



DAILY INFORMATION BULLETIN

ISSUED BY GOVERNMENT INFORMATION SERVICES
BEACONSFIELD HOUSE, HONG KONG. TEL.: 2842 8777

Thursday, March 13, 1996

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More resources to meet development & environmental needs

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The Secretary for Planning, Environment and Lands, Mr Bowen Leung, said today (Wednesday) there would be more resources in 1996-97 to implement the commitments within his policy areas of meeting Hong Kong's development needs and cleaning up the environment.

Mr Leung said a total of 191 new posts would be created in 1996-97 to provide new and improved services mainly related to slope safety, flood prevention, building safety, conservation and environmental protection.

Of these new posts, 46 will be created in the Buildings, Drainage Services and Lands Departments in connection with implementation of the Landslip Preventive Measures Programme.

Mr Leung said: "The Buildings Department will establish a new section this year to deal with enforcement action arising from a scheme to require building owners to carry out regular inspections of buried private drains and services which may affect the safety of their slopes.

"For the Lands Department, they will commission a consultancy study to identify systematically the maintenance responsibility of all 50,000 registerable man-made slopes in Hong Kong."

On flood prevention, Mr Leung said: "The Drainage Services Department will have 15 new posts to implement the flood control strategy. This will enable them to speed up work in upgrading the stormwater drainage system throughout Hong Kong, reducing flood risks in low-lying areas, particularly in the Northwest New Territories and in implementing the Shenzhen River Regulation Project."

He noted that work on Stage I of the river regulation project was progressing smoothly for completion in mid-1997 and Stage II work would commence in late 1996.

Turning to building safety, Mr Leung said: "We tightened up safety control and supervision over building and demolition work following the enactment of the Buildings Amendment Ordinance and the creation of a site monitoring team in Buildings Department last year.

"To further strengthen work in this area, the Buildings Department will get 16 new posts largely to deal with work on improving fire safety standards in commercial buildings."

Mr Leung noted that the Buildings Department was also working on a scheme to require owners to hire building professionals to inspect their building periodically and repair any defects identified. The public would be consulted on the proposed scheme in the second half of this year.

On conservation, the Policy Secretary said: "We will create 15 new posts in the Agriculture and Fisheries Department for deployment on work related to management of marine parks and a marine reserve and the protection of the Ramsar site at Mai Po and Inner Deep Bay.

"It is expected three Marine Parks located at Hoi Ha Wan, Yan Chau Tong and Sha Chau-Lung Kwu Chau respectively and the Marine Reserve at Cape D'Aguilar will be established in the second half of 1996. The Sha Chau-Lung Kwu Chau Marine Park will enclose a sanctuary for Chinese White Dolphins. Consideration is being given to implement an artificial reef programme to enhance the marine environment there."

Expending on environmental protection, Mr Leung said: "We will create 15 new posts in the Agriculture and Fisheries Department and the Environmental Protection Department in connection with the enactment of the Environmental Impact Assessment Bill which will provide a statutory framework to ensure that environmental mitigation measures will be taken in the design and construction of projects.

"EPD will get 35 more new posts to beef up work on improving air quality.

"We aim to set up before the end of 1997 three more air quality monitoring stations at Causeway Bay, Central, and Eastern Districts and two more toxic air pollution monitoring stations at Central and Tsuen Wan.

"We are also working on some administrative and legislative measures to tighten emission controls on vehicles and considering the way forward for the proposed Diesel to Petrol Scheme."

Other new posts will be created in the Lands Department for work related mainly to land resumption and clearance for major works projects and in the Planning Department for work arising from amendments to the Town Planning Ordinance.

Commenting on land revenue, Mr Leung said, "The revised estimate for 1995-96 is \$5.5 billion (14.9%) higher than the original estimate largely because we managed to make better sites available and the premia realised are higher than expected.

"We should not at this stage read too much into the 1996-97 land revenue estimate which is \$6.4 billion lower than the 1995-96 revised estimate. The estimate has been prepared based on the anticipated site availability in the year and prevailing market conditions. This reflects the location, area and permitted use of the overall land sales programme proposed for 1996-97 which has yet to be approved by the Land Commission."

End

Six amendment bills seek to combat smuggling

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Six amendment bills seeking to remove a loophole in the existing definitions which hinders the Government's effort in combating smuggling from China by vehicle will be gazetted this Friday (March 15).

The six amendment bills are: the Import and Export (Amendment) Bill, the Control of Chemicals (Amendment) Bill, the Reserved Commodities (Amendment) Bill, the Trade Description (Amendment) Bill, the Toys and Children's Products Safety (Amendment) Bill and the Consumer Goods Safety (Amendment) Bill.

A Government spokesman said: "The bills seek to amend the definition of 'article in transit', 'goods in transit' and 'controlled chemical in transit' in the six corresponding Ordinances by deleting the references to 'vehicle'.

"Currently, items in transit are exempted from certain import and export controls.

"Under the existing definitions, an item is in transit if it is brought into Hong Kong solely for the purpose of taking it out of Hong Kong and remains on board the same vessel, aircraft or vehicle throughout its passage through Hong Kong."

The spokesman explained: "Since no other place besides China is contiguous to Hong Kong, items remaining on the same vehicle coming in from China can only be destined for Hong Kong.

"It is practically impossible for any item carried on a vehicle from China to qualify as being in transit," he added.

The spokesman noted that in several cases regarding contraband found on incoming vehicles from China at the border point, the court accepted the claim that the contraband was 'goods in transit', for when the goods was seized at the border, it remained on the vehicle.

He said: "A loophole thus exists in the current definitions. The proposed amendments will remove the loophole so that items carried by vehicle would not be regarded as being in transit."

The amendment bills have been approved by the Governor in Council on March 5 and will be introduced into the Legislative Council on April 3.

End

New franchise granted to Citybus

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The Secretary for Transport, Mr Haider Barma, said he was delighted that the Sino-British Joint Liaison Group had reached agreement on a grant of a new franchise for Citybus Limited.

"On December 12, 1995, the Governor-in-Council approved in principle the terms of a new franchise for Citybus Limited which would confer upon the company the right to operate a public bus service for 10 years from September 1, 1996.

"On March 12, 1996, the Sino-British Joint Liaison Group reached a common view on the grant of this new franchise to Citybus," he said.

"Approval by the Executive Council of a formal grant of the new franchise to Citybus will be sought as soon as possible," Mr Barma added.

End

Insider Dealing Tribunal

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The Governor has appointed Mr Justice Burrell to be the Chairman of the Second Division of the Insider Dealing Tribunal.

A spokesman for the Financial Services Branch said today (Wednesday) that Mr Justice Burrell would assume duty on March 22, 1996 and his task was to conduct an inquiry into certain dealings involving the shares of Yanion International Holdings Ltd.

Mr Justice Burrell, aged 47, first joined the Judiciary as a Magistrate in 1986. He was appointed High Court Judge in July 1995.

The spokesman also announced that the main hearing on the CNPC (Hong Kong) Ltd insider dealing case would start on March 25, 1996.

A preliminary hearing on the case was held in early February 1996 before Mr Justice Yam, Chairman of the First Division of the Insider Dealing Tribunal. The Chairman is assisted by two lay members. They are Mr Lawrence Tse Kar-leung and Ms Connie Tsui Suet-mui.

At the main hearing, the First Division of the Tribunal will receive evidence and testimonies from parties involved in the case.

The hearing scheduled for 9:30 am on March 25 will be held at Room 702, Peregrine Tower, Lippo Centre, 89 Queensway, Hong Kong.

End

Conduct council election nominations close

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A total of 18 nominations were received for the organisation-nominated seats in the election to the Council on Professional Conduct in Education (CPCE) as nominations closed at noon today (Wednesday).

They will compete for 11 seats in this particular category.

The Secretary to the council, Mr M L Lau, expressed satisfaction over the response to the nominations.

Nominations to the teacher-nominated category of seats are coming in through district education offices and the total number will not be known until tomorrow.

Voting for the council election will be held on April 24 at which all full-time registered teachers, permitted teachers and government school teachers are eligible to take part.

Details of the election procedure will be sent to schools and organisations shortly.

CPCE is a non-statutory body to advise the Government on measures to promote professional conduct in education including the drafting of operational criteria defining the conduct expected of an educator, and to advise the Director of Education in cases of dispute or on alleged professional misconduct.

End

Chinese herbal poisoning

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Following three recent cases of poisoning by a highly toxic Chinese herb, Gwai Kuo, sold as Wai Ling Sin, a spokesman for the Department of Health today (Wednesday) urged members of the public to seek proper advice before using it.

"They should consult Chinese herbal practitioners and avoid self-medication," the spokesman said.

"Wholesalers and retailers of Chinese herbs are asked to check carefully their stock of Wai Ling Sin to make sure that it had not been contaminated by Gwai Kuo, a herb for external use," he added.

The spokesman said subsequent investigation revealed that Gwai Kuo sold as Wai Ling Sin was included in the Chinese herbal medicine consumed by the three victims. They fell ill within hours of consumption of the medicine and were admitted to Tuen Mun Hospital.

Chemical analysis of the herbal medicine used in all three cases confirmed the presence of podophyllotoxin, a toxin commonly found in Gwai Kuo. It is suspected that the poisoning was due to the unintentional contamination of Wai Ling Sin by Gwai Kuo.

"We are concerned about the incidents and follow-up actions have been taken to trace the source of the incriminated herbs," the spokesman said.

"The Department of Health has alerted wholesalers of herbal medicine and retailers in the NT West region to examine their stock of Wai Ling Sin and to submit any suspected contaminated batches to the Department for examination."

The spokesman noted that traditional Chinese herbal medicine has been commonly used by the Chinese community. If used properly, they do not have harmful effects.

The three patients were one man and two women. The man involved in the first case had already been discharged. The conditions of the other two were improving.

End

Trial passage at night of large vessel at Ma Wan

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The Marine Department is evaluating the data gathered from a one-off trial transit of a 292-metre container vessel at night through the Ma Wan Channel last (Tuesday) night.

At present ships exceeding 183 metres are not allowed to pass through the channel at night though no such restriction is imposed during day time. But a trial scheme to allow ships between 183 and 250 metres to pass through the channel at night is underway.

Due to the geographical and currents constraints, large ships passing through Ma Wan are restricted by tidal windows, effectively reducing the use of the channel by large ships.

"Piloting a ship through the channel in darkness is more difficult and posed more risks than in day time," the Director of Marine, Mr Ian Dale, said.

The Ma Wan Channel is considered to be a dangerous zone not only because of the strong currents and the professional skill required in negotiating a 90 degree turn but also due to the busy traffic in the area.

"My department is working closely with the Hong Kong Pilots Association to extend the usage of the channel by large vessels at night without compromising safety," Mr Dale said.

Recent moves included the setting up of a control station at Gemini Point in Tsuen Wan to provide on-the-spot regulatory actions in the area round the clock and the restructuring of marine pilot classes.

"Nowadays, shipowners tend to bring in larger and larger vessels. Besides the 292-metre Newport Bay we have in our port this week one of the world's largest ship capable of carrying 6 000 standard-size container boxes," he said.

With the opening of a new container terminal in Shekou, the volume of marine traffic at the already-congested Ma Chan channel is expected to increase substantially as it is the only deep water channel for cargo ships trading between the two places.

The ship started entering the Channel at 8 pm yesterday and completed the passage within 30 minutes.

"The success of the trial is due to the joint efforts of the Pilotage Advisory Committee, the Pilots Association, the shipowners and of course the hardwork and detailed planning of my staff," Mr Dale said.

Marine Pilot Cheung Hai-loi and co-pilot Lui Yan-hon volunteered for the operation.

To facilitate this special transit, the Marine Department deployed a hydrographic launch to provide real time tidal current information to the two pilots on board the vessel. A Senior Marine Officer also joined the crew on the bridge of the vessel as observer.

In addition three Marine Department launches were assigned to regulate traffic and to clear the passage for the ship.

"It is still too early to lift the night-time restriction for large vessel at this stage," Mr Dale said.

"Data and experience gained from this one-off exercise shed light on what sort of additional facilities and knowledge are required to make these transits at night as safe as possible," he said.

"At present we are not satisfied that it is safe to handle ships exceeding the permitted length to pass through Ma Wan at night though we are encouraged by the results of the trial," Mr Dale said.

The Newport Bay docked overnight at Shekou and re-entered Hong Kong through Ma Wan this afternoon. She is now berthing at Kwai Chung container terminals.

End

Government promotes computerised school management

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The Education Department is promoting computerised school management by organising exhibitions and talks on its computer-based School Administration and Management System (SAMS) from Saturday (March 16).

Staff of all public sector primary and secondary schools and educational bodies are invited to participate in the SAMS Days activities under the theme "SAMS Made Easy".

The SAMS Days to be conducted on March 16, 18, 29 and 30 will feature a range of activities including exhibitions, video programmes, talks, demonstrations and hands-on sessions which present a comprehensive picture on SAMS and focus on ways in which school staff can apply SAMS to their daily administrative work and school activities.

The SAMS Days will be held at Lui Kee Education Services Centre, 269 Queen's Road East, Wanchai from 9.30 pm to 1 pm on March 16 (Saturday), 9.30 am to 5 pm on March 18 (Monday), 9.30 am to 5 pm on March 29 (Friday) and 9.30 am to 1 pm on March 30 (Saturday).

The SAMS is one of the projects within the Information System Strategy of the Education Department. It provides all public sector schools with a networked computer system to assist with their administration and management and to enable efficient electronic transmission of information between schools and the Education Department.

Up to now, about 550 schools have been equipped with computer hardwares, the majority of which have been installed with SAMS applications.

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	2,041	0930	+761
Closing balance in the account	1,903	1000	+761
Change attributable to :		1100	+761
Money market activity	+747	1200	+759
LAF today	-885	1500	+749
		1600	+747

LAF rate 4.00% bid/6.00% offer TWI 123.7 *+0.0* 13.3.96

Hong Kong Monetary Authority

EF bills			EF notes			
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	4.98	2 years	2802	5.16	98.20	6.26
1 month	5.24	3 years	3901	5.57	97.85	6.50
3 months	5.42	5 years	5012	6.38	98.14	6.96
6 months	5.53	7 years	7302	6.02	93.56	7.34
12 months	5.73	5 years	M502	7.30	100.46	7.31

Total turnover of EF bills and notes - \$24,872 million

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End



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SUPPLEMENT

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Debate on HKSAR Preparatory Committee

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Following is a speech by the Secretary for Constitutional Affairs, Mr Nicholas Ng, in the motion debate on Preparatory Committee of the Hong Kong Special Administrative Region in the Legislative Council today (Wednesday):

Mr President,

Mr Leung's motion, and the amendment motion put forward by Mr Liu, raises four transitional issues, namely

- * the work of the Preparatory Committee;
- * the question of a Provisional Legislature;
- * the formation of the HKSAR Legislative Council; and
- * the selection of the first Chief Executive.

These are all well trodden ground: it was only one and a half months ago, on 31 January, that they were exhaustively debated in this Council. I have set out the Government's position on these issues then. Let me reiterate our position this afternoon.

First, the operation of Preparatory Committee. The Decision of the National People's Congress adopted on 4 April 1990 provides that the Preparatory Committee is to be responsible for preparing for the establishment of the HKSAR Government, including the formation of the first HKSAR Legislative Council. Given that the Preparatory Committee carries with it heavy and important responsibilities, it is perfectly natural that the community should have a close interest in its work. Thus, whilst it must be for the Preparatory Committee to decide how it carries out its tasks, we earnestly hope that the Committee will take full account of the Hong Kong community's wish in working for a successful transition, and in establishing a truly credible HKSAR Government and representative institutions. In this connection, we are pleased to note that Vice Premier Qian Qichen has said that the Preparatory Committee should extensively solicit opinions from Hong Kong people, and that this principle is enshrined in one of the working rules adopted by the Preparatory Committee. Various Chinese officials have also urged Hong Kong people to participate in preparation for the transition.

There are, of course, 94 Hong Kong members on the Preparatory Committee, including 14 from this Council. Presumably, these 94 members will serve as a conduit in reflecting the views and concern of the people of Hong Kong. Presumably, too, they will account to the people of Hong Kong for their actions in connection with the work of the Preparatory Committee.

On our part, we are committed to co-operate closely with the Committee. Indeed, the British and the Chinese sides have agreed that the Hong Kong Government's Liaison Office and the Preparatory Committee Secretariat, including its Hong Kong Office, could begin to liaise. As I explained to this Council on previous occasions, our Liaison Office will co-operate with the Preparatory Committee on the basis of three established parameters. I will not repeat our basic principles here.

In addition, we are committed to openness and transparency in our dealings with the Preparatory Committee, and will account to this Council and the public for our actions.

When the Chief Executive (Designate) is in place, we will likewise render immediate and practical co-operation.

Mr Leung's motion also deals with the question of a Provisional Legislature. The Hong Kong Government's position on this question is clear and consistent. The current Legislative Council has been elected through open and fair arrangements which are fully consistent with the Joint Declaration and the Basic Law. These arrangements meet the community's wish for credible and representative institutions which are capable of transcending 1997. As the British Prime Minister said just a week ago, "those elected by the people of Hong Kong in record numbers should be allowed to serve their full four-year term. That is what Hong Kong people wish to see. That is what the world wish to see." In that way, we will have an experienced legislature in place on 1 July 1997 which commands the confidence of the community. This is the best way to avoid confusion or disruption in our legislative affairs.

For the above reasons, we do not accept that there is any need for new arrangements in 1997.

I would now like to turn to two different but closely related issues: the formation of the first and subsequent SAR Legislature, and the selection of the first and subsequent Chief Executive. The relevant methods and procedures are already prescribed in the Basic Law and the Decision of the National People's Congress adopted on 4 April 1990. Implementation of these provisions, or amendments to these provisions, will be a matter for the Chinese Government and the future HKSAR Government. I would, therefore, only make one statement of fact. 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". Article 68 of the Basic Law provides that "the ultimate aim is the election of all the members of the Legislative Council by universal suffrage."

This said, I can hardly over-emphasise the crucial importance of processes for forming the SAR Legislative Council, and for selecting the Chief Executive. The Hong Kong community expects these to be nothing less than open, fair and transparent. So does the international community. The Hong Kong Government, too, fully shares such expectations. Those who are responsible for determining the formation processes will do well to take full account the wishes of the Hong Kong people, if they are serious about establishing an SAR Government which is credible and truly representative.

Finally, let me reassure this Council and the community that the Hong Kong Government is firmly committed a successful transition. We will continue to be responsible for the administration of Hong Kong with the object of preserving its economic prosperity and social stability. We are ready to provide practical co-operation with the Preparatory Committee and the Chief Executive (Designate), once he or she is in place. We hope others will join us in this solemn and historic endeavour.

End

Public Finance Ordinance

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Following is a speech by the Secretary for the Treasury, Mr K C Kwong, in moving the resolution of the Public Finance Ordinance in the Legislative Council today (Wednesday):

Mr President,

I move the motion standing in my name in the Order Paper.

The purpose of this motion is to seek funds on account to enable the Government to carry on existing services between the start of the financial year on 1 April 1996 and the enactment of the Appropriation Bill. This follows the procedure long established in this Council.

We have determined the funds on account sought under each subhead in accordance with paragraph four of the resolution, by reference to percentages of the provision shown in the draft Estimates. If the draft Estimates are changed, by the Finance Committee or under delegated powers, the provision to which the percentages are applied will also change accordingly. Thus the provision on account under each head is not constant but may vary, with every increase being matched by an equal decrease. The initial provision on account under each head is shown in the footnote to this speech. The aggregate total under all heads is fixed, however, at \$49,596,849,000 and cannot be exceeded without the approval of this Council.

The resolution also enables the Financial Secretary to vary the funds on account in respect of any subhead, provided that these variations do not cause an excess over the amount of provision entered for that subhead in the draft Estimates or an excess over the amount of funds on account for the head.

The Financial Secretary will issue a vote on account warrant to the Director of Accounting Services authorising him to make payments up to the amount specified in this motion and in accordance with its conditions. The vote on account will be subsumed upon the enactment of the Appropriation Bill, and the general warrant issued after the enactment of the Appropriation Bill will replace the vote on account warrant.

Mr President, I beg to move.

End

Evidence Bill

* * * * *

Following is a speech by the Attorney General, the Hon Jeremy Mathews, in moving the second reading of the Evidence (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Evidence (Amendment) Bill 1996 be read a second time.

The purpose of the Bill is twofold. First, it proposes to enhance the powers of the High Court to obtain evidence for the purpose of criminal proceedings in other jurisdictions. Secondly, it proposes to abolish the corroboration rules in respect of sexual offences.

Obtaining of evidence for overseas jurisdictions

I will first deal with the provisions relating to obtaining of evidence for overseas jurisdictions. Under the existing law, the courts in Hong Kong may, on the request of another jurisdiction, take evidence here for use in criminal proceedings in that jurisdiction. However, before the court can assist in obtaining evidence for proceedings in another jurisdiction, it must be satisfied, firstly, that the request was made by or on behalf of a "court or tribunal" and, secondly, that the evidence in question is to be obtained for proceedings which have been instituted or which are likely to be instituted if the evidence is obtained.

These two criteria severely restrict the power of the courts in Hong Kong to respond to requests for assistance from other jurisdictions, and cause particular difficulty in relation to civil law jurisdictions. To give an example, in a recent case relating to a request from Italy, the High Court held that it did not have jurisdiction to respond to the request because it was issued by a Magistrate who, under Italian law, was performing the function of a public prosecutor. Therefore, the request was not one made by or on behalf of a court or tribunal. Moreover, the restrictions prevent evidence from being obtained for the purposes of proceedings before an examining magistrate who, under the civil law system, conducts the investigation. In such cases, it cannot be argued that the evidence to be obtained is for the purpose of proceedings which are likely to be instituted.

It is important for Hong Kong to play a full part in the world effort to combat crime. However, it cannot now do this because of the restrictions I have referred to. Our inability to respond satisfactorily to requests for legal assistance could damage Hong Kong's reputation as an important legal, commercial and financial centre. It could also cause problems when Hong Kong seeks to enter into agreements with other jurisdictions in respect of mutual legal assistance.

The Bill proposes to overcome these difficulties by enhancing the powers of the High Court to assist in obtaining evidence for use in other jurisdictions. It does this by allowing a request for assistance from another jurisdiction to be made not only by a court, tribunal or other juridical authority, but also by a prosecuting authority. It also provides that the evidence in question may be obtained for the purposes of a "criminal matter", which is defined to mean a prosecution, an investigation, or an ancillary criminal matter, such as the restraint or confiscation of the proceeds of crime.

The Bill does, however, place restrictions on the power of the courts to obtain evidence. In particular, a person cannot be compelled to give evidence which he could not be compelled to give in Hong Kong on the ground that to do so might tend to incriminate him, or which he could not be compelled to give in the other jurisdiction in the criminal matter for which the evidence is being obtained.

Corroboration rules in respect of sexual offences

I now turn to the proposed abolition of the corroboration rules in respect of sexual offences. Under our law, the general rule is that a court may act on the evidence of a single witness to decide whether or not an accused is guilty. However, in respect of sexual offences, there are special rules of corroboration. The evidence of a witness is corroborated if there is independent testimony implicating the accused. The reason for the corroboration rules in respect of sexual offences is said to be that sexual allegations are easy to make but difficult to refute. The alleged victim's evidence may have been the result of fantasy, spite or remorse.

There are two different rules of corroboration in respect of sexual offences. One rule requires that, where the allegation against an accused is supported by the evidence of one witness only, that witness' evidence must be corroborated by some independent evidence tending to prove the guilt of the accused. Without such corroborative evidence, the accused cannot be convicted of the offence alleged, even if the judge or jury is convinced that he is guilty of the offence. There are seven types of a sexual offences under the Crimes Ordinance to which this rule applies. These include procuring a person by threats or intimidation to do an unlawful sexual act, and procuring a person to become a prostitute.

The other rule applies to all other types of sexual offences. It requires a judge to give a warning of the dangers of convicting a person on the uncorroborated evidence of a victim of sexual offence. If a judge fails to give such a warning, this may result in the accused's conviction being overturned on appeal, even though the evidence was, in fact, corroborated.

In many common law jurisdictions, the rules governing corroboration have been criticised as unsatisfactory. They work particularly to the disadvantage of victims of sexual offences whose evidence is characterised as inherently unreliable. In addition, the rules are extremely difficult to explain and apply, and are rigid in their application. The corroboration rules applying to sexual offences have already been abolished in England, Canada, New Zealand and some Australian states.

I would remind Members that, in Hong Kong, the corroboration rules that used to apply to the evidence of an accomplice and a child witness were recently abolished. This Bill now proposes to abolish the corroboration rules applying to sexual offences. I would add that the abolition of the rules would not prevent a judge from giving a warning about the reliability of the evidence of any witness in proceedings for a sexual offence if, on the particular facts of the case, the judge considered this necessary.

Clause 2 of the Bill introduces a new section 4B into the Evidence Ordinance to provide for the abolition of the rule requiring a corroboration warning to be given in proceedings for a sexual offence. Section 4 of the Schedule to the Bill repeals the requirement for corroboration in respect of seven sexual offences under the Crimes Ordinance.

Mr President, the proposed enhancement of the powers of the High Court to obtain evidence is consistent with the bilateral legal mutual assistance agreements that Hong Kong is negotiating, and with international practice. The proposed abolition of the rules of corroboration applying to sexual offences is consistent with developments in other common law jurisdictions and with Hong Kong's recent reforms to the law regarding accomplices and children. Both measures will improve the administration of justice. I commend the Bill to this Council.

End

Kadoorie Agricultural Aid Loan Fund 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 Kadoorie Agricultural Aid Loan Fund (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Kadoorie Agricultural Aid Loan Fund (Amendment) Bill 1996 be read a second time.

The purpose of the Bill is to improve the administration of the Kadoorie Agricultural Aid Loan Fund.

The Kadoorie Agricultural Aid Loan Fund Ordinance was enacted in 1995 to establish the Kadoorie Agricultural Aid Loan Fund. The Fund consists of funds donated by the late Lord Kadoorie, the late Sir Horace Kadoorie and the Government for the purpose of encouraging or improving agriculture in Hong Kong by the issue of loans to farmers or groups of farmers.

The Ordinance provides for the Fund to be administered by a committee of six members, the composition of which includes Lawrence Kadoorie and Horace Kadoorie. The passing away of Lord Kadoorie and Sir Horace Kadoorie removed the link between the Kadoorie family and the loan fund committee and reduced the number of members of the committee from six to four. Consequently, the loan fund committee is unable to function as effectively as before.

The Bill proposes that the membership be increased to seven through the addition of one member nominated by Sir Elly Kadoorie & Sons Limited and two other new members to be appointed by the Governor. It also provides for the term of office for members appointed by the Governor to be reduced from three years to two. These changes will ensure that the link between the Kadoorie family and the loan fund committee is re-established and that there are more opportunities for different representatives of the agricultural sector to experience the workings of the committee.

In addition, the Bill amends the definition of "agriculture" in the Ordinance, which already includes fish culture, to include all forms of aquaculture, to make it clear that both pond fish farmers and mariculturists may apply for loans from the Fund.

Mr President, the proposals in the Bill will improve the arrangements for approving loans to farmers from the Kadoorie Agricultural Aid Loan Fund and thereby promote the development of agriculture and aquaculture in Hong Kong. I commend the Bill to this Council.

End

Leveraged Foreign Exchange Trading Bill

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Following is a speech by the Secretary for Financial Services, Mr Rafael Hui, in moving the second reading of the Leveraged Foreign Exchange Trading (Amendment) Bill 1996 in Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Leveraged Foreign Exchange Trading (Amendment) Bill 1996.

The Bill seeks to require a trader licensed under the Leveraged Foreign Exchange Trading Ordinance to obtain the consent of the Securities and Futures Commission (SFC) prior to the sale or issue of substantial holdings in its shares. The Bill also seeks to amend the Ordinance so that the making of orders by the High Court under section 13 will apply to any person, instead of to licence holders only, and any such order may specify assets instead of currency.

Under the present Ordinance, a licence to operate leveraged foreign exchange trading can be granted only to limited companies and their representatives, while traders which were in business prior to the introduction of the Ordinance are allowed to continue their businesses pending processing of their applications by the SFC. At present, the Ordinance does not explicitly and expressly prohibit a company which is considered not 'fit and proper', including a company which has been refused a licence to be a trader, from acquiring shares of a licensed trader and therefore gaining control of the latter. The proposed amendment in the Bill is intended to close this possible loophole.

Separately, section 13 of the present Ordinance empowers the High Court to make orders against a licence holder who has contravened or is about to contravene the provisions of the Ordinance and its subsidiary legislation or any conditions of its licence. An order made under section 13 can only apply to a licence holder, but not to an applicant. Furthermore, under the same section 13, the High Court may make orders restraining a person from acquiring, disposing of, or otherwise dealing with any currency specified in the order. For better protection of investors, the word 'currency' should be extended to cover assets which may have been obtained by fraudulent misappropriation of clients' monies. Therefore it is necessary to amend the relevant provisions so that an order made under section 13 will apply to any person, and any such order may specify assets instead of currency.

The overall objective of the bill is to strengthen the relevant risk management system and to enhance protection for investors.

Thank you, Mr President.

End

Securities and Futures Commission Bill

Following is a speech by the Secretary for Financial Services, Mr Rafael Hui, in moving the second reading of the Securities and Futures Commission (Amendment) Bill 1996 in Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Securities and Futures Commission (Amendment) Bill 1996.

The Bill seeks to amend the Securities and Futures Commission Ordinance so that the consent of the SFC is required prior to the sale or issue of substantial holdings in shares in a company registered with the SFC as a dealer in securities or commodities or investment adviser.

The proposed amendments to the Securities and Futures Commission Ordinance stems from the same considerations as in the case of similar amendments to the Leveraged Foreign Exchange Trading Ordinance as contained in the Bill which I moved a moment ago. In other words, currently there are no provisions in the Securities and Futures Commission Ordinance to prevent a person who is not fit and proper from acquiring shares in, and thereby gaining control of, a company registered as a dealer or investment adviser. The Bill seeks to close this loophole.

Thank you, Mr President.

End

Bankruptcy (Amendment) Bill 1996

Following is a speech by the Secretary for Financial Services, Mr Rafael Hui, in moving the second reading of the Bankruptcy (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Bankruptcy (Amendment) Bill 1996.

The Bankruptcy Ordinance is based on obsolete English legislation of 1914. It embodies procedures and practices that are cumbersome and outmoded. In the UK and in certain other jurisdictions whose insolvency legislation has had similar origins, such as Singapore, insolvency laws have been modernised.

The Bankruptcy Ordinance is an important element in our legal framework for the operation of business and it is therefore important for Hong Kong as a major commercial and financial centre to bring our regulatory regime into line with the changing needs and expectations of the community.

This Bill largely implements the recommendations of the Law Reform Commission's "Report on Bankruptcy" which took on board many of the changes implemented in the UK and in Australia. These changes have shifted the emphasis more towards rehabilitation than punishment. In the one or two places where we have differed from the Law Reform Commission's recommendations, this has been for technical reasons which emerged during the drafting of the Bill. Our proposed approach on these matters has either resulted from subsequent discussion with the Commission's Insolvency Sub-committee or has been accepted by the Chairman of the Sub-committee.

May I mention briefly some of the more significant proposals contained in the Bill:

- * Acts of Bankruptcy, which constitute the grounds on which a bankruptcy petition may be presented, are mostly obsolete and will be abolished;
- * bankruptcy notices issued to creditors, which are based on court judgements and require a debtor to pay a debt due or make some other arrangement satisfactory to his creditors and the court, will also be abolished and replaced with a simpler procedure;
- * the current procedures will be replaced by more straightforward arrangements which will entail the issuing of a statutory demand requiring a debtor to pay his debts, then due, within 21 days. Failure to comply with this will enable a bankruptcy petition to be presented, as will an unsatisfied execution of a judgement against the property of a debtor. If a debtor departs from Hong Kong or intends to do so knowing that his departure would delay or thwart his creditors, this will also be grounds for presenting a petition;
- * a single bankruptcy order will replace the present two-stage system of a receiving order followed by an adjudication order, thereby simplifying procedures and reducing costs;

- * the present requirement that a bankrupt must apply to the Court for discharge from bankruptcy will be repealed and provisions will be introduced for an automatic discharge, subject to there being no objections from the trustee of the bankrupt's estate or any creditor;
- * the present procedures for compromises or schemes of arrangement that a debtor can make with his creditors will be replaced by new provisions based on the individual voluntary arrangements procedures under the UK Insolvency Act. These provide a more flexible procedure which will encourage debtors to sort out their financial difficulties in a structured way without having to become bankrupt;
- * arrangements for holding meetings of creditors will be made more flexible and the Official Receiver given greater discretion to determine the need for such meetings;
- * the present monetary limits of \$3,000 on the total value of tools of trade and domestic goods that a bankrupt can retain will be abolished. The bankrupt will instead be allowed to retain such equipment as will enable him to continue his trade or occupation so as to earn a reasonable living for himself and his dependants. Excess earnings will continue to be paid into the bankrupt's estate. The bankrupt will be able to retain such domestic equipment as may be necessary for satisfying his and his family's basic needs; and
- * new "anti-avoidance" provisions will be introduced to enable the trustee of the bankrupt's estate to challenge disposals of property made prior to the commencement of the bankruptcy, when the trustee considers the bankrupt may have acted contrary to the interests of his estate by conferring benefits on some other persons.

This Bill also generally will streamline the procedures associated with insolvencies and will help to reduce the time and costs involved in their administration.

Thank you, Mr President.

End

Pneumoconiosis Bill

* * * * *

Following is the speeches by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in moving the second and third readings of the Pneumoconiosis (Compensation) (Amendment) Bill 1995 in the Legislative Council today (Wednesday):

Mr President,

First of all, I am grateful to members for their support of this important Bill which seeks to make improvements to the Pneumoconiosis Compensation Scheme in a way which is broadly acceptable to both employers and employees. I should also like to thank the Chairman, Dr The Hon LEONG Che-hung, and members of the Bills Committee for their careful examination of the Bill and for their valuable views on it.

As members are aware, this Bill is the outcome of the Government's conscious decision to bring about substantial improvements to the Pneumoconiosis Compensation Scheme. The most important improvement is the proposal to remove from the existing compensation formula the compensation amount intended for pain, suffering and loss of amenities (PSLA) but without being specified as such, and make it a separate compensation item so that all eligible pneumoconiotics will be entitled to this amount irrespective of their degree of incapacity under the Scheme. Another significant improvement is the introduction of a reasonable degree of flexibility in the assessment of incapacity under the Scheme, by two means, as set out in Clause 13 of the Bill. First, it empowers the Pneumoconiosis Medical Board (PMB) to consider findings of not only the standard Forced Vital Capacity (FVC test) for assessment of lung function loss under the Scheme, but also other lung function tests or clinical findings relevant to a pneumoconiotic's loss of lung function, and as a result, to adjust the degree of incapacity as assessed by reference to the FVC test by no more than 5%. Second, it empowers the PMB to assess the degree of a pneumoconiotic's loss of lung function on the basis of other relevant clinical tests, or physical or radiological findings if he/she cannot perform the FVC test at all because of certain co-existing medical conditions.

In the course of examining the Bill, Members expressed concern that in a number of cases, the family members of the deceased pneumoconiotics were not eligible for compensation because the PMB had determined that the pneumoconiotics in those cases did not die of pneumoconiosis. Members considered that the criteria adopted by the Pneumoconiosis Medical Board in determining the cause of death of pneumoconiotics might have been too stringent. While we appreciate members' concern, I wish to stress the importance of ensuring that the compensation for death under the Scheme is strictly confined to family members of only those deceased persons whose death was really caused by pneumoconiosis. Nevertheless, we have conveyed members' concern to the PMB, which will continue to take into account all factors relating to pneumoconiosis in their assessment of the cause of the deceased pneumoconiotics.

In addition to supporting this Bill, Members of the Bills Committee expressed the wish to see improvements to the Pneumoconiosis Ex-Gratia Scheme which is a separate administrative scheme providing benefits to persons who were diagnosed before 1981 to be suffering from pneumoconiosis. At present, the Scheme provides this group with compensation payments which comprise quarterly ex gratia payments at the current rate of \$10,560 which are payable until death, and reimbursement of funeral expenses in respect of a deceased pneumoconiotic, subject to a maximum, which was increased from \$12,000 to \$14,000 from 1 January this year.

I would take this opportunity to inform Members that we have conducted a review of this Scheme and are planning to make a series of improvements to it. They include the arrangement for the Pneumoconiosis Compensation Fund Board to supply and pay for the expenses of medical appliances required by the pneumoconiotics including wheelchairs, oxygen concentrators and cylinders and their accessories to the pneumoconiotics. The other changes are the arrangements to make annual adjustment to the rate of ex gratia payments in accordance with changes in the CPI(A) on 1 July each year, and the revision of the maximum amount of reimbursement of funeral expenses once every two years which is in line with our existing administrative arrangement of adjusting the corresponding ceiling under the Ordinance on a biennial basis. These improvements have been endorsed by the Labour Advisory Board and will take effect on the same date as all the proposals under this Bill.

Following the passage of a resolution by this Council on 13 December 1995, the amount of \$2,100 in the formula for the calculation of the monthly compensation for total incapacity in Part II of the First Schedule of the Pneumoconiosis (Compensation) Ordinance was increased to \$2,570 with effect from 1 January 1996. It is therefore necessary to adjust the amount of \$2,100 in Clause 12(b) of this Bill correspondingly to \$2,570. I shall move an amendment to effect this change at the Committee Stage.

Thank you, Mr President.

Mr President,

I move that clause 12B of the Bill be amended as set out in the papers circulated to members. This amendment seeks to replace the amount of \$2,100 by \$2,570 in the proposed part 2A to be added to the First Schedule of the Pneumoconiosis (Compensation) Ordinance. This amendment is necessary as a result of the passage of a resolution by this Council on 13 December 1995 for increasing the amount of \$2,100 in the formula for the calculation of the compensation for total incapacity in Part 2 of the First Schedule of the Pneumoconiosis (Compensation) Ordinance to \$2,570 with effect from 1 January 1996. As Clause 12B of the Bill seeks to remove the set amount of \$2,100 from the formula for the calculation of compensation for incapacity and make it a separate item of compensation for pain, suffering and loss of amenities under Part 2A of the First Schedule of the Ordinance. This compensation amount should be revised correspondingly to \$2,570.

Mr President, I beg to move.

End

Gas Safety Bill

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Following is a speech by the Secretary for Economic Services, Mr Gordon Siu, at the committee stage of the Gas Safety (Amendment) (No 2) Bill 1995 in the Legislative Council today (Wednesday):

I move that clause 2 be amended as set out in the paper circulated to Members.

The purpose of the proposed amendment is to define more comprehensively the type of works which may give rise to damage to gas pipes by defining such works to include works on footpaths, the extraction of material from the land or the seabed, landfill works and reclamation works.

Mr Chairman, I beg to move.

End

Measures to adopt on women's rights

* * * * *

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

Question:

The Government undertook last year that it would adopt two measures concerning women's rights, viz. the setting up of an Equal Opportunities Commission (EOC) and the extension of the United Nations' Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to the territory. However, these two measures have still not been implemented by the Government. In this connection, will the Government inform this Council:

- (a) what is the timetable for the setting up of the EOC and when its membership will be announced;
- (b) whether the Government will consider setting up the EOC first to start work before its chairman is appointed;
- (c) whether, having regard to the fact that the Government has planned to draw up certain reservations for inclusion in CEDAW upon its extension to the territory and that the matter will be discussed by the Sino-British Joint Liaison Group, women's groups will be consulted on these reservations; if not, why not;
- (d) what is the timetable for discussion of the reservations referred to in (c) above by the Joint Liaison Group?

Reply:

As Members are aware, we are in the process of recruiting the Chairperson of the Equal Opportunities Commission. We hope to complete the selection process before the end of March. As the individual circumstances of the person selected may involve certain formalities to be completed before an announcement of appointment can be made, a firm timetable for the setting up of the Commission cannot be given at this point. However, Members may rest assured that we intend to make an announcement of the full composition of the Commission as soon as possible.

We do not consider it proper to set up the Equal Opportunities Commission without its Chairperson. In order to ensure that the Commission can function effectively upon its commissioning, the preparatory team in my Branch has already secured its funding and office accommodation has been leased and furnished. Other preparatory work such as the drawing up of the proposed organisation structure and terms of reference for the Commission and its committees, and the terms and conditions for the recruitment of some 60 staff for the Commission office is being finalised. Work has also started on the preparation of draft Codes of Practice on employment for consideration by the Commission.

I would now turn to the second part of the question on the Convention on the Elimination of all forms of Discrimination Against Women, which many referred to as CEDAW. As the application of CEDAW will confer new international rights and obligations on Hong Kong, and as the Convention is intended to continue to apply after 1997, we need to consult the Chinese side at the Joint Liaison Group. We have handed over a speaking note together with the relevant information to the Chinese side in January this year and are awaiting their response.

In September last year, the United Kingdom completed a comprehensive review of the previous reservations which it entered under CEDAW. We have since then examined these reservations in respect of their relevance for Hong Kong. We propose to enter seven reservations upon the extension of CEDAW to Hong Kong. These seek to either clarify our obligations under the Convention or to reiterate the compatibility of some of our existing regulations and practices with the Convention. All but one are modelled on similar reservations to be retained by the United Kingdom. The exception covers the rent concessions provided for under the Joint Declaration and the small house policy. On this latter reservation, we had explained to the public the need for it in 1994 when we announced our intention to seek an extension of the Convention to Hong Kong.

End

"Executive-led" system in Government

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Following is a question by the Hon Tsang Kin-shing and a reply by the Chief Secretary, the Hon Anson Chan, in the Legislative Council today (Wednesday):

Question:

As the Governor and the Chief Secretary have described on a number of occasions the existing system of government as an "executive-led" system, will the Government inform this Council:

- (a) what is an "executive-led" system and what are the specific contents in such a system;
- (b) whether the introduction of Members' bills under the Standing Orders of this Council is contrary to the "executive-led" system;
- (c) whether the Governor's intention to refuse assent to a Member's bill under certain circumstances as stated in his Policy Address last year is to uphold the "executive-led" system; and
- (d) how the Government will ensure that the "executive-led" system will not hamper the development of democracy in the territory?

Reply:

- (a) The political system of Hong Kong is built on the principle of 'separation of powers' with an executive-led government. The executive, legislature and judiciary have different and independent roles, which check, balance and support each other. Under our executive-led system of government, the executive is responsible for formulating and implementing policies and providing various services to the community. In line with this, it is the Administration's role to put its legislative and expenditure proposals to the Legislative Council for consideration. In short, the Administration proposes and the legislature disposes.
- (b) LegCo Members have a constitutional right to introduce Private Members' Bills provided that their proposals do not have the object or effect of disposing of or charging any part of the public revenue. But a proliferation of Private Members' Bills on important issues of public policy would undermine the present division of responsibilities between the executive and the legislature. It would also upset the Administration's own legislative programme, which has been carefully drawn up to take account of the views and aspirations of the various sectors of our community, including LegCo. As the Governor said in his Policy Address, we believe that the public interest would be better served if we moved forward on an agreed basis, rather than on parallel tracks.

- (c) The Governor's statement in his 1995 Policy Address was no more than a recognition of the constitutional position. The Governor also emphasised that the Administration is committed to working together with Members of this Council on behalf of the community we all serve.
- (d) The principle of 'executive-led' government does not mean that the executive can do whatever it wants. In the Hong Kong system, the legislature and the executive perform distinct roles and provide checks and balances to each other. Thus, the Administration's legislative and financial proposals all have to be approved by the Legislative Council, in which we have no votes.

End

Police disciplinary regulations explained

* * * * *

Following is a question by the Hon Selina Chow and a reply by the Secretary for Security, Mr Peter Lai, in the Legislative Council today (Wednesday):

Question:

The Expatriate Inspectors' Association has criticised the Police Force management for the way in which senior police officers suspected of corruption are treated by the management. In view of this, will the Government inform this Council:

- (a) whether both senior and junior officers have to abide by the same set of disciplinary regulations under the present internal disciplinary system of the Police Force; if not, why not;
- (b) of the number and rank of senior police officers who are currently not bound by the Force's general internal code of discipline; and
- (c) of the number of police officers in various ranks who were investigated for corruption or other crimes, as well as the number and rank of those who were eventually disciplined, over the past three years?

Reply:

Mr President,

- (a) All police officers, irrespective of their rank, have to abide by the requirements of conduct and discipline laid down in the Civil Service Regulations and police internal orders. For disciplinary matters relating to officers at Inspectorate ranks or below, they are dealt with under the Police (Discipline) Regulations made in accordance with S.45 of the Police Force Ordinance. The authority for dealing with these cases rests with the Commissioner of Police. For disciplinary matters relating to officers at the rank of Superintendent and above, they are dealt with under the Colonial Regulations in accordance with s.13 of the Police Force Ordinance. The authority for dealing with these cases rests with the Governor.

The underlying principles of both sets of Regulations are the same, i.e. fairness and justice. The procedures for both types of proceedings including hearing, punishment and appeal are similar so as to ensure that all cases are dealt with thoroughly and impartially. Obviously, senior officers are dealt with by a higher level of authority in view of the more important positions they hold. However, there is no question that they will be treated more leniently; they are expected to uphold the same level of integrity as any other Police officers.

- (b) As explained in Part (a) of my reply, all police officers irrespective of rank are bound by the same requirements of conduct and discipline. There are therefore no police officers who are not bound by the Force's internal code of discipline.
- (c) Statistics are only kept in respect of officers investigated for corruption or other crimes who were eventually prosecuted and/or disciplined. In the past three years, a total of 87 officers were disciplined following corruption allegations and 32 for other criminal allegations. A breakdown by number and rank is annexed to the written version of my reply.

In addition, 82 police officers were convicted of criminal offences (including corruption offences) during the past three years. Of these, 69 officers were dismissed from the Force, and 12 were reprimanded under s. 37(5) of the Police Force Ordinance, without involving formal disciplinary proceedings. One of the cases is under appeal. A breakdown by number and rank of these cases is also annexed to the written version of my reply.

Annex

Breakdown of Police Officers disciplined following investigations into corruption or other criminal allegations by rank over the past 3 years

(I) Officers disciplined following investigations into corruption allegations

Year \ Rank	1993	1994	1995	Total
Superintendent and above	-	-	-	-
Inspectorate	4	5	3	12
JPO*	15	30	30	75
Total	19	35	33	87

(II) Officers disciplined following investigations into other criminal allegation

Year \ Rank	1993	1994	1995	Total
Superintendent and above	-	-	-	-
Inspectorate	-	-	1	1
JPO*	4	7	20	31
Total	4	7	21	32

* JPO : Junior Police Officers include officers at the rank of police constable and sergeant.

**Breakdown of Police Officers
Convicted of Criminal Offences
over the past 3 years**

(III) Officers convicted of corruption offences

Year \ Rank	1993	1994	1995	Total
Superintendent and above	-	-	-	-
Inspectorate	-	3	-	3
JPO	6	3	8	17
Total	6	6	8	20*

* All 20 officers were dismissed.

(IV) Officers convicted of other criminal offences

Year \ Rank	1993	1994	1995	Total
Superintendent and above	-	1	-	1(*)
Inspectorate	-	3[1] <2>	-	3[1] <2>
JPO	21[21]	28[18] <10>	9[9]	58[48] <10>
Total	21 [21]	32 [19] <12>	9 [9]	62 (*) [49] <12>

[] Number of officers dismissed.

< > Number of officers reprimanded.

(*) Case being appealed.

Conversion of Lo Wu military camp being considered

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

Question:

It was mentioned in the Policy Commitments published by the Government in 1995 that consideration was being given to converting a former military camp at Lo Wu into a penal institution. In this connection, will the Government inform this Council:

- (a) of the progress of the study mentioned above;
- (b) whether the Government will still go ahead with the plan without the support of the North District Board which has passed a motion opposing the plan; and
- (c) Whether, as the proposed conversion of the military camp at Lo Wu will only provide 300 prison places and there is an overall shortage of some 3,000 prison places in the territory, there is a comprehensive plan to resolve the problem of shortage of prison places?

Reply:

Mr President,

- (a) Our study has concluded that it is feasible to convert the former military camp at Lo Wu into a minimum security prison. Since December last year, we have been consulting the North District Board on this proposal. Certain concerns were expressed to us, in response to which we have last month forwarded a comprehensive response to the District Board. We have not received further comments from the District Board.
- (b) Consultation with the local community, including the North District Board, is an on-going exercise and I would not wish to speculate on the final outcome or the Government's decision. We are still pursuing this proposal, and will do what we can to address the concerns expressed by the local community. I would, however, take this opportunity to urge North District Board members not to close their minds to the Government's proposal, and to play their part in addressing the whole community's concern on the need to relief prison over-crowding.

- (c) The Lo Wu project is, of course, just one of a series of proposed projects to ease over-crowding in prisons. Over the past five years, we have increased our penal capacity by about 1 250 places through redevelopment projects at existing institutions. But we still currently have a total shortage of about 3 000 penal places. We are now undertaking other redevelopment projects at existing institutions in Chimawan and in the Stanley Prison area. By early 1997, Chimawan (Lower) Detention Centre will have been converted into a female drug addiction treatment centre for up to 250 inmates transferred from existing female penal institutions. The redevelopment project in Stanley will generate, in two phases, about 700 additional penal places between 1998 and 1999. We are also looking into the feasibility of redeveloping Tai Lam Prison, Tai Lam Correctional Institution, which can generate up to 260 additional places. While these projects will bring significant relief to the current unacceptable situation, they are not enough. We have virtually exhausted the potential for redevelopment of existing penal institutions, and are thus looking for new sites for about 2 000 penal places. But developing new prison institutions takes several years. In the meantime, the Lo Wu project, though small, will provide an additional 300 places and thus bring some relief.

End

Issue of food premises licenses explained

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Following is a question by the Hon Chan Wing-chan and a reply by the Secretary for Planning, Environment and Lands, Mr Bowen Leung, in the Legislative Council today (Wednesday):

Question:

Recently a number of food establishment operators have applied to the Urban Council for food premises licences or permits, but the issue of such licences and premises has been held up due to the long period of time taken by the Buildings Department in processing such applications. This has led to a delay in the operators starting their business. In this connection, will the Government inform this Council:

- (a) of the average time taken by the Buildings Department to process an application for a food premises licence or permit;

- (b) of the existing staff establishment of the Department responsible for the processing of such applications, and whether there is sufficient manpower to cope with the workload; and
- (c) whether consideration has been given to recruiting more building surveyors so as to speed up the processing of such applications?

Answer:

Mr President,

My answers to the three parts of the question are as follows:

- (a) I want to point out first that the Urban Services Department and the Regional Services Departments, as the executive arms of the two Municipal Councils, are responsible for the processing of General or Light Refreshment Restaurant Licence applications. In doing so, these two councils seek the comments of other Government departments on various matters. The Buildings Department is consulted on the structural suitability of the concerned premises, adequacy of the means of escape and the existence of any unauthorised building works posing a risk to safety.

Since the introduction by the Municipal Councils of the Central Application Vetting Panel System in 1993, the Buildings Department has been able to give its comment on all new applications within 30 days. However, in cases where the applicant has to submit revised plans or structural plans, to carry out alterations, to remove unauthorised building works, or where re-inspection of the premises has to be conducted, it may take about six months on some occasions to process the applications.

- (b) The Licensing Unit of Buildings Department deals with restaurant licence applications, and also licence applications for places of public entertainment and for certificates under the Education Ordinance and Child Care Centre Ordinance regarding the suitability of premises to be used as education facilities or child care centres.

The unit is responsible for the overall work. Its current establishment consisted of one senior building surveyor, five building surveyors and five survey officers. The Licensing Unit is also supported by one senior structural engineer and two structural engineers.

- (c) In view of the recent increase in licence applications, two building surveyors have been redeployed by the Housing Department since January this year on a temporary basis from other units to deal with the additional workload. As a further measure, one senior building surveyor and two more building surveyors will be redeployed to the Licensing Unit next month.

In the longer term, we will consider in consultation with the Municipal Councils and other Government departments whether further changes to the present system should be made. Failing that, we will have to consider whether more staff should be posted to the Unit on a permanent basis, given the overall resource constraints.

End

Government programmes on TV and radio

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Following is a question by the Hon Howard Young and a written reply by the Secretary for Recreation and Culture, Mr T H Chau, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council

- (a) of the respective amounts of air time set aside by commercial television and radio broadcasters for government programmes as well as the respective utilisation rates; and
- (b) whether the Government will consider allocating part of the time set aside for such use to the Preparatory Committee Secretariat to facilitate them to broadcast public affairs programmes relating to the setting up of the SAR Government during the transition period?

Reply:

Mr President,

Radio broadcasters are not required to broadcast Government programmes, but may be required by the Broadcasting Authority to broadcast Announcements of Public Interest (APIs) for periods not exceeding one minute in each hour. During 1995, the percentage of the available time used for broadcasting APIs averaged 41 %.

As regards television broadcasters, the Broadcasting Authority require ATV and TVB to broadcast such programmes, announcements and other material as the Authority may specify. Section 8A of the Television Ordinance sets out the time which may be used for broadcasting Government programmes. During 1995, the percentage of available time used for broadcasting Government programmes (including APIs) averaged 53% .

We are, of course, committed to co-operating with the Preparatory Committee, within the parameters announced by the Governor in his 1995 Policy Address. However, neither we, nor the Broadcasting Authority, have received any request from the Preparatory Committee Secretariat to facilitate the broadcast, during the transition period, of public affairs programmes relating to the setting up of the SAR Government. I am sure that the Broadcasting Authority would give careful consideration to any such request.

End

Registration of proprietary Chinese medicine

* * * * *

Following is a question by the Hon Lo Suk-ching 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 in January this year the Department of Health refused to process an application for registration of a proprietary Chinese medicine used for drug rehabilitation. In this connection, will the Government inform this Council:

- (a) whether there is any mechanism to handle applications for the registration of proprietary Chinese medicines; if so, what are the details; if not, why not;

- (b) whether the Government adopts different approaches in the registration and regulation of Chinese and Western medicines; and
- (c) whether the Government has conducted any tests or imposed any regulation on proprietary Chinese medicines available in the market; if so, what criteria the Government has adopted in determining which medicines should be selected for tests and regulation ?

Reply:

- (a) The Pharmacy and Poisons Ordinance provides for the registration and control of pharmaceutical products and medicines that are to be sold in Hong Kong. Section 37 of the Ordinance provides for the exemption of this requirement for traditional Chinese medicines as listed in the Chinese Herbal Materia Medica or which are made from herbs customarily used by Chinese people. Hence Chinese proprietary medicines not containing western drug ingredients are not required to be registered.
- (b) The mode of control of western medicine stipulated under the Pharmacy and Poisons Ordinance follows international practice, which is not directly applicable to Chinese medicine. Regulation of Chinese medicine in the long term is a subject which will be considered by the Preparatory Committee on Chinese Medicine.
- (c) The Department of Health regularly takes random samples of proprietary Chinese medicines to analyse for the presence of western drug ingredients and the level of heavy metals. Medicines containing western drug ingredients are required to be registered as in the case of western medicines. The level of heavy metal is checked to ensure that it does not exceed the safety limit.

End

Crimes in disciplined services

* * * * *

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

Question:

Recently, a number of cases have been brought to light in which members of the disciplined services have been found to have committed criminal offences or breaches of internal discipline. In view of this, will the Government inform this Council:

- (a) of the number of staff in the disciplined services who have been accused of committing criminal offences in the past three years, together with a breakdown by type of offence of the number of such cases proceeding to prosecution as well as the number of prosecutions resulting in conviction;
- (b) of the breakdown, by type of offence, of the number of staff in the disciplined services who have been accused of committing breaches of internal discipline, as well as the number of staff who have been disciplined for such breaches, in the past three years; and
- (c) what strategy does the Government have to maintain discipline so as to prevent members of the disciplined services from collaborating with criminals to commit crimes as a result of their coming into frequent contact with criminal activities; and how it will prevent staff in the disciplined services from abusing their power to engage in illegal activities in the course of carrying out their law-enforcement duties?

Reply:

Mr President,

The answer to the three parts of the question is as follows:

- (a) Statistics on the number of staff in the main disciplined services (including the ICAC) who have been accused of committing criminal offences are not available. Statistics on the number of cases in which staff of the disciplined services were prosecuted for criminal offences, and the respective number of convictions in the past three years are as follows:

No of cases of Disciplined Services Staff Prosecuted for Criminal Offences and the Respective No. of Convictions (1993 -1995)

Offences	1993	1994	1995
Corruption related offences	42(21)	49(17)[10]	31(4)[15]
Perverting the course of justice	2(1)	13(1)	18[14]
Theft	16(7)	16(8)	8(3)[3]
Assault/Wounding/ Intimidation	21(8)	24(3)	19(1)[8]
Sexual Offences	8(4)	8(5)	7[5]
Gambling	0	1	11[9]
Deception & Related Offences	1(1)	5(4)[1]	8(3)[3]
Robbery	2(1)	2(2)	3[3]
Driving Offences	5(5)	3(3)	5(4)[1]
Others	14(5)	9(5)	19(12)[4]
Total	111(53)	130(48)[11]	129(27)[65]

- Note: i) Disciplined Services here include the Customs & Excise Department, Correctional Services Department, Fire Services Department, Immigration Department, Royal Hong Kong Police Force, and the Independent Commission Against Corruption;
- ii) The above figures are based on the number of counts of offences and an officer can be accused of more than one offence in some cases
- iii) figures in () indicate the number of conviction
- iv) figures in [] indicate the number of cases still under court proceedings
- (b) The number of cases in which staff in the disciplined services who were accused of breach of internal discipline, and the number of staff who were subsequently disciplined for such breaches in the past three years are as follows:

**No of cases of Disciplined Services Staff
Accused of Breach of Internal Discipline and the
Respective No. of Disciplinary Actions Taken (1993-1995)**

Nature of offences	1993		1994		1995	
	accused	discipline	accused	discipline	accused	discipline
Late/Absent from duties & related offences	81	78	99	91	82	80
Neglect of duty/Fail to carry out orders	100	93	121	116	131	113
Conduct to the prejudice of good order & discipline	21	18	32	29	40	36
Disobedience of orders	35	30	71	62	38	33
Conduct calculated to bring the public service into disrepute	37	31	31	25	43	32
Breach of regulation/working procedures	146	140	275	265	260	250
Making a false statement	52	43	64	51	63	47
Others	22	16	15	14	38	36
Total	494	449	708	653	695	627

(c) We take a very serious view on cases where staff of the disciplined services are involved in criminal offences. Measures have been taken by the various disciplined services to maintain discipline of their staff and to prevent them from collaborating with criminals, or abusing their power in the course of their work. These measures may vary to suit the particular requirements of the respective disciplined services. Nevertheless, the strategies adopted are similar and cover the following areas:

(i) Integrity Checking

Integrity checking is conducted on all new recruits to ensure only persons of good integrity are taken in. In addition, serving officers will also be "integrity checked" again before they are posted to occupy certain sensitive offices.

(ii) Education

A strong sense of good conduct and discipline is developed among new recruits and serving officers through induction courses, in-service training courses, day-to-day management practices, and reinforced through various internal orders.

(iii) Clear Guidelines and Procedures

There are clear guidelines and orders for all major aspects of the work of members of the disciplined services, such as conducting an investigation, making an arrest, taking statements and manners towards members of the public. These procedural controls are designed to prevent officers from abusing their authority in discharging their duties.

(iv) Monitoring Performance

There are well established systems for the management to monitor the performance and discipline of officers. Regular inspections and spot-checks are conducted and all officers are required to report to their supervisors immediately any misbehaviour or suspected offences coming to their notice.

(v) Regular Review of Work Procedures

Work procedures and organisational structure are regularly reviewed to minimise opportunities for corruption and abuse of authority. Some of these reviews are conducted jointly with the ICAC. In addition, proper checks and balances are incorporated in the work procedures where appropriate. For example, Police officers from different units are allowed to conduct raids and make arrests in other Divisions, Districts and Regions.

(vi) Turnover of Postings

Officers, especially those in sensitive posts, are normally not allowed to remain in their posts for an excessive period.

(vii) Channels of Complaints

There are well established channels for members of the public to report on any abuse of authority or illegal activities of members of the disciplined services. These channels include the Commissioner of Administrative Complaints, the Complaints Against the Police Office or the ICAC. For complaints against ICAC officers and Police officers, the investigation results are monitored by the ICAC Complaints Committee and the Independent Police Complaints Council respectively, which comprise non-official members appointed by the Governor. The availability of various channels of complaint and monitoring by independent bodies ensure that all complaints are investigated thoroughly and impartially.

End

Crimes on flights within Hong Kong airspace

* * * * *

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

Question:

Will the Government inform this Council:

- (a) of the span of the airspace which comes under the jurisdiction of Hong Kong;
- (b) of the number of criminal cases (excluding hijackings) which have taken place on flights within the territory's airspace in the past three years; and
- (c) how will criminal cases occurring on flights outside the territory's airspace be handled?

Reply:

Mr President,

The answer to the three parts of the question is as follows:

- (a) Hong Kong's jurisdiction extends to the airspace above the land and waters of Hong Kong. This is in accordance with the Chicago Convention on International Civil Aviation 1944, which applies to Hong Kong.
- (b) The Police only started to keep separate statistics on crimes committed on flights within Hong Kong's airspace since June 1995. From June 1995 to February 1996, a total of eight such criminal cases were reported and the details are set out below:

**Crimes Committed on Flights within
Hong Kong's Airspace
June 1995 - February 1996**

Offence	No of Cases
Serious Assault	1
Miscellaneous Thefts	4
Deception	2
Disorder/Fighting in Public Place	1
Total	8

- (c) The Tokyo Convention on Offences and Certain Other Acts Committed on Board Aircraft provides for jurisdiction over offences and acts committed on aircraft to be exercised by the authorities of the place where the aircraft is registered. Therefore, where an offence is committed outside Hong Kong's airspace, the jurisdiction is exercisable under international law by the state of registry of the aircraft. Where an offence is committed on a Hong Kong registered aircraft outside Hong Kong's airspace, the jurisdiction is therefore exercisable by the courts of Hong Kong under the Tokyo Convention.

End

Differences in unit costs for courses explained

* * * * *

Following is a question by the Hon Cheung Bing-leung and a written reply by the acting Secretary for Education and manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question :

Recently, the Government has proposed that fees for degree courses be pegged to the average student unit cost of tertiary institutions so as to achieve the target of recovering 18% of the recurrent cost by 1997-98, and that fees for sub-degree courses should be set at a level of 75% of the fees for degree courses. In this connection, will the Government inform this council : -

- (a) of the differences in the unit costs for the same type of courses offered by various tertiary institutions presently funded by the University Grants Committee; and whether it will consider adopting specific measures to narrow the gap if there are significant differences in such costs;
- (b) of the differences in the unit costs for different subjects (such as arts, science, engineering, medicine, social sciences, law etc.); and whether it will consider adopting specific measures so as to ensure that the fees charged will reflect the different unit costs for different courses;
- (c) whether the average unit cost for sub-degree courses offered by various tertiary institutions is equivalent to 75% of the average unit cost for degree courses; if not, whether it will review its policy for subsidising sub-degree courses and
- (d) whether it has any information showing how the average unit cost of an undergraduate place and the rate of cost recovery through tuition fees in the territory compare with the corresponding figures in the countries in Europe, America and Asia?

Reply :

- (a) The average unit cost per full-time equivalent (fte) student in the University Grants Committee (UGC)-funded institutions for the academic year 1994-95 is given by institutions in the table attached at Annex A. The differences in unit cost for comparable academic programme categories may be negligible or large between institutions for a variety of reasons such as -

- (i) different mix of subjects - the range of subjects for an academic programme category may vary from institution to institution. Moreover, the number of students taking the same subject will vary in different institutions;
- (ii) different levels of studies - the mix of different levels of studies also varies from institution to institution. A course at sub-degree level is normally cheaper than the same course at first-degree level which, in turn, is normally cheaper than the one at postgraduate level. This contributes to the relatively higher unit costs at institutions which focus on first-degree and postgraduate studies;
- (iii) different staffing structures - student to staff and senior to junior staff ratios are different at different institutions, as they have different emphasis on higher degrees and research. At a micro-level, an older faculty/department usually has more "senior" staff remunerated at higher salary points than a younger faculty/department; and
- (iv) institutions may choose to invest more heavily in certain programmes which it hopes to develop as areas of excellence.

The above examples are intended to be illustrative rather than exhaustive. They demonstrate, however, that unit cost figures are affected by a variety of factors and should accordingly be interpreted with caution.

For the purposes of assessing institutions' funding requirements for programmes at the same level in the same academic programme category, the University Grants Committee (UGC) adopts the same cost weighting for the teaching element.* Yet in view of the variety of reasons for cost differentiation and the need for institutions to be allowed the flexibility in internal allocation of resources to meet specific developmental needs and other circumstances specific to the institutions, it is not desirable for the Government or the UGC to seek to narrow the differences in unit costs for individual courses offered by the institutions.

- (b) The average unit cost per full-time equivalent (fte) student in the UGC-funded institutions by academic programme categories are also given in Annex A.

Before 1974-75, differential fees were charged at the University of Hong Kong and the Chinese University of Hong Kong and between faculties. A single uniform fee for degree courses at HKU and CUHK was introduced in 1974-75 to avoid the negative effect of higher fees on the supply of manpower in some of the higher-cost specialities. It was also felt that differential fees for comparable courses at different institutions might perpetuate a pecking order among higher education institutions in Hong Kong.

This principle of uniform fees was re-affirmed in the reviews of tuition fee policy in 1986 and 1991. When consulted in 1991, both the University and Polytechnic Grants Committee (UPGC) and the heads of institutions were opposed to charging differential fees as being impractical and socially unacceptable.

In response to recent interests in the re-introduction of differential fees, the Government has invited the UGC to tender advice on the feasibility and desirability of charging differential fees for different courses, and will further consider this issue in the light of the UGC's advice.

- (c) Under the existing accounting/reporting system, unit costs are calculated with reference to academic programme categories by broad disciplines, without differentiation by sub-degree, degree or taught postgraduate levels. Notionally, however, average unit costs for sub-degree programmes are about 75% of those of the degree programmes in the same academic programme category.
- (d) The Administration has not located any published comparative statistics on the costs of undergraduate education specifically. However, some information is available from the Organisation for Economic Co-operation and Development based on the United States Department of Education statistics published in 1995 on the public expenditure per student by level of study for selected countries from 1985 to 1992. A table, incorporating similar statistics compiled by the Administration, is at Annex B. The comparison gives the public education expenditure per student in the higher education sectors of selected countries in Europe, America and Asia, and includes recurrent and capital expenditure on students studying at sub-degree, degree and postgraduate levels. Direct comparisons are difficult to make in view of the very different economic and social systems and the different mix of sub-degree, degree and postgraduate provision.

Annex C, on the other hand, sets out the recovery rates of the recurrent cost of public undergraduate education in public universities in Hong Kong and several other advanced economies in the Asia Pacific Region. The figures were gathered from the consulates or commission of these countries in Hong Kong. Direct comparisons based on these figures may not be entirely appropriate due to possible differences in the calculation of unit costs, cost recovery rates and student financing in different countries.

* Footnote : The funding requirement for the research element for the same type of course at the same level is not assessed on a uniform basis. It varies in accordance with the number of staff and their research activeness. Other extra-formulaic considerations also produce differences to the assumed costs of the same type of courses, e.g. new institutions and newly developed subject disciplines will attract front-end loading to different extent.

Student Unit Cost for UGC-funded Programmes by Academic Programme Category by Institution (Academic Year 1994-95)

Cost: HK\$'000

Academic Programme Category (APC)	CityU	HKBU	LC	CUHK	PolyU	HKUST	HKU	All
A. Clinical medicine	-	-	-	837	-	-	524	669
B. Clinical Dentistry	-	-	-	-	-	-	562	562
C. Pre-clinical studies	-	-	-	301	-	-	283	291
D. Subjects & Professions allied to medicine & dentistry	-	-	-	214	152	-	261	167
E. Biological Sciences	186	189	-	187	166	423	225	238
F. Physical Sciences	205	184	-	209	155	382	280	230
G. Engineering & Technology	169	-	-	185	150	330	213	193
H. Built Environment	112	-	-	171	137	-	196	146
I. Mathematical Sciences	126	161	-	139	120	251	161	155
J. Information technology & Computing science	106	138	59	155	143	263	192	143
K. Business & Management	92	123	110	132	118	245	142	134
L. Social sciences	108	139	106	138	133	243	169	139
M. Languages	93	128	91	149	124	-	141	117
N. Humanities (ex languages)	127	122	-	135	-	239	181	158
O. Art, design & performing arts	-	157	-	187	149	-	219	162
P. Education	97	139	-	133	102	-	169	145
Q. All APCs	116	142	105	193	139	297	219	172

Public Education Expenditure per Student in Higher Education for Selected Countries

Selected countries	1992 (US\$)
Austria	5,820
Belgium	6,590
Denmark	6,710
France	6,020
Japan	11,850
Ireland	7,270
Norway	8,720
Spain	3,770
Sweden	7,120
Switzerland	12,900
United Kingdom	10,370
United States	11,880
Hong Kong	10,886

- Notes : (1) Figure for Hong Kong includes public expenditure per headcount student for the UGC-funded institutions, the Hong Kong Academy of Performing Arts, and the Technical Colleges of the Vocational Training Council. The figure was converted to US\$ by applying an average exchange rate of 7.741 for 1992.
- (2) Figures for other selected countries were extracted from the "Digest of Education Statistics 1995" published by the U.S. Department of Education and based upon full time equivalent students.
- (3) Expenditure includes current and capital expenditure. The expenditure for Hong Kong excludes capital expenditure for large scale projects. The coverage of "current" and "capital" expenditure between countries may differ.

**Recurrent Cost Recovery Rates
of Public Undergraduate Education in the Asia Pacific Region**

<u>Country</u>	<u>Year</u>	<u>Cost Recovery Rate</u>
Hong Kong ¹	1994-95	14.7%
Singapore ²	1994-95	20.6%
Japan ³	1995	9.0%
South Korea ⁴	1994-95	36.7%
Australia ⁵	1994	28.0%

Source

1. University Grants Committee
2. Singapore Commission in Hong Kong
3. Japan Information & Cultural Centre, Consulate-General of Japan
4. Consulate General of the Republic of Korea
5. Australian International Education Foundation, Australian Consulate General

End

Closed road permit system on Lantau

* * * * *

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

Question :

Representatives of the Transport Department advised me in June 1994 that the system for the issue of prohibited zone permits to private light buses on Lantau Island would be reviewed. However, the outcome of the review is still not known up to the present moment. In this connection, will the Government inform this Council of:

- (a) the reasons for the Department's delay in completing the review; and
- (b) the exact date for the completion of the review?

Reply:

Mr President,

The Closed Road Permit System on Lantau was introduced in 1973 to regulate the number of vehicles on Lantau Island because of limited road capacity on the island. The system applies to all classes of motor vehicles.

For private light buses, permits are only issued where the need for such vehicles has been justified e.g. for school transport or to cater for tourist groups. The Commissioner for Transport also takes into account other factors such as the availability of parking facilities and the adequacy of public transport.

The Closed Road Permit System on Lantau is reviewed periodically. The latest review was completed at the end of February this year and the conclusion reached, having regard to the prevailing traffic conditions and the afore-mentioned factors, was that the present Closed Road Permit System should continue. This review could not be conducted earlier because of other priorities of work in the Transport Department.

End

Review of health care financing

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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:

Will the Government inform this Council of the following:

- (a) what is the progress of the overall review of health care financing, when the review will be completed and when the findings of the review will be promulgated;
- (b) what is the proportion of the revenue received by the hospitals of the Hospital Authority on the ten categories of "privately purchased medical items" to the overall expenditure on medical services; and
- (c) whether consideration will be given to providing more resources with a view to discontinuing the charging policy mentioned in (b) above?

Reply:

Government recognises the need to devise a set of strategies on the long-term development of our public health care system, taking account of community sentiments along the way. The "Towards Better Health" Consultation Document published in 1993 represents a major step towards addressing the issues involved.

While public views expressed during the consultation exercise indicated general support for the introduction of semi-private rooms and the implementation of a co-ordinated voluntary insurance scheme, these new initiatives must be complemented by other funding options to achieve a balance between affordability, equity and quality in line with our established policy that no one should be prevented from obtaining adequate medical treatment through lack of means. We currently estimate our deliberations on this subject may take a period of some 18 months.

As I explained to this Council on various occasions, the historical practice of requiring patients to purchase certain medical items for their own use during the course of treatment is a means to provide them with access to new, expensive or non-standard appliances not covered under the inventory of public hospitals. Since it does not involve any revenue either on the part of Government or the Hospital Authority, it is misleading to compare the cost of privately purchased medical items with overall health care expenditure.

The list of privately purchased medical items will evolve with advancement in technology and availability of new products in the market. The Hospital Authority has undertaken to review this list on a regular basis and has recently added to its inventory some items required by chronic patients. Government has also injected \$20 million into the Samaritan Fund, relaxed its assessment criteria and simplified its application procedures with effect from 1 December 1995 to strengthen the safety net for those in financial need.

End

Temporary staff of Hospital Authority

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

Question:

Recently, I have received complaints about the Hospital Authority (the HA) employing a large number of temporary staff. In this connection, will the Government inform this Council of:

- (a) the total number of temporary staff currently employed in hospitals under the management of the HA, together with a breakdown of these staff in each hospital by number, post, average salary and average period of employment;
- (b) the basis used by the HA for determining which posts should be filled by temporary staff instead of permanent staff; and
- (c) the criteria adopted by the HA for determining the renewal of contract of temporary staff and the range of adjustment of their salary?

Reply:

Although it is the Hospital Authority's corporate objective to maintain a core team of permanent staff to ensure the quality of patient services, employment of temporary staff is also necessary from time to time to meet short-term operational needs. Given the high turnover rate, it will be misleading to quote take reference on the number of temporary staff employed at any specific period. It is, however, worth noting that the salary paid to temporary staff in 1995/96 represents less than 1% of the total expenditure on personal remuneration.

Employment of temporary staff to complement the core permanent workforce is governed by relevant provisions in the Hospital Authority Human Resources Policies and Administration Manual which can be made available for reference on request. As in Government departments, the decision of whether or not to engage temporary staff is made taking into account the job nature and prevailing circumstances to meet organisational requirements.

Temporary staff in the Hospital Authority are informed on appointment of their expected duration of employment and given prior notice if extension of their services is necessary. They are eligible for annual adjustment approved by the Authority in line with its personnel policy. At present, this follows the rate of salary revision awarded to civil servants.

End

Space shortage in Polytechnic University

* * * * *

Following is a question by the Hon Eric Li Ka-cheung and a written reply by the acting Secretary for Education and Manpower, Miss Jacqueline Willis, in the Legislative Council today (Wednesday):

Question:

The University Grants Committee Secretariat has earlier recognised that the Hong Kong Polytechnic University has a shortfall of space totalling some 9,700 m². In this connection, will the Government inform this Council:

- (a) what measures have been adopted to solve the problem of space shortage in the Polytechnic University; and
- (b) whether consideration will be given to allocating the land adjacent to the Polytechnic University, which is now occupied by the Gun Club Hill Barracks, to the Polytechnic University after the withdrawal of the British garrison; if not, why not?

Reply:

Mr President,

A review of the space and accommodation provision at the University Grants Committee (UGC)-funded institutions undertaken by the UGC Working Group in 1994 showed that space provided at the Hong Kong Polytechnic University (PolyU) fell about 7% or 9,700m² net short of the assessment of space requirements based on the United Kingdom UGC norms. These norms are adopted by the UGC for the purpose of making a global assessment of the space requirements of the local institutions and are meant, therefore, to provide a guide only.

To help relieve the problem of space shortage at PolyU, the Government has recently given approval in principle for the University to proceed with the planning of its Phase VI Development Project. Under this project, redevelopment will take place within the University's existing campus so that an additional 8,700m² would be provided to the University in three years' time for general and specialist teaching, research, staff and communal accommodation. Following the approval of initial funding by the Finance Committee of the Legislative Council on 15 December 1995, planning, site investigation and preliminary design work have already commenced. In addition to the above project, the UGC will shortly be considering two minor capital works proposals from PolyU which would provide the University with additional space of 1,200m² for academic activities in about two years' time.

It is not possible to allocate the land occupied by the Gun Club Hill Barracks to the PolyU as under the Defence Lands Agreement reached in the Sino-British Joint Liaison Group in June 1994, the Barracks will be one of the 14 sites to be handed to the Chinese garrison for use from 1 July 1997. It would also not be cost-effective for the University to make use of the site temporarily given that the accommodation in the Barracks is old and somewhat dilapidated and not really suited for use by tertiary level students.

End

Procedures to obtain JP's service to witness signing

* * * * *

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

Question:

Will the Government inform this Council what is the procedure for obtaining the services of a Justice of the Peace to witness the signature of a member of the public who wish to have certain documents signed and witnessed?

Reply:

On certain documents, e.g. under the Adoption Ordinance, the attestation of a signature by a Justice of the Peace is specifically required by law. Members of the public who have difficulties in locating a Justice of the Peace to witness their signature on such documents may approach the nearest District Officer of the Home Affairs Department.

Justices of the Peace are also at liberty to volunteer their service to attest the signature of a member of the public on other documents. Requests for attestation of signature by a Justice of the Peace where this is not specifically required by law will be considered on a case by case basis.

End

Emergency ambulance services in East Kowloon

* * * * *

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

Question:

It is mentioned in the Consultancy Study on Emergency Ambulance Services that the ambulance services in East Kowloon fall short of the targets set in the Performance Pledge by a wider margin when compared with other districts. In this connection, will the Government inform this Council:

- (a) of the reasons why the ambulance services in East Kowloon fail to meet the targets set in the Performance Pledge; and

- (b) what immediate measures have been put in place to improve and reinforce ambulance services in East Kowloon in order that the targets set in the Performance Pledge can be met?

Reply:

- (a) According to the survey conducted by the Consultant, emergency ambulance services in East Kowloon in the first quarter of 1995 met 89.2% of all calls within the target travel time of 10 minutes, which came close to the overall performance of the territory in the same period (i.e. 89.8%). The reasons for failing to meet the performance target are mainly due to the increased number of emergency calls, deteriorating traffic conditions, and disruptions caused by bad weather.
- (b) The Director of Fire Services is already taking action on those measures recommended by the Consultant to improve ambulance services that can be implemented quickly. The measures include: the stationing of ambulances in fire stations to extend emergency ambulance coverage; streamlining of operational procedures for ambulance deployments; transfer of residual non-emergency cases to another agency; and the redeployment of ambulances and their crews from stations with relatively adequate manning to those where manning is inadequate to meet local demand.

On 1 January 1996, two additional ambulances were deployed to Ngau Tau Kok Ambulance Depot and Tseung Kwan O Ambulance Depot. The Lam Tin Ambulance Depot is scheduled to be completed at the end of 1997.

End

Upward trend in child abuse cases

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

Question:

Recently, there has been an upward trend in the number of sex abuse cases on children and the extent of sex abuse is also becoming more and more serious. In view of this, will the Government inform this Council:

- (a) of the reasons for the upward trend in such cases;
- (b) whether it is a common phenomenon that such cases go unreported because the abusers and the abused are direct relatives; and
- (c) whether, apart from the establishment of the special investigation team by the Police and the Social Welfare Department in December, any specific measures have been put in place to help the abused children?

Reply:

- (a) The number of child sexual abuse cases handled by the Social Welfare Department (SWD) and non-governmental organisations (NGOs) increased from 61 in 1993 to 77 in 1994 and 116 in 1995. The rising trend is probably mainly due to enhanced public education and publicity efforts by the Government in recent years to promote early identification and reporting of child abuse cases.
- (b) In the past, children were usually reluctant to disclose incidents of abuse perpetrated by family members. It is also possible that abusers were not necessarily aware that their treatment of their children could be termed abuse. Reporting of child abuse by family members was, therefore, not common. The situation, however, is improving. Of the child sexual abuse cases handled by SWD and NGOs in 1994, 18% were reported by the child or a member of his/her family. In 1995, this increased to 23%. It is anticipated that the situation will further improve as a result of continuing public education and publicity programmes.
- (c) Apart from the establishment of the Child Protection Special Investigation Team, the Government has also put in place the following measures to help abused children:

- (i) a new set of procedures for handling child sexual abuse cases to provide guidance for and to improve co-ordination and co-operation among multi-disciplinary professionals who help abused children;
- (ii) additional staffing for the Child Protective Services Unit and Clinical Psychology Units of SWD to strengthen the services for victims of child abuse;
- (iii) enhanced training for front-line professionals including social workers, police officers, doctors, clinical psychologists and educators on the skills and knowledge needed to handle child abuse cases through a series of training programmes conducted by expert trainers from overseas;
- (iv) compilation of a "Child Witness Pack" to prepare victims of child abuse for court procedures so as to reduce the stress involved;
- (v) the establishment of multi-disciplinary committees on child abuse in the five districts with the highest incidence of child abuse to tackle the problem on a district basis; and
- (vi) a wide range of supportive services for victims of child abuse, such as child care, foster care, and small group homes.

End

Policy on energy conservation

* * * * *

Following is a question by Dr the Hon Law Cheung-kwok and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council:

- (a) of its policy on energy conservation;

- (b) whether it knows of the specific energy conservation measures taken by the China Light and Power Company Limited and the Hongkong Electric Company Limited; if so, what are the details of those measures; and
- (c) whether consideration has been given to establishing an energy management council to handle all matters relating to the supply and demand of energy in the territory?

Reply:

- (a) The Government's policy on energy efficiency and conservation is to promote such practices as far as possible without impeding either economic growth or improvement in the community's standard of living. This involves promoting public awareness of, and providing advice on, energy saving opportunities and benefits through education and publicity programmes and establishing energy saving standards for the design of buildings and building services.
- (b) The two power companies have either undertaken, or are drawing up, various pilot energy conservation schemes as precursors to large-scale demand side management programmes. These include pilot schemes to introduce energy-efficient lighting to housing estate residents, schools and the commercial sector. The companies have also revised their tariff structures so as to phase out incentives to consume more electricity and to provide incentives to shift electricity demand to off-peak hours as a means of deferring purchase of additional plant to meet growth in peak demand for electricity. They also provide energy audit services to commercial and industrial customers seeking to save energy. In addition, the two power companies are promoting public awareness of energy efficiency and conservation. They have prepared teaching kits for use in primary schools, visited secondary schools and donated \$11 million to the Urban Council for developing an Energy Efficiency Display Centre, which will be open later this year. As members of the Energy Efficiency Advisory Committee, they have provided useful advice on development of energy codes and sponsorship of various energy efficiency campaigns and schemes developed by the Committee.

- (c) The Government has decided that an Energy Advisory Committee should be set up this year to advise it on energy policy and other related matters referred to it by the Government. The new committee will absorb the functions of the Energy Efficiency Advisory Committee, be chaired by a non-official and be composed of professional, academic and business people knowledgeable about energy management in their respective fields as well as other interested persons. The Government will review the need for an energy commission after several years of working experience with the Energy Advisory Committee.

End

Bus-only-lane and freight transport studies

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Following is a question by Dr the Hon Samuel Wong Ping-wai and a written reply by the Secretary for Transport, Mr Haider Barma, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council of the present progress of the Bus-only-lane Study and the Freight Transport Study now being carried out by the Transport Department, as well as the expected completion dates of these studies?

Reply:

Mr President,

- (a) Our proposal to give greater priority to buses in the use of road space received widespread support, including that of this Council, during the consultation exercise on Measures to Address Traffic Congestion early last year.

To enable us to identify and implement large-scale bus-only-lane schemes, we need to study in detail their impact on the major traffic corridors and the surrounding road network and also take into account the need for other associated traffic management measures. We intend to engage consultants to carry out this study to assist us in assessing the feasibility of such schemes. If these schemes are considered practicable, we will also ask the consultants to design and implement them. Transport Department is working on a study brief and we will be seeking funding from the Finance Committee shortly. Subject to funds being made available, the study will start in August this year with a view to implementing bus-only-lane schemes during 1997 and 1998.

- (b) The Freight Transport Study was completed in June 1994. It identified key problems in the freight transport industry and recommended both short and long term measures to improve the efficiency of that industry, together with an implementation programme. Many of these have land and planning implications and need to be carefully assessed by Government. Following consultation with the freight trade and other concerned parties on the study's recommendations, a Freight Transport Strategy is now being drafted which we aim to finalise by around the middle of this year.

End

Supply and demand of paramedical personnel

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

Question:

Regarding the supply and demand of paramedical personnel such as clinical psychologists; educational psychologists, physiotherapists, occupational therapists and speech therapists, will the Government inform this Council:

- (a) of the current supply and demand, as well as the projected supply and demand over the next three years, of the above-mentioned paramedical personnel in the territory; and whether the supply of such paramedical staff will be sufficient; if not, what is the shortfall;

- (b) of the criteria adopted by the Government in assessing the demand for such paramedical personnel; and
- (c) whether the Government has any comprehensive plan or measures to meet the demand for such paramedical personnel?

Reply:

The reply is as follows:

- (a) There is a general shortage of allied health personnel (the term for paramedical staff preferred by the professionals concerned) including clinical psychologists, physiotherapists, occupational therapists, educational psychologists and speech therapists in both the public and subvented sectors.

The Health and Welfare Branch (HWB) has set up a working group to study problems stemming from a shortage in the first three professions mentioned and to propose solutions. A working group has been set up under the Education and Manpower Branch to review the supply and demand situation of speech therapists. The working groups comprise representatives from the relevant professions, non-governmental organisations and government branches and departments. The HWB working group has completed its study on clinical psychologists and reported its findings to a joint meeting of the Legislative Council's Panels on Welfare and Health Services on 8 December 1995. The studies on physiotherapists and occupational therapists are in progress. The working groups aim to finalise proposals on all the professions by this summer.

In addition, a Working Group on the supply and demand situation of Educational Psychologists was set up under the Sub-committee on Education and Personnel of the Rehabilitation Advisory Committee. The Working Group is now finalising its recommendations and will forward them, through the Sub-committee, to the Education Department and the Education and Manpower Branch for consideration and follow-up action.

- (b) In assessing the demand for these allied health personnel, the Government takes into consideration shortfalls in existing strength, the anticipated expansion of existing services, the introduction of new services and any essential revisions of manning ratios.

- (c) On the basis of the projected demand for and supply of these allied health personnel, the Government will take appropriate action to meet the projected demand through various means. These could include increases in the number of student places for these professions in local tertiary institutions, better co-ordination in clinical placements for these students, overseas training and recruitment, as well as scholarships for training. The Government will also set up a mechanism to review regularly the supply and demand situation of these allied health personnel in future.

While the studies on the allied health personnel are still in progress, the Government has already taken certain steps to tackle problems so far identified. For example, at the request of the Government, the University Grants Committee has provided necessary funding to the University of Hong Kong and the Chinese University of Hong Kong to expand the number of places for their Master Degree courses for clinical psychologists for 1996-97. The University of Hong Kong has also, in view of community demand, initiated an increase in the number of first degree places for speech therapists. The Government is now discussing with the Polytechnic University of Hong Kong the feasibility of expanding the number of places for its physiotherapy degree course. The Social Welfare Department has, for the first time, co-ordinated the recruitment of clinical psychologists from overseas for both itself and for non-governmental organisations. Action is also in hand to identify appropriate sources of funding for training scholarships.

End