allow Customs officers to enter the non-domestic premises of a registered vehicle importer or distributor at a reasonable time to inspect motor vehicles for tax assessment purposes. The time limit within which legal proceedings against offences under the legislation can be initiated will also be extended from six months to two years after the date on which the offence is committed or six months after the date on which the Commissioner for Transport first has knowledge that the offence has been committed, whichever is earlier.

The Bill also provides that all costs incurred in relation to the importation of a vehicle have to be declared in the import return and taken into account in the calculation of first registration tax. This seeks to ensure that vehicles imported for personal use are taxed on the same basis as those imported by registered operators for trade purposes. To further provide a level playing field, resale of vehicles originally imported for personal use may also be subject to additional first registration tax where appropriate, on the same basis as the existing arrangement for vehicles imported for trade purposes. On equity grounds, the Bill also provides that depreciation would be allowed in respect of the taxable value of a vehicle which is registered in a place outside Hong Kong by an importer before its importation into Hong Kong for personal use. This is in line with the present arrangement whereby depreciation allowance is provided for vehicles which have been legally used in Hong Kong before first registration.

Second, to facilitate trade operation. We seek to improve the system for filing import return. The Commissioner for Transport will allow flexibility for late submission of import return under special circumstances and upon application by the importer. Moreover, under the Bill, the filing requirement will no longer apply to special vehicles used in the airport, cargo terminals or construction sites. These vehicles are not subject to first registration tax but they are caught by the filing provisions under existing law. The Bill also includes provisions for currency conversion to facilitate the trade in their declaration work.

Third, to tackle tax evasion. We also identify in the review that some vehicle traders provide distributor's warranty, which is currently not subject to tax, on a mandatory basis to buyers and seek to manipulate the price structure of vehicles so as to reduce the first registration tax payable. The Bill seeks to plug this loophole by stipulating that the value of any warranty provided on a mandatory basis will be subject to first registration tax.

We have consulted the Motor Traders Association of Hong Kong on the proposals as contained in the Bill. The Association supports these proposals.

Mr President, with these remarks, I commend the Bill to Members.

End

Second reading of Wild Animals Protection (A) Bill 1996

* * * * *

Following is the speech by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in moving the second reading of the Wild Animals Protection (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Wild Animals Protection (Amendment) Bill 1996 be read the second time.

One of the main purposes of the Bill is to make the Wild Animals Protection Ordinance consistent with the Hong Kong Bill of Rights Ordinance. Under the existing legislation, a person suspected to be guilty of an offence under section 8 or 9 is required to prove that the protected wild animal or the eggs of the protected wild animal he possessed is not taken or killed in Hong Kong. The Bill proposes that this be replaced by presumption provisions which are only to operate in two sets of specified circumstances, outside which the prosecution would need to prove all elements of the relevant offence. The first is when the suspect is caught with the protected wild animal or the eggs of a protected wild animal in a nature area. The second is when the suspect is caught with the same for commercial purposes.

The Bill also introduces necessary provisions to facilitate enforcement of measures for the better protection of wild animals. First, the Bill seeks to prohibit the feeding of wild animals in specified places. The new provision is needed, for example, a monkey habitat where there have been numerous reports of monkey nuisances and some incidents of attacks by monkeys. It has been found that feeding by humans is an important factor leading to such nuisances and attacks. By restricting the areas where feeding is allowed, we believe there would be fewer cases of nuisance and attack, and the likelihood of transfer of diseases from human beings to monkeys and vice versa would be minimised.

Second, the Bill proposes to give the Director of Agriculture and Fisheries additional powers to search, seize and forfeit evidence, detain the protected wild animals and eggs so seized and the conditions for releasing or disposing the protected wild animals and eggs. The additional powers would enable the Director to discharge his duties under the Ordinance more effectively.

Third, the Bill revises the level of fines under the Ordinance. These fines have not been reviewed since the enactment of the Ordinance in 1976. The Bill now proposes four levels of fines, with each level reflecting the seriousness of the different offences.

Finally, the Bill adds new provisions for appeals. It is proposed that a person aggrieved by a decision of the Director of Agriculture & Fisheries in cancelling his permit or not granting him a permit can appeal to the Administrative Appeals Board. This is in line with the government's practice to open up channels for appeal.

Thank you, Mr President.

End

Progress of the Athletes Fund

* * * * *

Following is a question by the Hon Andrew Cheng and a reply by the Secretary for Broadcasting, Culture and Sport, Mr Chau Tak-hay, in the Legislative Council today (Wednesday):

Question:

The Government has recently announced the setting up of the Athletes Fund (the Fund) and pledged to match community donations to the Fund on a dollar-for-dollar basis (with the Government's commitment being capped at \$8 million) until the size of the Fund reaches \$16 million. In this connection, will the Government inform this Council:

- (a) of the latest progress of the Fund;
- (b) whether, in the event of public donations to the Fund falling short of the expected \$8 million, the Government will consider injecting more money into the Fund so as to ensure that the size of the Fund reaches the target of \$16 million; and

- (c) whether the Government will draw up any guidelines on the operation of the Fund such that individual athletes or sports organisations can apply to the Fund on an equal footing?

Reply:

Mr President,

Public donations to the HK Athletes Fund at present amounts to \$4.08 million.

Government has already agreed to inject \$8 million into the fund. We will continue to appeal for donations from the community, with the aim that the size of the fund should reach at least \$16 million this financial year. While the Government currently has no plans to inject more money into the fund, we would be prepared to review the situation at a later date in the light of experience in running the fund.

In consultation with the Sports Development Board and other major sports organizations, we are currently drawing up detailed application procedures for the fund. These will be made public in due course.

End

Repeal of Women and Young Persons (Industry) Regulations

* * * * *

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

Question:

Regarding the Labour Advisory Board's recent endorsement of the Government's proposal to repeal the provisions in the Women and Young Persons (Industry) Regulations applying to women, will the Government inform this Council :

- (a) having regard to the fact that the provisions in section 4 of the Regulations were formulated for the purpose of implementing the Underground Work (Women) Convention (International Labour Convention No. 45) in Hong Kong, whether the present proposal to repeal the Regulations is in breach of the above Convention; if so, of the remedial measures which will be taken by the Government and the timetable for the implementation of such measures; and

- (b) whether, in putting forward the proposal to repeal the Regulations, the Government has sought the medical sector's opinion as to whether the repeal of the provisions in the Regulations relating to carrying of weights by women may result in women suffering from gynaecological diseases (such as excessive menstrual flow, menstrual pain, stoppage of menstruation and prolapse of uterus) while moving heavy objects at work; if so, what the details are; if not, why not?

Reply:

Mr President,

Before I reply to the specific parts of the Question, I should point out that Regulations 4 and 6 are two of the eight Regulations containing women-specific employment restriction provisions under the Women and Young Persons (Industry) Regulations. These provisions will become legally incompatible with the Sex Discrimination Ordinance(SDO), after the grace period for exempting such provisions from the application of the SDO expires on 13 July 1997 under Section 57 of the Ordinance. It is therefore technically necessary to repeal these provisions under these Regulations before the aforesaid date in order to render the entire set of Regulations compatible with the SDO.

As regards Part (a) of the Question, Regulation 4 of the Women and Young Persons (Industry) Regulations prohibits the employment of women (and young persons) from underground work in any mine or quarry, or in any industrial undertaking involving a tunnelling operation.

This Regulation is in line with International Labour Convention (ILC) No.45 which prohibits the employment of female workers from underground work in any mines. ILC No. 45 was ratified by the United Kingdom (UK) in 1936 and extended to Hong Kong without modification in 1950 by virtue of UK's ratification of ILC No.83, which provides that a ratifying member should make a declaration on the extent to which the provisions of a prescribed list of ILCs should be applied to its Non-Metropolitan Territories. In 1988, UK denounced ILC No. 45 on the ground of providing equal employment opportunities for men and women. The Convention, however, continues to apply to Hong Kong by virtue of the above declaration made by UK under ILC No. 83 in 1950. Following the repeal of Regulation 4 of the Women and Young Persons (Industry) Regulations, the UK has to make a declaration to the International Labour Organisation that ILC No. 45 ceases to apply to Hong Kong.

As regards Part (b) of the Question, Regulation 6 of the Women and Young Persons (Industry) Regulations prohibits a woman (or young person) employed in an industrial undertaking from carrying any load which is unreasonably heavy having regard to his or her age and physical development.

In putting forward the proposal to the Labour Advisory Board, medical advice was not sought on the impact of the repeal of Regulation 6 of the Women and Young Persons (Industry) Regulation on the health of women. This is because the repeal of the women-specific provision under this Regulation will not amount to a reduction of the protection of female workers in respect of carrying of heavy weights, as the same protection is already in place under Section 6A of the Factories and Industrial Undertakings Ordinance. The latter provision, which was brought into effect in 1990 (i.e. after the making of the Women and Young Persons (Industry) Regulations), prescribes the general duties of a proprietor to ensure the health and safety at work of all persons (both male and female) employed in industrial undertakings. Such duties include the duty to ensure safety and absence of risks to health in connection with the use, handling, storage and transportation of articles and substances. Under this provision, no worker, male or female, should be permitted to carry any load which is unreasonably heavy to damage his or her safety and health.

End

Accidents arising from children left alone at home

* * * * *

Following is a question by the Hon Edward Ho Sing-tin and a reply by the Secretary for Health and Welfare, Mrs Katherine Fok, in the Legislative Council today (Wednesday):

Question:

It was reported that between 1989 and 1994, over 100 children lost their lives in accidents which occurred when they were left alone at home. Another such incident occurred recently when a five-year-old child, who was at home by himself, played with fire and got severely burnt. In view of this, will the Government inform this Council:

- (a) of the distribution of child care centres in various districts, the proportion of these centres to their target clients, and the utilization rate in these centres;

- (b) whether consideration has been given to introducing 24-hour child care services in these centres; and
- (c) of the measures adopted to prevent the recurrence of such incidents?

Reply:

Before answering the specific points raised, I should like to stress that we consider that the primary responsibility for providing adequate care to children must lie with their parents or legal guardians. While, therefore, we too are very concerned by tragic incidents arising from children being left alone at home, our priority is to educate parents of the dangers and unacceptability of this practice.

- (a) Nevertheless, in order to assist those parents who cannot look after their children during the day, we have child care facilities in the form of day creches for babies and day nurseries for those between 2 and 6 years of age. Occasional child care services are also provided in some of these centres for children whose carers are unable to take care of them for brief periods during the day and extended hours' services are available to cater to the special needs of working parents or single parent families. In addition, after-school care provides half-day care, lunch, homework tuition, guidance and play activities for primary pupils who come from families with social and financial needs and who lack adequate adult care and supervision outside school hours. To help low income families who cannot afford the fees charged by child care centres, there is a comprehensive fee assistance scheme.

The distribution of day nursery, day creche, occasional child care and after-school care places in various districts is shown in Annex I tabled for Members' information.

Because our planning ratio is on a territory-wide basis, we do not have planning targets on a district by district basis. Based on our territory-wide planning ratio of 100 aided day nursery places for every 20 000 of the general population, the estimated total target requirement for aided day nursery places is currently 30 137 places as against a provision of 24 229 places or around 80% of the target.

The enrolment rates in aided day nurseries and day crèches and the utilization rates of the occasional and after school care services are provided in Annex II which I am also tabling.

- (b) Child care services are only one form of family support service for parents. We also provide a range of residential child care services for children and young persons who need 24-hour out-of-home care due to domestic crises such as family illness, death, desertion, imprisonment or child abuse. These services are to cater for exceptional circumstances.

No parent should as a normal practice expect to be able to place his child in care on a 24-hour basis: children should return to their parents and siblings in the evening to enjoy and benefit from a normal family life.

- (c) As I said at the start of this answer, our main concern is to ensure parents act responsibly towards caring for their children. To foster this attitude, we have enhanced our public education and publicity through the mass media as well as through talks, seminars, exhibitions and other activities at district level. During the past two years, a total of 500 programmes, attended by around 180 000 participants, have been organized.

We are also seeking to improve both the availability and security of childminding services. Amendments to the Child Care Centres Ordinance which were introduced into this Council on 27 June this year are designed to facilitate the development of more mutual self-help child care groups by exempting them from many of the more onerous requirements set out in the Ordinance. The amendments will also enable parents to seek confirmation that a childminder does not have any criminal record which might make him or her unsuitable to be placed in charge of a child.

These measures are in addition to the ongoing major expansion of child care facilities. For example, in the four-year period between April 1993 and March 1997, we expect to have provided 4 047 new day nursery places.

Distribution of Child Care Places

Districts	Day Nursery Places	Day Creche Places	Occasional Child Care Places	After-school Care Places
Central/Western	1362	60	18	88
Islands	388	0	6	12
Southern	1312	0	21	120
Eastern	4079	166	27	472
Wanchai	1792	80	12	503
Kowloon City	4349	132	30	91
Shamshuipo	2149	64	51	151
Yau Tsim Mong	1150	85	18	255
Kwun Tong	2871	143	57	595
Wong Tai Sin	2167	104	54	291
Sai Kung	568	60	12	415
Shatin	3602	70	51	273
Tai Po	1589	70	30	243
North	1412	60	21	238
Yuen Long	1482	60	27	183
Tuen Mun	3247	120	60	539
Tsuen Wan	1330	88	9	158
Kwai Tsing	2562	184	69	726
Total :	37411	1546	573	5353

**Enrolment and Utilization Rates :
Aided Day Nurseries and Day Creches, Occasional Care and After-school Care**

District	Enrolment in Aided Day Nurseries	Enrolment in Aided Day Creches	Utilization Rate of Occasional Child Care Service	Utilization Rate of After-school Care Programme
Central/Western	93%	100%	62%	98%
Islands	100%	N.A.	51%	75%
Southern	94%	N.A.	63%	85%
Eastern	92%	67%	115%	81%
Wanchai	95%	67%	79%	86%
Kowloon City	88%	94%	89%	100%
Shamshuipo	94%	97%	78%	78%
Yau Tsim Mong	96%	100%	135%	72%
Kwun Tong	95%	61%	103%	79%
Wong Tai Sin	95%	54%	63%	126%
Sai Kung	90%	43%	53%	67%
Shatin	95%	54%	58%	95%
Tai Po	99%	61%	55%	91%
North	95%	53%	74%	84%
Yuen Long	97%	63%	49%	117%
Tuen Mun	94%	40%	53%	99%
Tsuen Wan	99%	95%	80%	96%
Kwai Tsing	88%	54%	60%	74%
Average :	94%	69%	73%	89%

Financial assistance for Chinese language classes in UK

* * * * *

Following is a question by the Hon Lo Suk-ching and a reply by the acting Secretary for Trade and Industry, Mr Tam Wing-pong, in the Legislative Council today (Wednesday):

Question:

Among the Chinese residing in the United Kingdom (UK), many are second or third generation descendants of indigenous villagers of the New Territories and have a close relationship with Hong Kong. The Liaison Section of the London Office of the Hong Kong Government previously granted subsidies to the Chinese schools in the UK for the provision of Chinese language education. In this connection, will the Government inform this Council of:

- (a) of the amount of subsidies granted to the Chinese schools in the UK in each of the past five years;
- (b) whether the London Office's decision to cease granting subsidies to these Chinese schools and to dissolve the Liaison Section is related to the return of the territory's sovereignty to China; and
- (c) whether it will consider resuming the granting of subsidies to these Chinese schools, so that future generations of the indigenous villagers of the New Territories residing in the UK are equipped with sufficient proficiency in the Chinese language to serve the community upon their return to Hong Kong?

Answer:

The scheme to provide assistance to Chinese community language classes in the UK by the London Office started in the late 1960s as a community service in response to requests made by immigrants from Hong Kong to the UK who had difficulty in finding schools providing lesson for their children to learn the Chinese language. Help was rendered by way of supplying classes organized by local organizations, usually held on weekends, with Chinese language textbooks which were in short supply in those days and some cash subsidies which was no more than a token of appreciation for the services provided for the community. The expenditure incurred in providing such financial assistance during the last five-year period before the phasing out of the scheme are given as below:

Year	<u>Text-book costs</u> GBP	<u>Subsidies</u> GBP
90-91	37,940	58,700
91-92	33,120	50,000
92-93	41,000	34,000
93-94	25,230	32,150
94-95	18,600	-

The scheme was phased out and eventually suspended in 1994-95, partly as a result of the major reorganization of the London Office to refocus the office's efforts to meet changing needs, taking into account:

- '(a) the need to plan for, in the long term, the role of the London Office as an economic and trade office under the Sino-British Joint Declaration; and
- (b) a more efficient utilization of resources.'

as was reported to this Council on 2 November 1990 when the Finance Committee was asked to note, inter alia, the reorganization of the London Office into an economic and trade office. As part of the reorganization exercise, the then Community Services Division of the London Office, which had all along handled the scheme, was disbanded in September 1995, because liaison with the Hong Kong community, among others, would cease to be a function of the re-structured London Office.

At the same time, with the change in circumstance in UK, it was deemed that there was no paramount need to continue providing financial assistance for Chinese language class. With the increased affluence of immigrants in the local community, they are now much more able to self-support running of the classes themselves. These classes are well-established and ably run. The withdrawal of financial assistance by the London Office has not caused serious hardship. In fact, as far as we are aware, no class was closed for financial reasons as a result. As regards textbooks, by 1994-95, the UK Federation of the Chinese Schools had developed their own set of textbooks up to GCSE level which are widely circulated and better suited for children living in the UK. There was therefore no further need for the London Office to supply Hong Kong textbooks to the classes.

Moreover, following an inquiry by the House of Common in 1984-85, a report entitled 'Chinese Community in Britain' was published which affirmed that the local governments should support Chinese language teaching in the Chinese communities. As a result, the Chinese residents have been able to make some success in getting regular support from local governments for classes for Chinese language studies.

Since the Chinese language classes organized by community organizations treat all pupils the same and do not differentiate them by countries of origin, there should be no problems for descendants of indigenous villagers of the New Territories residing in the UK to enroll in these classes.

Because of the reasons stated above, the Government has no plan to resume the granting of subsidies for running Chinese language classes in the UK.

End

On-going discussions on sewage tunnelling works

* * * * *

Following is a question by the Hon Henry Tang and a written reply by the Secretary for Works, Mr Kwong Hon-sang, in the Legislative Council today (Wednesday):

Question:

In regard to the Stage I Strategic Sewage Disposal Scheme project, will the Government inform this Council of:

- (a) the problems which have arisen in the above project resulting in the temporary suspension of the construction works;
- (b) the party which should be held responsible for such problems; and
- (c) the costs of the improvement works arising from such problems?

Answer:

Mr President,

- (a) Stage I works for the Strategic Sewage Disposal Scheme (SSDS) provides for the collection, treatment and disposal of 1.7 million cubic metres of domestic and industrial wastewater per day from urban Kowloon and the northeastern parts of Hong Kong Island by -
 - (i) upgrading of seven preliminary treatment works;

- (ii) construction of a deep sea tunnel outfall;
- (iii) construction of a new chemically enhanced primary treatment works on Stonecutters Island; and
- (iv) construction of six sections of deep sewage collection tunnels.

All construction contracts of the SSDS Stage I have already been let and the works are generally progressing well on the works under items (1) to (iii) above. However, problems have arisen with part of the tunnel works under item (iv).

Tunnel boring works for the \$1.3 billion deep sewage tunnels contract commenced on site early this year. Towards the middle of the year, the Contractor encountered water seepage through the rock into two of the six tunnel sections. From mid June to end July, the Contractor suspended the tunnel boring work progressively, leading eventually to works stoppage at all six tunnel sections although no technical obstacles related to water seepage were encountered in the other four tunnel sections.

- (b) In response to the Contractor's actions, Government has engaged independent tunnelling experts to advise on the technical issues and discussions have been held with the Contractor's representatives in an effort to get the tunnelling works back on track. As discussions are still on-going, it would be inappropriate to disclose further details of the process and premature to say who should be held responsible for the problems.
- (c) The details of any improvement works that may prove necessary have yet to be agreed upon. It is thus too early to say how much those additional costs will be.

End

Home Ownership Scheme and Private Sector Participation Scheme

* * * * *

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

Question:

Is the Government aware of:

- (a) the number of flats produced in respect of each phase of the Home Ownership Scheme (HOS) in the past five years;
- (b) the following information under the green-form and white-form categories in respect of each phase of the HOS in the past five years:
 - (i) quota allocation;
 - (ii) number of applications;
 - (iii) oversubscription rate;
 - (iv) number of cases involving purchasers of uncompleted HOS flats failing to complete sale and purchase agreements after payment of deposits; and
 - (v) number of cases involving owners of HOS flats surrendering their flats to the Housing Authority on account of default in mortgage repayment;
- (c) the reasons for the increase in the number of forfeiture of deposit cases in respect of HOS flats; and
- (d) whether the Housing Authority will adjust the production rate and prices of HOS flats in the light of the reasons given in the answer to (c) above; if so, how the rates of such adjustments will be determined?

Answer:

Mr President,

The required information is given in the table attached (note).

The main reasons for purchasers of uncompleted Home Ownership Scheme and Private Sector Participation Scheme flats failing to complete sale and purchase agreement after payment of deposits are changes in family circumstances (such as moving out of grown-up children upon marriage, death of principal income earner), emigration and change of mind instead to purchase flats in the private property market.

The mortgage repayment default rate in the past five years is very low. The number of cases is given below-

Default cases

1991-92	26
1992-93	33
1993-94	18
1994-95	14
1995-96	39

A breakdown by white form and green form applicants is not available.

Affordability remains the primary consideration for setting prices of Home Ownership Scheme and Private Sector Participation Scheme flats. Prices for each phase are determined with reference also to the market value of comparable private sector flats in similar locations, with a discount of at least 30% of market value (the discount being around 45% in the last eight phases). The high subscription rate is evidence that the flats are affordable. There is no need to make price adjustments.

The number of flats for sale in each phase will be determined in the light of demand and the flat production rate.

Home Ownership Scheme and Private Sector Participation Scheme Flats

End

Month/Year	Phase	No. of Flats for Sale			Allocation Ratio (%)		No. of Applications			Subscription Rate (round figures)			No. of Rescission Case (as at 31.10.96)		
		GF	WF	Total	GF	WF	GF	WF	Total	GF	WF	Overall	GF	WF	Total
4/91	13A	4024	1982	6006	67	33	23773	35868	59641	6	18	10	67	9	76
8/91	13B	4132	2035	6167	67	33	21193	36120	57313	5	18	9	84	6	90
12/91	13C	4319	2128	6447	67	33	29023	59706	88729	7	28	14	99	10	109
4/92	14A	4338	2136	6474	67	33	16559	53812	70371	4	25	11	121	7	128
8/92	14B	4591	2261	6852	67	33	22385	61252	83637	5	27	12	145	8	153
12/92	14C	5002	2464	7466	67	33	19425	48994	68419	4	20	9	195	20	215
4/93	15A	3034	3033	6067	50	50	14702	52694	67396	5	17	11	140	45	185
8/93	15B	2294	2293	4587	50	50	20488	52410	72898	9	23	16	114	16	130
12/93	15C	2999	1477	4476	67	33	28495	52534	81029	10	36	18	253	13	266
4/94	16A	3550	1749	5299	67	33	25482	58414	83896	7	33	16	265	29	294
9/94	16B	5469	2694	8163	67	33	35069	77276	112345	6	29	14	492	49	541
4/95	17A	5446	2682	8128	67	33	24604	53984	78588	4	20	10	244	23	267
11/95	17B	3601	1400	5001	67	33	16743	36338	53081	5	26	11	34	5	39
4/96	18A	3292	793	4085	67	33	21828	29955	51783	7	38	13	11	1	12
8/96	18B	5217	1262	6479	80	20	19946	32492	52438	4	26	8	-	-	-

Legend : GF = Green Form

WF = White Form

Rescission = forfeiture of deposit for uncompleted flats

Treatment of discarded vehicle lubricating oil

* * * * *

The following is a question by the Hon Ngan Kam-chuen and a written reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

Regarding the treatment of discarded vehicle lubricating oil, will the Government inform this Council of :

- (a) the estimated quantity of discarded vehicle lubricating oil requiring treatment in each of the past three years;
- (b) the respective quantities of discarded vehicle lubricating oil collected by the Tsing Yi Chemical Waste Treatment Centre and a privately-run waste collection plant in each of the past three years;
- (c) the number of prosecutions against illegal dumping of discarded vehicle lubricating oil in each of the past three years; and
- (d) the measures currently adopted by the Government to facilitate the collection of discarded vehicle lubricating oil?

Reply:

Mr President,

- (a) An estimated 8,000 tonnes of waste vehicle lubricating oil are generated in Hong Kong every year.
- (b) The quantities of waste vehicle lubricating oil treated at the Chemical Waste Treatment Centre (CWTC) on Tsing Yi Island and recycled at the private recycling plant during the past three years are as follows:

	<u>CWTC</u> (tonne)	<u>Private Recycling Plant*</u> (tonne)
1994	2,808	0
1995	2,966	2,541
1996(up to Oct)	1,414	4,344

* commissioned in early 1995

A large quantity of waste lubricating oils were also exported for recycling elsewhere in the past.

- (c) We have taken legal action against one case of illegal disposal of waste lubricating oil in 1994, six cases in 1995 and seven cases during the first ten months of 1996. We are maintaining pressure on those who ignore the law, whilst the statistics at (b) indicate that an increasing proportion of waste lubricating oil is recycled.
- (d) It is government policy to encourage waste recovery and recycling activities. The Environmental Protection Department is in regular contact with vehicle and drivers' associations and garage operators to promote their awareness of the importance of proper disposal of waste lubricating oil. In addition, one of the oil companies will soon set up reception facilities on a trial basis at some of its petrol-filling stations to collect waste lubricating oil from drivers and vehicle owners for recycling. Government supports private-sector initiatives such as this and will encourage and assist similar schemes in future.

End

Control on Chinese medicine

* * * * *

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

Question:

The Department of Health recently announced that several brands of Niu Huang Chieh Tu Pien (a kind of Chinese patent medicine) in the market were found to contain high levels of arsenic, and this has aroused concern among the public about the regulation of Chinese patent medicines. In this connection, will the Government inform this Council:

- (a) of the categories of Chinese patent medicines selected by the Department of Health for testing, together with the number and results of such tests, in each of the past three years;

- (b) of the criteria adopted for determining the categories of Chinese patent medicines to be tested, the number of such tests and the methods of conducting such tests;
- (c) of the progress made by the Preparatory Committee on Chinese Medicine regarding the Committee's work on the regulation of Chinese herbs and Chinese patent medicines;
- (d) whether the Department of Health has considered bringing Chinese patent medicines under the regulation of the Pharmacy and Poisons Ordinance and setting up a labelling system for Chinese patent medicines; if so, when the relevant measures will be implemented; if not, why not; and
- (e) whether the Department of Health at present has regular contacts with the Chinese Ministry of Public Health and the State Chinese Medicine Regulating Bureau; if so, what the details are; if not, whether regular contacts with these two bodies will be made in future?

Reply:

- (a) The number of tests on Chinese proprietary medicines carried out during the past 3 years, and their outcomes, are as follows :

	No. of samples <u>analysed</u>	No. found to contain <u>western drug</u>	No. found to contain unacceptable <u>levels</u> of heavy metal
1993	242	6	1
1994	252	10	4
1995	433	9	2

Medicines selected for tests include those for rheumatism, colds, influenza, etc.

- (b) Proprietary Chinese medicines are selected for testing upon import or from the local market. Special emphasis is placed on those medicines which are more popular among consumers or have had a record of failure to meet test standards. They are analysed for the presence of western drug ingredients and of the level of heavy metals, namely, arsenic, mercury, lead and since 1996, cadmium.

The number of proprietary medicines taken for analysis and the results are set out in (a) above.

- (c)&(d) The Preparatory Committee on Chinese Medicine (PCCM) has done an assessment on the trade of Chinese medicine in Hong Kong. It is now deliberating on the mode of regulation of Chinese proprietary medicine and herbal medicine.

Currently, the Pharmacy and Poisons Ordinance provides for the regulation of western medicine. The PCCM considers that Chinese proprietary medicine should be regulated under separate legislation which should include registration and labelling requirements. The PCCM expects to draw up proposals for Government's consideration in 1997.

- (e) The Department of Health has contacts with the Ministry of Public Health in China on public health issues. It also has regular contacts with the State Administration of Traditional Chinese Medicine in China. The Department will inform the State Administration of Traditional Chinese Medicine of any incidents involving Chinese medicine in Hong Kong for their follow up actions. In August this year, members of the PCCM made a 5 day visit to the unit and other related institutions in Beijing to understand the current regulatory system of Chinese medicine and its development in China.

End

Freedom of expression and assembly

* * * * *

Following is a question by the Hon Lee Wing-tat and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

In a recent interview with an overseas newspaper, the Chinese Vice Premier-cum-Foreign Minister made certain remarks about the freedom of assembly, freedom of expression and freedom of the press in the territory after the transfer of sovereignty in 1997. In this connection, will the Government inform this Council:

- (a) whether the Hong Kong Government will request the British Government to seek clarification from the Chinese Government regarding the remarks made by the Chinese Vice Premier-cum-Foreign Minister; and
- (b) whether the Hong Kong Government will consider enacting legislation to further protect the freedom of assembly, freedom of expression and freedom of the press in the territory?

Answer:

Mr President,

Freedom of expression and assembly are essential and fundamental aspects of Hong Kong's open society and way of life.

- (a) We are very conscious of the concern caused in Hong Kong by the reported remarks of the Chinese Vice Premier and Foreign Minister on freedom of expression and assembly in Hong Kong after 1 July 1997. The Governor discussed this issue with the Foreign Secretary and Prime Minister during his recent visit to Britain. The Foreign Secretary subsequently expressed concern about these remarks in the Debate on the Queen's speech in the House of Commons. He noted that no mention had been made in either the Joint Declaration or the Basic Law of the restrictions suggested in the reported remarks. The Foreign Secretary has raised this matter with the Chinese Vice Premier and Foreign Minister.
- (b) Freedom of expression and assembly are among the most important rights in the Joint Declaration, the Basic Law, the Bill of Rights Ordinance and the International Covenant on Civil and Political Rights in Hong Kong. Since 1992, we have reviewed 53 provisions in 27 Ordinances which could affect these freedoms. We have amended or repealed 32 of these provisions and left 11 unaltered as they are consistent with the Bill of Rights Ordinance and serve to protect the right to privacy, the public interest or the right to a fair trial. We will complete this exercise as a matter of the highest priority to ensure that freedom of assembly, expression and the press are protected in Hong Kong now and in the future.

End

Alleged gas cylinder mislabelling case explained

* * * * *

Following is a question by the Hon Leong Che-hung and a written reply by the Attorney General, the Hon Jeremy Mathews, in the Legislative Council today (Wednesday):

Question:

It was reported that the Legal Department recently dropped the charges against the Hong Kong Oxygen and Acetylene Company for mislabelling a gas cylinder. In this connection, will the Government inform this Council:

- (a) of the reasons for the Legal Department dropping the charges;
- (b) how the above "mislabelling" incident was discovered; and
- (c) whether the above "mislabelling" incident has caused injuries to persons or damages to properties?

Reply:

Mr President,

- (a) On 5 June 1996, a summons was laid against the Hong Kong Oxygen and Acetylene Company under section 10(a) of the Dangerous Goods Ordinance (Cap. 295). That section creates a summary offence, and proceedings in respect of it must be commenced within 6 months from the time an offence occurs. The summons alleged that the company had sent to a customer an acetylene cylinder, on which the true name or description of the contents was not distinctly marked. It was subsequently discovered that the date on which the cylinder was sent, and therefore the date of the alleged offence, was 18 April 1995. Proceedings in respect of that alleged offence were therefore time-barred before the summons was issued and, indeed, before the alleged mislabelling was discovered. In the circumstances, the prosecution offered no evidence in respect of the charge. The Administration is considering whether to propose a change to the law so that, in future, similar cases could be prosecuted.

- (b) The cylinder in question was delivered to the customer on 18 April 1995 and placed inside a dangerous goods store. On 20 March 1996 the customer attended the store for collection of the cylinder and discovered the alleged mislabelling.
- (c) The cylinder had not been used. It had caused no injuries or property damage.

End

Attendance at public hospitals' A&E departments

* * * * *

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

Question:

It is learnt that many privately-run clinics are closed during long holiday periods, resulting in a significant increase in the number of patients seeking treatment at the accident and emergency departments of public hospitals during such periods. Does the Government know what measures the Hospital Authority will take to relieve the workload of medical and nursing staff at the accident and emergency departments of public hospitals during long holiday periods?

Reply:

The Hospital Authority is aware of the increase in the number of attendance at its accident and emergency units during extended public holidays and has adopted measures to alleviate the workload borne by the staff working at these units.

First, additional staff and other resources will be deployed as and when necessary to meet the prevailing operational needs of individual hospitals.

Secondly, in collaboration with the Hong Kong Medical Association, efforts are being made to promote the use of Medilink, a telephone hotline to assist patients in seeking information on the availability of alternative primary health care services.

Thirdly, vigorous efforts have been made to enhance public awareness on the appropriate use of accident and emergency services. These include distribution of information pamphlets, issuing of press releases and setting up of a multi-media enquiry system to provide patients with details about the location and opening hours of public general out-patient clinics as well as simple tips on the treatment of minor illnesses or injuries.

Finally, the Hospital Authority is exploring with the Department of Health the feasibility of strengthening the general out-patient clinic service at strategic locations to divert non-urgent patients from accident and emergency units.

End

Owners' corporations

* * * * *

Following is a question by the Hon Albert Chan Wai-yip and a written reply by the Secretary for Home Affairs, Mr Michael Suen, in the Legislative Council today (Wednesday):

Question:

Since the Building Management Ordinance was amended in 1993, many owners' corporations have been formed by owners of private housing estates. In this connection, will the Government inform this Council:

- (a) of the legal status of a management committee which has been re-appointed by the owners' corporation but which has not yet applied to the Land Registrar for registration; and
- (b) whether any legal document signed or resolution passed by a re-appointed management committee is valid prior to the completion of the registration process; if not, what measures have been put in place by the departments concerned to tackle the problem?

Reply:

Mr President,

My reply is as follows:

- (a) a management committee re-appointed by the owners' corporation in accordance with the provisions of the Building Management Ordinance (the Ordinance) shall perform the duties and exercise the powers of the owners' corporation by virtue of section 29 of the Ordinance. The Ordinance does not require a further registration of the owners of a building as a corporation on the re-appointment of a management committee. However, the secretary of the management committee of an owners' corporation is required under section 12(3) of the Ordinance to give notice to the Land Registrar within 28 days of any change in certain particulars of the corporation specified under section 12(2); and
- (b) any legal document signed or resolution passed by a re-appointed management committee in accordance with the provisions of the Ordinance is valid.

End

Patients suffering from mental breakdown

* * * * *

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

Question:

Is the Government aware of the following in each of the past three years,:

- (a) the number of schizophrenia patients admitted into public hospitals, as well as the number of old-case patients hospitalised due to sudden deterioration of their illness and the number of such admissions;
- (b) the number of schizophrenia patients under the care of the out-patient departments of public hospitals;
- (c) the average and longest waiting time for schizophrenia patients to get their first appointment for follow-up out-patient service in public hospitals; and

- (d) the number of schizophrenia patients receiving follow-up out-patient service, the number of attendance of these patients and the number of occasions when these patients fail to turn up at the appointment time?

Reply:

The number of patient episodes of schizophrenia handled by public hospitals in 1993/94, 1994/95 and 1995/96 were 4,671, 4,797 and 5,294 respectively. Most of these patients are suffering from symptoms of a chronic nature which require hospitalisation or regular out-patient consultation. A review conducted in 1994 and 1995 indicated that about 25% of schizophrenic patients were re-admitted for treatment within a period of one year to 18 months after hospital discharge.

The Hospital Authority's computer information system is capable of capturing the total number of mental patients receiving out-patient consultation, but not a breakdown of patients by different types of illnesses. In terms of new cases, a total of 1,748, 2,155 and 2,571 new schizophrenic patients were registered with our psychiatric out-patient clinics in 1993/94, 1994/95 and 1995/96 respectively. The Authority is developing a new Psychiatric Clinical Information System to provide more specific data on the profile of patients. A pilot project of this new system will be implemented in Castle Peak Hospital and Kwai Chung Hospital in mid-December 1996 before consideration is being given to rolling it out to other hospitals.

Since no separate waiting list is kept for different types of mental illnesses, the average waiting time for first appointment at psychiatric out-patient clinics in respect of schizophrenic patients is not available. However, a triage system is in place to ensure that patients showing significant signs of behavioural disorder will receive immediate treatment.

All psychiatric out-patient clinics operated by the Hospital Authority have established systems to recall patients who failed to attend scheduled appointments. Based on a recent survey, about 10% of mental patients have failed to turn up for follow-up consultation. Contacts will be made through various means such as telephone, letter and home visits to ensure that the patients are being provided with appropriate medical attention.

End

Metroplan principles applied on a case by case basis

* * * * *

Following is a question by the Hon Christine Loh and a written reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

In his reply to a question raised at the sitting on 9 October this year regarding the Town Planning Board's approval of a property development plan, which includes a high-rise building of 400 metres in height, at the site of the Hong Kong Central Station of the Airport Railway, the Secretary for Planning, Environment & Lands stated that the requirement that new building developments in the Central district on Hong Kong Island should not protrude the view of Victoria Peak and its ridgeline is no more than an administrative guideline. In this connection, will the Government inform this Council:

- (a) whether there are any existing high-rise buildings on Hong Kong Island which contravene the above guideline; if so, please provide the names and locations of the buildings concerned; and
- (b) whether it will adopt such guideline as a government policy so as to protect the view of Victoria Peak and its ridgeline; if not, why not?

Answer:

Mr President,

The administrative guideline refers to the general principle in the Metroplan that new development/redevelopment should make allowance for the retention of at least 20 to 30 per cent visibility of enclosing peaks and ridgelines when viewed from the opposite side of the harbour. The objective is to ensure that, as far as possible, building heights do not prejudice the important role played by the city's peaks and ridgelines as a key scenic backdrop of Hong Kong. Nevertheless, Metroplan also recognises the need to use taller buildings to define important economic focal points (such as new office zones) and other key landmarks or visual focal points within the city. No building approved since the promulgation of Metroplan in 1991 breaches the above guideline. However, two buildings approved before that time may be seen to protrude above the ridgeline of Victoria Peak when viewed from some particular locations. They are the Bank of China Tower and the Central Plaza.

The Metroplan principles have been adopted as broad guidelines at the district planning level and would be applied on a case by case basis when development and redevelopment proposals are processed. In specific cases, visual impact studies will have to be made by the project proponents before approval is given to the project.

End

Status of VMs released on recognisance

* * * * *

Following is a question by the Hon Cheung Hon-chung and a written reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday).

Question:

It is reported that the Hong Kong Government has recently released another 130 Vietnamese migrants (VMs) whose applications for repatriation have been rejected by the Vietnamese Government or who have been stranded in the territory for a number of years pending repatriation. In this connection, will the Government inform this Council:

- (a) of the estimated number of the above two categories of VMs being stranded in the territory at present;
- (b) what measures does the Government have at present to resolve the problem of these VMs being stranded in the territory before the return of sovereignty to China; and
- (c) what status will these VMs have in the event that they still remain in the territory after the return of the territory's sovereignty to China?

Reply:

Mr President,

On 18th October 1996, 130 Vietnamese migrants (VMs) were released on recognisance. They fell into two groups, namely, those who had been rejected by the Vietnamese authorities for return under the Orderly Repatriation Programme, and those who had volunteered to go home but had been awaiting clearance for an unreasonable period of time. The continued detention of these VMs would have been unlawful. Twelve of the 130 have since returned to Vietnam following their clearance by the Vietnamese authorities. At present, there is a total of 546 VMs released on recognisance.

To resolve the VM problem we have been negotiating with the Vietnamese authorities on the repatriation of all VMs to Vietnam. A technical meeting was held with Vietnamese officials last month to discuss means to speed up the clearance of VMs for return. During his visit to Hanoi from 31st October to 2nd November, the British Foreign Secretary also urged the Vietnamese authorities to resolve the problem of the remaining VMs in Hong Kong. We shall continue our discussions with Vietnamese Government with a view to securing the return of all VMs to Vietnam as soon as possible.

As the VMs released on recognisance were without travel documents, have been found not to be refugees, and have been refused permission to remain in Hong Kong, they are in the same position as illegal immigrants. Their status would not be affected by the change of sovereignty in 1997. They will be removed under S.13E of the Immigration Ordinance when that can be arranged.

End

Waterproof roofing system for public housing blocks

* * * * *

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

Question:

Recently, many public housing tenants living in the top floor flats of slab housing blocks built in the nineteen-eighties have complained about the problem of water leakage in the ceilings of their flats. In this connection, will the Government inform this Council:

- (a) of the number of complaints received by the Housing Department (HD) over the past three years regarding water leakage in the ceilings of the flats mentioned above;
- (b) whether the water leakage is in any way related to the thermal insulation design of the rooftops of the housing blocks concerned; if not, what the causes of leakage are;

- (c) whether the HD has carried out any waterproofing works on the rooftops of the housing blocks concerned at the time of their completion; if not, why not; and
- (d) whether the HD will inspect the rooftops of all slab blocks in the territory to ascertain if the waterproofing measures in place are effective, and carry out remedial works on the rooftops of those blocks which have a similar water leakage problem?

Answer:

Mr President,

During the period from April 1995 to October 1996, the Housing Department received 10,300 requests for repair of ceiling seepage in public rental flats and has completed repairs for 95% of them. Earlier statistics are not kept, nor are separate figures for top floor flats built in the 1980's.

Common causes of water seepage are material wear and tear, and tenants' unauthorised modifications. There is no evidence to suggest that water leakage is related to the heat insulation design of rooftops of housing blocks. The heat insulation layer is made of light-weight material, and provides additional protection to the roofing system.

All public housing blocks are provided with waterproof roofing systems at the construction stage, and are inspected at six-yearly intervals and repaired, as necessary. In the meantime, minor roof leakage defects are rectified under usual management procedures. Repairs will normally be carried out within 14 days.

End

Issuing of bulk tender to Internet Service Providers

* * * * *

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

Question:

The Information Services Department and the Information Technology Services Department announced earlier this year that a bulk tender would be issued to all Internet Service Providers (ISPs) by May of this year, so as to meet the huge demand for Internet services by the Government and to reduce administrative costs. However, it is learnt that the bulk tender has not yet been issued up to the present moment. In this connection, will the Administration inform this Council:

- (a) whether it has laid down any guidelines regarding its acquisition of Internet services from ISPs; and
- (b) of the reasons for the delay in issuing the bulk tender and when such a tender will be issued?

Reply:

- (a) The Information Technology Services Department ("ITSD") has advised Departments on the acquisition of Internet services from ISPs. The advice requires Departments -

- * to acquire services only from licensed ISPs,
- * to consider the support services offered by the provider and the type of transmission bandwidth on offer, and
- * to use only a dial-up service to connect to those of their workstations not connected in any way to their operational network.

ITSD has also advised Departments that they may acquire Web page design services directly from ISPs or other companies that offer this kind of service.

The acquisition of all such services is governed by the Stores Regulations in the usual way.

- (b) We did plan originally to issue a bulk tender to procure ISP services. However, in the light of the rapid developments in the market and the high degree of competition in the industry, we have reviewed our original plan. We now feel that we should not issue a bulk tender because this would tie us to a single provider. Even if the contract had provision for price adjustments, this would not be as flexible as having the ability to obtain services from several different providers. Accordingly we are now formulating a revised ISP procurement strategy. We expect to draw up for departments' reference early next year a short-list of suppliers who can provide such services.

End

Facilities in Government-aided primary and secondary schools

* * * * *

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

Question:

Will the Government inform this Council:

- (a) whether the facilities in government-aided primary and secondary schools (such as school halls, playgrounds and classrooms etc.) are open for public use outside school hours; and
- (b) whether it has formulated any policy regarding making such school facilities available for public use; if so, what the details are?

Reply:

Mr President,

- (a) Facilities of government-aided primary and secondary schools, such as school halls, playgrounds and classrooms, are generally not open to the public outside school hours, as the schools themselves often use them for a wide range of functions such as extra-curricular activities and parent-teacher association events. However, outside organisations can apply to individual schools for the use of school facilities for their activities.
- (b) Schools are encouraged to make the best use of the space available to them for educational purposes. In addition, the Education Department has issued guidelines to both government and aided schools on hire of accommodation to outside organisations for a variety of functions including organising public examinations and charitable functions; use of premises as polling/counting stations during elections; holding inter-school competitions; and operating adult/evening classes. In accordance with these guidelines, supervisors of government-aided primary and secondary schools can decide whether to allow an outside organisation to use the school facilities, having regard to the pupils' welfare and the nature and purpose of the proposed activities.

End

Supervision fee to meet overhead and staff cost

* * * * *

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

Question:

Does the Government know whether the Housing Authority's levy of a supervision fee on the management fees collected by the companies managing Home Ownership Scheme estates is for profit-making or cost-recovery; if not, of the use to which the supervision fee is put?

Answer:

Mr President,

The Housing Authority monitors and supervises the management and maintenance of Home Ownership Scheme estates by property management agents, in order to ensure that the services provided meet specified standards. To cover the administration overheads and staff costs incurred by the Housing Authority, a supervision fee is paid by property management agents and is recovered from management fees collected from flat owners.

End