



DAILY INFORMATION BULLETIN

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

Wednesday, May 22, 1996

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Transcript of the Governor's media session

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Following is the transcript of the media session by the Governor, the Rt Hon Christopher Patten, after visiting the Lam Tin Polyclinic and the Wong Tai Sin Multi-service Centre for the Elderly this (Wednesday) afternoon:

Governor: I'm very pleased today to see the progress that we're making in implementing the pledges that I've made in the past to improve health care facilities for students, for women and for the elderly. I was interested to see the development of our student health care programme which I think will in due course make a major contribution to improvements in the health of people at every age in Hong Kong, and I'm especially pleased that parents have been involved in the programme.

Secondly, I was also delighted to see the woman's clinic. We'll have as you know three dedicated clinics for women by next year and I hope that we'll be able to encourage more women to refer themselves to these clinics so as to make a contribution to their own good health during middle years and beyond. It really is interesting to see the discussion groups that are taking place at the clinic on issues like diet and related matters. And I was very impressed by what I saw there.

Here, we've seen a very very good example of how we can reach out into the community and look after much better in particular the single elderly, people who are living on their own, and it was of course encouraging to see how many retired people themselves are volunteering to help with these programmes. So it has been a good look at the whole range of health care facilities and I'll be looking forward to seeing more of our implementation of pledges over the coming months.

Question: (on proposed increases in sewage charges)

Governor: I think that one of the surprising things, or perhaps one shouldn't be surprised about it, is that everybody is in favour of the principle of polluter pays until the bill comes in. The fact about the bill for sewage charges is that it is a pretty reasonable one. The increases we've proposed are about the same as those that we advised LegCo would be necessary in 1994 allowing for an inflation adjustment as well. About 16 per cent of households don't pay a charge at all; and about 60 per cent as a result of our proposals -- just over 60 per cent -- will only be paying between one dollar and two-and-a-half dollars more a month. So the charges, I don't think anybody is suggesting are hugely burdensome.

I understand of course why any charge people don't much care for. But if we want a cleaner environment, and if we want cleaner waters around our shores, and we know the health risks involved in not cleaning up the water, then we've got to pay for it. And if you don't pay for it through charges, then it has to be paid for through taxation. We haven't yet discovered in Hong Kong despite our other many achievements a species of tree from which you can pick money. So the only alternative to charging is putting the burden on the taxpayer and then of course many people would understandably grumble about that. So I hope we'll have a serious discussion about these matters in the next few weeks and months.

It's obviously up to us to try to persuade the community that it is reasonable and up to us to try to persuade the Legislative Council that it is reasonable. We listen to what people say; I've been hearing one or two remarks about the issue today. We listen to what the Legislative Council has to say as well and we're entitled, I think, when we respond to people's questions to ask them what they would do themselves to pay for this very important environmental programme.

Question: (on whether Governor would give any advice to T S Lo who has been tipped as an HKSARCE candidate)

Governor: No.

Question: What criteria ... Chief Executive?

Governor: I've answered similar questions before and I think the criteria speak for themselves. I think whoever is Chief Executive will need to be somebody who will speak up for Hong Kong and for Hong Kong's interests, will need to be somebody who commands authority and respect in the community. It will need of course to be somebody who understands Hong Kong very well, somebody who understands our civil service and can work well with our civil service, and it will need to be somebody who can give their own vision of Hong Kong as it moves one of the greatest cities in the world into the 21st century. I don't think there would be very much difference between me and Director Lu or anybody else on what those attributes are, but it's inappropriate for me to speculate about who might best display those attributes.

Question: Have you spoken to John Major since ...?

Governor: No.

Question: (on assistance to the provisional legislature)

Governor: If there're problems, then you should look to those who've tied the knot to untie it, and those who've tied the knot are those who threaten to dismantle our fairly elected Legislative Council and to replace it with a provisional legislature. Those people have created the problem, they'll have to find the answer if they go ahead with it, but I still hope that they might see sense.

Question: What's your response to the MFN issue ...?

Governor: As you know, I went to the United States to campaign vigorously for unconditional renewal of MFN. I was pleased when I was there to have the assurance of both the President and Senator Dole that they themselves would be in favour of unconditional renewal. But obviously the action now moves to the Senate and the House of Representatives where the argument may be rather more, rather tougher and we can't yet relax. Obviously American politicians look very hard at what's happening in China and sometimes other events affect their attitude on this issue. But they know very well that we in Hong Kong continue to believe passionately in free trade and they know very well that I and Martin Lee argued very vigorously for Hong Kong and Hong Kong's interest, pointing out how much we would be damaged at a sensitive moment in our transition to Chinese sovereignty by any disruption to trade between our two largest trading partners. So it's fairly early days in this annual argument, but I hope the issue will be settled in a sensible way before the end of the summer.

Question: Are you surprised at the way the business groups react to the interview that you had with Newsweek?

Governor: I'm surprised at the way that business groups have reacted to things that I didn't say. I'm surprised to discover that articles have been written and things have been said without people ever reading the Newsweek article or the press that I received in the United States and Canada when I was there, which was uniformly extremely positive. I'd rather enjoy it, to tell you the truth. I'm also surprised at the extent to which one or two business leaders now seem happy to get involved in political issues, and obviously it means now the community will be looking to them for views on issues like human rights protection, the independence of the judiciary, the future of the civil service. I hope that some of these business leaders who've been making their views clear so liberally in the last few days will be speaking up for Hong Kong over the next year because it's important that some people speak up for Hong Kong. I'll continue to do so in Hong Kong and outside Hong Kong. Okay. Thank you very much.

End

New measures on export of Chinese workers welcomed

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The Commissioner for Labour, Miss Jacqueline Willis, today (Wednesday) paid a courtesy visit to the Chinese Government's Department of Foreign Economic Co-operation (DOFEC) under the Ministry of Foreign Trade and Economic Co-operation (MOFTEC) after visiting the Ministry of Labour yesterday.

During her visit, Miss Willis briefed the Director of DOFEC, Mr Shi Heqiu, on new arrangements being implemented by the Hong Kong Government to safeguard the rights and benefits of workers imported to work in Hong Kong.

Speaking from Beijing, the Commissioner said today's visit followed Mr Shi's visit to the Education and Manpower Branch and the Labour Department at the end of March.

Miss Willis was told by Mr Shi that the Chinese Government would soon introduce new measures to improve the regulation of Chinese workers to be hired to work in Hong Kong and other countries.

"According to Mr Shi, the Chinese Government would allow a total of 21 labour service companies to handle the exportation of workers to Hong Kong.

She was aware that MOFTEC was going to make an announcement today about details relating to the new measures as well as the names of the labour service companies authorised to deal with recruitment of Chinese workers for overseas employment.

She was informed that the Chinese Government was preparing a standard system on fees chargeable in respect of the workers recruited for overseas employment and details of the system would be announced later.

"The Chinese Government will require the 21 authorised labour service companies to observe Hong Kong laws and is also positively considering to have these companies registered as employment agencies under the Employment Ordinance," Miss Willis said.

"Furthermore, the Chinese Government would prohibit the recruitment of workers to work overseas through middlemen in China.

"I also understand that the Chinese Government will enhance the training of workers before allowing them to work in Hong Kong.

"Workers to be exported will be required to pass a test in China which covers various aspects such as Hong Kong employment laws. They will be issued with a certificate by MOFTEC after passing the test."

She was told the training scheme would be ready in June and only those with a relevant certificate would be eligible to come for work in Hong Kong.

The Commissioner for Labour welcomed various measures to be introduced by the Chinese Government and undertook to offer assistance and comments on the Chinese training scheme.

End

Public consultation on telephone services pricing launched

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The Office of the Telecommunications Authority (OFTA) today (Wednesday) issued a public consultation paper on the review of the pricing structure of local fixed telephone services.

Speaking at a press briefing, the Telecommunications Authority, Mr Alex Arena, said: "We wish to find out whether there is sufficiently strong justification and public support for changing the present pricing structure of local fixed telephone service.

"The consultation document gives a clear and full picture of the existing flat-rate local fixed telephone tariff structure and the major reasons for the review.

"In recent years, we have seen rapid changes in the use of local telephone lines for new non-telephonic purposes especially computer or other machine based usages.

"If we continue to allow uncontrolled use by machines free-of-charge of the public telephone network, there is a danger that telephone charges could be pushed up significantly or service quality would deteriorate quickly. Other places such as the United States are facing the same problem.

"We have an obligation to bring the attention of the public to these changed circumstances and the latest developments in telecommunications here and abroad.

"Based on the findings of the review, four possible pricing options have been formulated, one of which being the status quo."

Mr Arena said he was open-minded on the four options.

"In fact, the flat-rate tariff has served Hong Kong well to-date.

"I do not wish to see any of the merits of the present system thrown away hastily and carelessly in moving towards any new pricing mechanisms. But the public should be aware of the problems facing the existing flat-rate pricing and that it is not cost free.

"What I hope to see is an informed public discussion on this matter, before Government takes a view as to the best way forward to serve the interest of the public," said Mr Arena.

The consultation will last until July 22, giving the public two months to submit their views on the four options set out in the consultation document or to suggest alternative pricing methods.

Copies of the document are available at OFTA, 29th floor, Wu Chung House, 213 Queen's Road East, Wan Chai, or at Home Affairs' Department's district public enquiry counters.

The document has also been put on OFTA's Internet Home Page <http://www.ofta.gov.hk>.

Submissions from the public should be sent to the following by July 22:

Office of the Telecommunications Authority
29th floor, Wu Chung House
213 Queen's Road East, Wan Chai
[Attn: Senior Administrative Officer (Regulatory)]
Fax 2803 5112
Internet e-mail: Comments@ofta.gov.hk

End

Banking (Amendment) Bill to be gazetted

* * * * *

The Banking (Amendment) Bill 1996 will be published in the Gazette on Friday (May 24).

A government spokesman said the main purpose of the Bill was to introduce a legal framework for the regulation of the issue of multi-purpose stored value cards (MPCs) and of foreign exchange and deposit brokers (money brokers) operating in the wholesale foreign exchange and deposit market, and to effect a number of other changes designed to improve the workings of the ordinance.

The issue of prepaid MPCs was akin to the taking of deposits or, for certain types of MPC scheme, to the issue of bank notes, the spokesman said.

A proliferation of MPCs would also have significant implications for the payment system and might create new opportunities for money laundering.

For these reasons, it is considered necessary to introduce a legal framework to regulate the issue of MPCs.

The proposed legal framework, however, would not apply to single purpose stored value cards which are similar to prepayments for specific goods and services and are currently not subject to regulation.

Explaining the legal framework, the spokesman said the central issue was which entities should be eligible to issue MPCs.

"We need to strike the right balance between the broad public interest of product innovation and convenience that may be served by the application of the smart card technology and the need to maintain the stability of the payment system.

"Allowing non-bank entities to issue MPCs has the effect of opening up parallel payment systems which, if allowed to proliferate, would have significant systemic implications. Such extension of the payment system needs to be carefully controlled," said the spokesman.

The spokesman said having regard to the above and the business restrictions applicable to authorised institutions under the current three-tier structure of authorisation under the Banking Ordinance, the Bill proposed that:

- (a) licensed banks would be deemed to be approved to issue or facilitate the issue of MPCs (i.e. they will not require specific approval under the Banking Ordinance);

- (b) special purpose vehicles (SPVs) whose principal business consists, or will consist, of the issue or facilitating the issue of MPCs would be allowed to apply for authorisation as a restricted licence bank or deposit-taking company for the principal purpose of being approved to issue or facilitate the issue of MPCs; and
- (c) the Monetary Authority (MA) would be given a discretionary power to declare a stored value card not to be an MPC.

In applying these criteria, it is the MA's intention that only licensed banks would be allowed to issue "general purpose" MPCs (i.e. those which are not related to the provision of particular goods and services).

The cards to be issued by SPVs would be more limited in scope under guidelines to be developed by MA in consultation with the various interested parties.

The proposal to restrict the issue of general purpose MPCs to licensed banks was in line with the regulatory inclination of other overseas countries including those in Europe and Singapore, the spokesman added.

On money brokers, the spokesman said the proposal to introduce a formal authorisation regime for the money brokers was in response to the request by the Hong Kong Foreign Exchange and Deposit Brokers Association (HKFEDBA) and the Hong Kong Association of Banks for a formal approval system to supplement self regulation by HKFEDBA.

"A formal approval regime will help ensure that the highest standards of integrity and fair dealing are observed by the money brokers.

"This is crucial for an orderly and efficient interbank foreign exchange and money market as befits an international financial centre like Hong Kong," said the spokesman.

The proposed framework would prohibit any person from acting as a money broker unless he is approved by MA under the ordinance.

MA would be empowered to approve or revoke the approval of a broker on the basis of a set of fit and proper criteria specified in a schedule to the Ordinance. The main approval criteria include fitness and propriety of the management, financial soundness, prudent conduct and adequacy of accounting and control systems.

The spokesman added: "The approval criteria will be of a continuing nature. This means that it would be a ground for revocation if the MA is no longer satisfied that the person is fit and proper to continue the brokerage business."

He said the Bill provided a right of appeal to the Governor-in-Council for persons who were aggrieved by MA's decision.

The spokesman further pointed out that the Bill contained a number of amendments to improve the workings of the ordinance and to consolidate the appeal and penalty provisions.

The amount of fines under the Ordinance, which have not been revised since 1986, would be doubled so as to retain their deterrent effect which has been eroded over the years by inflation.

The Bill is scheduled for introduction into the Legislative Council on June 5.

End

Financial assistance to drug treatment agencies

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The Administration fully acknowledged the contribution made by the Christian therapeutic agencies to the rehabilitation of drug abusers, a Government spokesman said following a meeting with eight Christian therapeutic agencies yesterday (Tuesday).

"The question of subvention needs to be approached in a systematic and structured way.

"In line with the established practice in subventing other social services, we need first of all to conduct a proper assessment of the service provided by the operating agencies and evaluate the effectiveness of their mode of service," he said.

"Whether subvention can be made available depends on the outcome of the assessment and the availability of funding."

The spokesman said during the course of the assessment which would take some time, additional interim assistance would be provided.

"In the interim, we have offered to recommend about \$3.5 million from the Beat Drugs Fund for all non-subvented residential treatment agencies, to help them to employ social workers to strengthen their counselling services," he said.

"In addition, the Social Welfare Department is prepared to recommend to the Lotteries Fund for any capital improvement projects submitted by these agencies."

The spokesman added that the Government could not commit substantial proportion of the Beat Drugs Fund to meet the needs of the agencies fully as the Fund was open to applications for a wide spectrum of worthwhile projects which could help reduce the problem of drug abuse.

"Dialogue with the agencies will go on," he said.

End

IPCC's work much appreciated

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A government spokesman today (Wednesday) said the administration is highly appreciative of the work completed by the Independent Police Complaints Council (IPCC) over the past year.

IPCC is an independent body consisting of non-official members appointed by the Governor, which monitors the handling by the Complaints Against Police Office (CAPO) of complaints made against the Police. These non-official members come from a broad cross-section of the community.

In the past year, a lot has been done to further enhance the independent monitoring role of IPCC.

The spokesman said more cases were now dealt with under the Interviewing Witnesses Scheme, which enabled IPCC to interview any witnesses. In addition, IPCC could meet complainants and complainees.

On the power to make recommendations on any particular investigation, the spokesman said in addition to making recommendations to the Commissioner of Police, IPCC could also make recommendations to the Governor for a final ruling.

"This power, which is recognised in its terms of reference, ensures the complaints can be heard at the highest level," he said.

In practice, the Police would carefully consider the comments of IPCC over the handling of complaint cases and re-consider the cases in question.

To further ensure that complaints are handled by CAPO thoroughly and impartially, the administration had seconded a directorate Administrative Officer to IPCC to review CAPO procedures early this year. The report of the review is being finalised.

On IPCC's proposal to appoint some non-police officers to CAPO to investigate serious complaints, the administration maintained that as complaints usually alleged breaches of the criminal law, or of police discipline, it was difficult for non-police personnel to conduct investigations of such cases, the spokesman said.

End

Security personnel urged to apply early for permits

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The following is issued on behalf of the Security and Guarding Services Industry Authority:

Companies and employees in the security industry were urged to tender their applications for licences and permits without delay to comply with new legislation.

The call was made by the Chairman of the Security and Guarding Services Industry Authority (SGSIA), Mrs Miriam Lau, at a press conference today (Wednesday).

"The Security and Guarding Services Ordinance, which requires companies and individuals engaged in security work to hold licences and permits, will take effect on June 1 this year," she said.

Mrs Lau noted that since applications for licences and permits were invited from November 2 last year, 380 applications for security company licence had been received, of which 91 were approved.

As for security personnel permits, the Police received 19,593 applications, of which 4,485 were approved and 43 rejected.

"The Police is deploying additional staff to process the remaining applications," Mrs Lau said.

On the impact of the new ordinance on employment opportunities for elderly watchmen, Mrs Lau said the over 65 could continue to work in single private residential buildings if they passed a biennial medical examination.

"The ordinance also provides a transitional period for 130,000 holders of the existing watchman's permits, during which they can continue to guard all types of premises.

"They need not apply for the new security personnel permit until they receive notification from the SGSIA," she said.

"These measures will buffer immediate impact on the employment of elderly watchmen."

Mrs Lau stressed that although SGSIA did not encourage security personnel to take up part-time job, it was prepared to allow flexibility for such cases provided that the employee did not work in excess of 372 hours per month and 12 hours per day.

"We will not relax the restriction on working hours as security work requires a high level of concentration and alertness," she said.

"We can hardly expect competent performance from someone who works around the clock and is not given adequate rest time."

Referring to proposals put forward by some labour unions to suspend the ordinance, Mrs Lau said this would simply defer solutions to problems and hamper efforts to improve the quality of the security industry.

"The Police will adopt an understanding attitude during the first three months of enforcement, especially to those whose applications are being processed," she said.

Mrs Lau reminded those who did not hold any watchman's permits but wished to continue employment in security work to apply for such permits on or before May 31, or for security personnel permits as soon as possible.

End

Governor visits health and elderly centres

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The Governor, the Rt Hon Christopher Patten, today (Wednesday) visited the Lam Tin Polyclinic to see for himself two new services provided by the Department of Health for students and women in recent years.

On arrival at the clinic, Mr Patten was met by the Director of Health, Dr Margaret Chan, and the Deputy Director of Health, Dr T A Saw.

He was first shown around the Student Health Service Centre and the Special Assessment Centre where he saw primary school students undergoing health screening tests.

He was told the service is popular among primary school students and will be extended to the secondary school students in the coming academic year.

The Governor then proceeded to the Woman Health Centre which provides preventive activities for women in the menopausal age group.

After that, Mr Patten called on the Sheng Kung Hui Wong Tai Sin Multi-service Centre for the Elderly. He was accompanied by the Director of Social Welfare, Mr Ian Strachan.

The centre provides a range of services for elderly people, including meals, home help, counselling, laundry and bathing services, and social and recreational activities.

It also runs an experimental volunteer workers programme since last October to recruit and train volunteers to serve individual elderly persons on a regular and long-term bases.

End

124 VMs depart on orderly repatriation flight

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A group of 124 Vietnamese migrants (VMs) returned by air to Hanoi, Vietnam today (Wednesday) on the 38th flight under the Orderly Repatriation Programme (ORP).

All of the returnees, comprising 43 men, 34 women, 20 boys and 27 girls, are from North Vietnam.

The majority of them arrived in Hong Kong in 1989, with the remaining in 1991, 1995 and 1996.

The group brought to 3,008 the total number repatriated on ORP flights since November 1991.

End

Monitors' Report submitted to CS

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The monitors appointed to observe the Orderly Repatriation Programme operation this (Wednesday) morning have submitted their report to the Chief Secretary.

The two monitors came from two non-government organisations. They were Prof Japhet Law from Oxfam and Ms Nadine de Lamotte from Medecins Sans Frontieres.

End

First health competition for district boards

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If your daily duties include attending a host of meetings, making many visits, reading voluminous documents and handling various problems, leaving you with irregular meal breaks and little time for relaxation and rest, you stand a good chance of damaging your health.

Many District Board members may be facing such duties. It is therefore crucial for them to pay good attention to their health if they are to serve the community to the best of their abilities.

To encourage them to be more health-conscious and set a good example for their districts, the Home Affairs Department, Health Department and Hospital Authority, with the help of Radio Television Hong Kong, are organising the first ever health competition for the 18 district boards.

It will be held on June 22 at the Harbour Road Indoor Games Hall in Wan Chai.

As a prelude to the competition, questionnaires will be issued today (Wednesday) to district board members to assess their awareness of healthy lifestyles.

The competition itself will comprise a number of entertaining games to test their physical well being. There will also be performances by popular local artistes.

Over 600 guests from the districts will be invited to the occasion and the contest will be broadcast live on Radio 1 Hong Kong.

End

Human rights teaching kit well-received

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The following is issued on behalf of the Committee on the Promotion of Civic Education:

The teaching kit developed by the Committee on the Promotion of Civic Education to disseminate the basic ideas of human rights among children has generated an overwhelming response from teachers, social workers and students.

A spokesman for the Committee said today (Wednesday) that they had received over 300 completed questionnaires returned by teachers and social workers who had used the kit.

"Many of them said the essence of human rights such as the value of life, freedom, equality and respect for other people could be effectively conveyed to children through the 15 activity plans of the teaching kit which had translated abstract notions into everyday life scenarios," he said.

"Children are fascinated by the teaching materials which include games, group discussions and role-playing. And many schools and community organisations are asking for more copies of the teaching kit."

To continue with its efforts to promote human rights, the Committee has recently published eight colourful and illustrated story books which were written by two famous authors of children's stories.

The story books together with a cassette tape carrying a recording of the stories and a compact disc of songs sung by the Hong Kong Children's Choir constitute the second phase of the Human Rights Teaching Kit for Children.

The whole package has been distributed to all community organisations, primary and secondary schools, tertiary education institutions and public libraries.

Copies are available for reference at the Civic Education Resource Centre, second floor, Tung Sun Commercial Centre, 194-200 Lockhart Road, Wan Chai, Hong Kong.

Those interested can call the centre on 2802 0131 for more information.

End

Tsing Yi lot to let

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The Lands Department is inviting tender for the short-term tenancy of a piece of government land at Chung Mei Road, Area 4, Tsing Yi.

The lot has an area of about 6,640 square metres. It is intended for use as a fee-paying public car park for the parking of motor vehicles, excluding container tractors and trailers.

The tenancy is for 15 months, renewable quarterly.

The closing date for submission of tender is noon on June 7.

Tender form, tender notice and conditions may be obtained from the Lands Department, 14th floor, Murray Building, Garden Road, and the District Lands Offices of Kowloon and Kwai Tsing.

Tender plan can also be inspected at these offices.

End

Hong Kong Monetary Authority money market operations

	<u>\$ million</u>	<u>Time (hours)</u>	<u>Cumulative change (\$million)</u>
Opening balance in the account	1,941	0930	+20
Closing balance in the account	1,961	1000	+20
Change attributable to :		1100	+20
Money market activity	+20	1200	+20
LAF today	NIL	1500	+20
		1600	+20

LAF rate 4.00% bid/6.00% offer TWI 124.1 *+0.1* 22.5.96

Hong Kong Monetary Authority

EF bills		EF notes				
Terms	Yield	Term	Issue	Coupon	Price	Yield
1 week	5.22	2 years	2802	6.30	100.56	6.08
1 month	5.11	3 years	3904	6.30	99.60	6.55
3 months	5.15	5 years	5103	6.75	98.57	7.23
6 months	5.24	7 years	7302	6.02	92.31	7.63
12 months	5.56	5 years	M502	7.30	99.88	7.47

Total turnover of EF bills and notes - \$27,021 million

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End



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SUPPLEMENT

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Motion on provision of half-price medical service

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Following is the speech by the Secretary for Health and Welfare, Mrs Katherine Fok, at the motion debate on provision of half-price medical service to the handicapped and the elderly at the Legislative Council today (Wednesday):

Mr President,

I thank the many points raised by Members today. It was only three weeks ago that Members debated "Elderly Policy" in this Chamber. On that occasion, I spoke at length about the medical services that are already being provided for our elderly residents. I do not propose to repeat what I have said previously, other than to remind Members that a wide range of services is currently available.

However, I want to say a bit more about handicapped people. They are provided with a range of facilities and services to meet their medical needs. These include in-patient, out-patient, day hospital, accident and emergency, and community outreaching services provided by the Hospital Authority. In addition, there are specialist services that are tailored to the needs of people with a disability to help them overcome their structural or functional impairments and minimise the residual defects. The services include 4,873 psychiatric beds and 575 psychiatric day hospital places for the mentally ill, 825 hospital beds for the mentally handicapped, and over 200 ophthalmic beds for eye patients. As a new initiative, we will set up two rehabilitation teams for the chronically ill in 1996-97.

Members will, I think, agree that it is equally important to prevent impairments and to ensure that impairments do not escalate into more limiting disabilities. The Department of Health provides a comprehensive child assessment service for children from birth to the age of 11 years for those who are suspected or diagnosed to have a disability. Currently, four child assessment centres are in operation with a fifth scheduled for opening by the end of this year. Three others are being planned. The Department of Health also provides specialist oral and dental care to the mentally and physically handicapped at the dental units in Tuen Mun Hospital and Pamela Youde Nethersole Eastern Hospital. Such services will gradually be extended to four other dental units.

However, today's debate is not about the range or quality of medical services for elderly and handicapped people. It is about the fees payable by them. In fact, I would suggest that the issue is even broader than this. It involves consideration of fees for public healthcare services in general -- two groups of patients cannot simply be considered in isolation.

As Members are aware, the cornerstone of our healthcare policy is that no one should be denied adequate medical treatment through lack of means. This policy applies to everybody, whether young or old, able-bodied or disabled alike.

In pursuance of this policy, and for historical reasons, public healthcare services are heavily subsidised. It costs a patient only \$60 per day to stay in a hospital or \$34 to see a doctor at a general out-patient clinic. About 97% of the actual cost of hospital treatment and 80% of the cost of a consultation is subsidised from general revenue -- in other words, paid for by the community.

Nevertheless, we realise that there are people who cannot afford even these subsidised charges. A waiver system is in place at both the Department of Health and the Hospital Authority to help those with financial difficulties. They may apply for full/partial waiver of fees or for assistance from the Samaritan Fund, as the case may be. Comprehensive Social Security Assistance clients have a proven financial need. They pay nothing for their medical treatment.

The motion before this Council seems to be based on the assumption that all elderly and handicapped patients are in financial need. But is that so? In public hospitals, over 39% of bed-days are occupied by patients over 60 years old, but waivers account for only 13%. Likewise, 34% of patients using general outpatient clinics are elderly people, but only 10% of patients have their fees waived. In other words, the great majority of elderly patients are able to pay the heavily subsidised fees charged for their treatment. Yet, if the direction implied in the Motion were pursued, then every student and housewife could claim inability to pay because they have no personal income, even though other family members may be economically active. Mr President, the Government cannot support today's Motion.

Some Members have on past occasions pointed to the need to prevent public healthcare expenditure from getting out of control. To prevent this runaway, we must always seek to maximise available resources and target expenditure where it is most needed. Subsidy for healthcare must be based on need. What the Motion now proposes is that we should increase subsidies for elderly and handicapped patients, whether they need it or not.

Since reducing services in response to reduced income is unacceptable, more funds must be provided to make up the loss. If some patients pay less, then either other patients or general taxpayers will have to pay more. By charging only half the regular fees, the former approach would result in income foregone of over 20% of the Hospital Authority's and at least 16.5% of the Department of Health's annual fee income. The latter approach would cause public expenditure on healthcare to rise.

Some Members may recall that the Administration addressed this matter in its 1993 consultation document "Towards Better Health". The Target Group Approach contained two counterbalanced proposals designed to be revenue-neutral and not increase public healthcare expenditure. The first was that elderly persons and persons in receipt of disability allowance should automatically receive a partial waiver of fees and more fee subsidy; the second was that patients with the ability to pay should pay more and receive less fee subsidy.

While the community supported the first half of the package, they were not prepared to accept the second part. Without both, the proposal could not work.

When the consultation document was debated in this Chamber on 13 October 1993, Members did not address this issue. It has surfaced again. If Members now support the Motion in favour of lower fees for elderly and handicapped patients, while maintaining that public spending on healthcare should be restrained, then to balance out the cost equation they must also support the idea of higher fees for others who have the ability to pay such fees.

Today's Motion Debate is a timely one. It brings into public focus the need to look at the important question of healthcare funding, not just for elderly and handicapped patients, but for all patients. At the same time, in the face of an ageing population, increasing healthcare costs and expectations for better public services, we must also address the balance between patients' and the community's contribution to public healthcare costs.

End

Motion on strengthening of civic education for youth

* * * * *

Following is the speech by the Secretary for Home Affairs, Mr Michael Suen, in the motion debate on strengthening of civic education for youth in the Legislative Council today (Wednesday):

Mr President,

The Government has a clear, comprehensive and long-standing policy on civic education. Our objective is to promote the public's awareness, concern and involvement in public affairs, to foster understanding and respect for human rights and to cultivate a sense of belonging in Hong Kong so as to encourage everyone to participate and contribute in our society.

To pursue this policy, we place great importance on ensuring that people understand and uphold their civil and human rights and realise the responsibilities that these carry in a free and democratic society. This means explaining ideas of freedom, democracy, the rule of law and social justice and the role they fulfil in our social, political, economic and legal systems both now and in the future.

The Government has never viewed civic education as a matter to be left solely in the hands of civil servants. Over the years we have been fortunate to have been able to work with many committed and knowledgeable people drawn from across the community. This year, in fact, marks the tenth anniversary of the setting up of the Committee on the Promotion of Civic Education. The Committee with its cross-section of academics, teachers, lawyers, professionals, community representatives and civil servants has proven to be an effective forum in which to debate and determine the objectives and scope of civic education. In spreading its message of civic awareness, the Committee has worked closely with district civic education committees and a wide range of community groups. Government departments participate fully in its activities.

Three themes dominate in our civic awareness programmes: the importance of the rule of law, participation in public affairs and respect for human rights. Each would merit a speech in its own right but to give a brief sketch:

- * we explain the concepts of the supremacy of law, the binding nature of the law, the importance of an independent judiciary free from executive interference, trial by jury and all the other attributes of the common law system as well as the Basic Law;
- * secondly, we emphasise that people have the right and opportunity, without discrimination and without unreasonable restrictions, to take part in the conduct of public affairs and to vote and be elected in democratically conducted elections;
- * lastly, we explain that human rights are to be enjoyed by all people; that the right to life, the right to liberty, the right to equality before the courts, the right to participate in public affairs and the right to freedom of expression are fundamental rights, not only of the strong, but also the weak and the vulnerable.

The Hon Lo Suk-ching has focused our minds today, through his motion, on the particular importance of promoting civic awareness among young people. It is a most important topic and one which has been on the Government's agenda for many years. In schools and through the work of the Committee on the Promotion of Civic Education and the Commission on Youth, we have strived to equip our young people with the attitudes, values, beliefs and commitment to shoulder the responsibilities of adulthood and citizenship in our society.

I do not subscribe to the views of Mr Lo and Mr Lau that there is a colonial shadow to be cast off in order to properly prepare Hong Kong's young people for the challenges of the twenty-first century and Hong Kong's future as a Special Administrative Region of China. The values I have outlined - the significance of the rule of law, respect for human rights and the importance of participating in public affairs - these are not colonial anachronisms with no place in a modern society. Hong Kong is uniquely placed as a cosmopolitan and pluralist society to educate our children through a blend of Chinese and Western values offering both an international outlook and a deep respect for Chinese traditions and culture.

Several Members of this Council were involved in establishing these values through the Charter on Youth promulgated by the Commission on Youth in 1993. The Charter enunciates the principles and ideals on youth development and provides a reference point for all parties involved. Much emphasis is placed on the importance of fostering in our young people social responsibility, high moral values and a positive attitude towards life, to develop in them the ability to think independently, and to understand the role they play in a free and democratic society. These values were reaffirmed in the first biennial review of the Charter last year and will provide the direction for all involved in promoting civic awareness among young people.

A substantial part of the resources and efforts of the Committee on the Promotion of Civic Education are devoted to this task. The injection of an additional \$20m to be spent over the three years, 1995-97, and the setting up, last year, of a dedicated education unit, have enabled the Committee to embark on a number of far-reaching and ambitious projects aimed at young people. Building on the experience gained in 1993 with its first teaching kits for young people on human rights and the rule of law, the Committee launched its Human Rights Education teaching kit for Children last year. The response from schools and community groups has been very encouraging with over 400 teachers and community leaders participating in the introductory seminars. In the coming months, the Committee will release further instalments of the teaching kit together with new packages for pre-school children and youths. It will co-operate with the ICAC on a new campaign entitled "Towards Good Citizenship".

A major theme in these activities is to promote the Basic Law to young people. We shall be producing a video based on the 65-episode TV programme 'Know more about the Basic Law' aired on television last year for distribution to schools. Basic Law teaching materials will also be launched, including a story book for children, a pictorial booklet for young people and the production of a CD Rom on the Basic Law.

The Committee also actively encourages community groups, through its Community Participation Scheme, to promote civic awareness among young people. Last year, 28 projects involving or aimed at young people shared some \$1m in sponsorship from the Committee. I am pleased to note that these efforts and Hong Kong's approach to civic education have won warm praise from the UN committees monitoring Hong Kong's adherence to the various international human rights treaties.

Last year, the Government initiated a major review on the way in which civic education is taught in schools and new Guidelines on Civic Education in Schools were endorsed, after public consultation, by the Curriculum Development Council in April this year. The plan is to implement them in schools from September 1996. As a reflection of Government's policy on civic education, the Guidelines set out clearly the aims, objectives, the conceptual and curriculum frameworks, the modes of implementation as well as the evaluation strategies of civic education in schools. A significant feature is that they have been written from the perspective of our students. They provide a direction for schools to develop their own civic education programmes, through classroom teaching and extra-curricular activities.

The Guidelines embrace the concepts enunciated by the Hon Lo Suk-ching in his motion today and illustrate the Government's clear desire to groom our young people to be responsible citizens, independently minded and socially aware. They aim:

- * first of all, to enable students to understand how the individual, as a citizen, relates to the family, the neighbouring community, the regional community, the national community and the world; and to develop in them positive attitudes and values conducive to the development of a sense of belonging to Hong Kong and China, so that they are ready to contribute to the betterment of society, the state and the world;
- * secondly, to help students understand the characteristics of Hong Kong society and the importance of democracy, liberty, equality, human rights and the rule of law, and to employ these concepts in daily life; and
- * lastly, to develop students' critical thinking and problem-solving skills to enable them to analyse social and political issues objectively and to arrive at a rational appraisal of these issues.

Three different modes of implementation of civic education in schools are recommended. Apart from the permeation approach now most commonly adopted by schools, the specific-subject approach and integrated-subject approach are included. Schools are advised to devote a definite amount of time and resources to the implementation of civic education and select one or more modes to achieve the goals of civic education.

To assist schools in implementing the new Guidelines, the Education Department will provide those adopting the specific- or integrated-subject approach with a recurrent class grant. School inspectors will continue to visit and inspect schools to advise them on their civic education programmes.

Although a curriculum framework is recommended in the Guidelines to assist schools in drawing up their curriculum, some community groups, schools have asked for a separate syllabus on civic education, be it for a specific or an integrated subject. The Curriculum Development Council will continue to examine this matter.

Teaching resources on various themes such as human rights, the rule of law, elections, thinking skills, the Joint Declaration and the Basic Law have been prepared and issued to schools. More will be developed. Three teaching packages in the pipeline are on the understanding of China. In-service teacher education programmes will also be provided to prepare teachers for teaching civic education under the new set of Guidelines.

In setting our priorities for the future, we are very conscious of the substantial demand in the community and amongst young people in particular, to know more about the Basic Law, the "one country, two systems" concept and the guarantees provided for the future of Hong Kong. As I stated earlier, promotion of the Basic Law and the provision it makes for the protection of individual rights and freedoms in Hong Kong after 1997 is a major theme of our civic education programmes as we enter the transition year. This is vital if we are to bring our young people into the next century knowing, understanding and having confidence in their identity as citizens of the Hong Kong Special Administrative Region of China, and ready to play a positive part in their community.

End

Immigration (Amendment) Bill: second reading

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Following is the speech by the Secretary for Security, Mr Peter Lai, at the resumption of the second reading debate of the Immigration (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I am grateful to the Bills Committee under the chairmanship of the Honourable Ambrose Lau for its thorough careful examination of the Bill.

In the course of scrutinising the Bill, certain concerns and criticisms have been expressed by a number of organisations and some Honourable Members which have been repeated in a number of speeches today. We have already responded to these criticisms and concerns fully in the Bills Committee, but I would like to take this opportunity to reiterate the Administration's position.

First, a question is asked as to whether we need the Bill at all. The answer is "yes, we do." I have explained that the purpose of the Bill, when it was first introduced into this Council on 24 April, is to close a loophole. Let me emphasise that illegal immigration is a problem which Hong Kong faces every day. Detention of illegal immigrants, including Vietnamese illegal immigrants, is a necessary policy to deal effectively with this problem. We detain illegal immigrants not for the sake of detaining them. The ultimate aim is to effect their repatriation to their countries of origin as soon as possible. Clearly, we cannot stand by and watch our policy of detaining Vietnamese migrants being undermined, or clouded by uncertainty. The Bill is necessary to close a loophole which may be exploited by Vietnamese migrants who claim, on the basis of documents which are not even accepted by governments which reportedly issued them and which have been or may continue to be obtained in a dubious means, that they cannot be repatriated and therefore cannot continue to be detained legally. We already have to release over 270 Vietnamese migrants in the wake of a Privy Council judgement. We have no intention to re-detain them until and unless the Vietnamese government has given clearance for them to return to Vietnam and arrangements are made to effect their repatriation. But honourable members should bear in mind in this context there are still about 5,000 Vietnamese migrants in our camps whose clearance has yet to be given by the Vietnamese authorities. Further, so long as this loophole remains unplugged, we face the risk of further arrival of VM's in the future attracted by the prospect of being released into the community. Why should we wish to see Hong Kong exposed to such a risk?

Secondly, there have been misguided accusations that the Bill legislates for arbitrary and indefinite detention, thereby breaching human rights principles and our obligations under the International Covenant on Civil and Political Rights as applied to Hong Kong. The Administration disagree with such accusations and in this context, may I draw honourable members' attention to the comments by the legal adviser to this council as repeated by the Bills Committee chairman in his speech earlier today. In drawing up the Bill, we were mindful of the need to strike a balance between our detention policy on the one hand, and the individual's right to liberty on the other. There is a specific provision in the Bill which makes it clear that it does not, repeat, not preclude the courts from finding that a person has been detained for an unreasonable period of time. The remedies of judicial review and habeas corpus will also continue to be available to all those detained under S 13D of the Immigration Ordinance.

Thirdly, in the course of the Bills Committee's deliberations some Honourable Members have expressed concern that the Bill might fetter the court's ability to hear evidence before it and to reach its own conclusion. I shall be moving at Committee Stage an amendment which addresses this concern, by clarifying the legislative intent of Section 13D of the Immigration Ordinance while ensuring that our policy objectives are met. I will explain in more detail when moving the amendment.

I understand that the Honourable Margaret Ng, notwithstanding the Committee Stage Amendment which I shall propose, will also be moving another Committee Stage Amendment on the grounds that it will further clarify the law. The Administration do not agree with her amendment. The Bill, if amended as I will be proposing at Committee Stage, is sufficiently clear. Ultimately, as it is for every other law, it is for the courts to interpret and apply this law. In the Administration's view, the Honourable Margaret Ng's Committee Stage Amendment would undermine the legislative intent of the Bill, and would effectively put us back to almost square one.

The long term solution to the Vietnamese migrants problem, whether in respect of VM's who are in detention or those who have been released, is to return them to Vietnam. Honourable members may wish to note in this context that during the first 4½ months of this year, we have successfully repatriated more Vietnamese migrants than the whole of last year. Nevertheless, much work remains to be done, to achieve the objective of clearing the camps by mid-1997. We are redoubling our efforts in this regard. We shall also continue to seek to resolve the problem of clearing the remaining 5,000 VM's including the so-called "non-national" cases for return to Vietnam through diplomatic channels and in conjunction with the UNHCR. In the meantime, it is important that we do nothing to undermine our policy of detaining VM's pending repatriation. The legislative proposal before honourable members is necessary for the preservation of that policy. When the VM problem is completely resolved, which I hope can be achieved before mid-1997, there will be no further need for that part of the Immigration Ordinance dealing with VM's and we would take steps to repeal it. Mr President, I recommend the Bill to honourable members.

End

Immigration (Amendment) Bill: committee stage

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the committee stage amendments of the Immigration (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr Chairman,

I move that clause 2 be amended as set out under my name in the paper circularised to Honourable Members.

The proposed amendment to clause 2 addresses a concern expressed by some Honourable Members, and clarifies our legislative intent while retaining the broad principles of the original Bill.

We accept the concern, expressed in the course of the Bills Committee's deliberations, that the bill as originally drafted may be construed as unnecessarily restricting the court's ability to hear evidence before it and to draw its own conclusions. The proposed amendment removes such a restriction on the court. Instead, it reinforces our legislative intent by making it clear that the purpose of detention "pending removal" includes the purpose of "pending a response from the Vietnamese Government".

It is common sense that our ability to repatriate an illegal immigrant, including a Vietnamese illegal immigrant, depends on the willingness of the country of origin to accept him. In reality, when a Vietnamese migrant is screened out as a "non-refugee", we will seek the agreement of the Vietnamese Government to accept him for return. When clearance is given by the Vietnamese Government, we then make appropriate arrangements, depending on whether he is to be returned under the voluntary repatriation programme or the orderly repatriation programme, to effect his return. Until then, he is detained. That is our detention policy, and that we thought was the effect of Section 13D of the Immigration Ordinance.

However, while the Court of Appeal in Hong Kong supported our interpretation of the law as it stood, the Privy Council did not. In order to ensure that the law reflects clearly our detention policy, we seek to amend it by making clear that the purpose of "pending removal" includes the purpose of "pending a response from the Vietnamese Government". There is nothing in it which gives rise to indefinite or arbitrary detention, or in any way infringes common law principles or our obligations under the International Covenant on Civil and Political Rights as applied to Hong Kong.

Mr Chairman, I beg to move.

End

Resolution to increase fines in drug offence

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Following is the speech by the Secretary for Security, Mr Peter Lai, in moving the resolution to increase the fines in the Dangerous Drugs Ordinance and Dangerous Drugs Regulations in the Legislative Council today (Wednesday):

Mr President,

I move the resolution standing in my name on the Order Paper.

Section 100A(1) of the Interpretation and General Clauses Ordinance (Cap 1) provides that the Legislative Council may, by resolution, amend any Ordinance so as to increase the amount of any fine specified in that Ordinance, as well as the amount of any fine specified in that Ordinance as an amount that may be prescribed in subsidiary legislation made under the Ordinance.

The motion before Members seeks to:

- (a) increase the maximum level of the fine specified under section 51(2) of the Dangerous Drugs Ordinance, from \$50,000 to \$450,000, as an amount that may be prescribed in subsidiary legislation made under the Ordinance; and
- (b) increase the maximum fine specified in Regulation 5(7) of the Dangerous Drugs Regulations, from \$50,000 to \$450,000, which may be imposed by the court for any offence in contravention of the record-keeping requirements stipulated in the Dangerous Drugs Regulations.

The Dangerous Drugs Regulations set out, inter alia, record-keeping requirements to be adhered to by an authorised person when supplying a dangerous drug. This is to ensure that full particulars of the acquisition and supply of dangerous drugs are recorded. Such records facilitate the monitoring of the acquisition and supply of dangerous drugs by authorized persons. The present maximum penalty stipulated under Regulation 5(7), and capped by section 51(2) of the principal Ordinance, for any offence in contravention of the record-keeping requirements, is \$50,000 and imprisonment for three years.

Taking into account the fact that the fine has not been revised since 1969, the seriousness of the offence, the community's concern about the problem of illicit sale of dangerous drugs, and the need to keep the fine at a sufficiently high level to maintain its deterrent effect, we propose to increase the maximum level of fine from \$50,000 to \$450,000.

The Action Committee Against Narcotics, as well as the medical and pharmacist professions have been consulted and are in support of the proposal.

The Administration is determined to tackle the problem of illicit sale of dangerous drugs. As part of our overall efforts to tackle the problem, we have proposed to tighten the record-keeping requirements on the acquisition and the supply of dangerous drugs, through amendments to the Dangerous Drugs Regulations, which are tabled in this Council this afternoon. The Amendment Regulations, if effected, will remove certain exemptions or alternative arrangements which are liable to abuse. The proposed increase in the maximum level of fines will serve to maintain the deterrent effect of penalties for offences in contravention of the record-keeping requirements.

Mr President, I beg to move.

End

Factories and Industrial Undertakings (Amendment) Bill

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Following is the speech by the Secretary for Education and Manpower, Mr Joseph Wong, at the second reading of the Factories and Industrial Undertakings (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move the second reading of the Factories and Industrial Undertakings (Amendment) Bill 1996.

The Bill has two main purposes. The first is to empower the Commissioner for Labour to issue suspension notices and improvement notices. The second is to make it an offence for the non-compliance of the suspension notices or improvement notices by the parties concerned.

Under the existing Ordinance, the Commissioner for Labour does not have the power to order the party concerned to stop the operations of a construction site, or any works or machinery therein. Even if the Commissioner may have reasons to believe that there is an imminent risk to the workers concerned, he has to apply for an order from a magistrate to do so.

Because the application for a court order usually takes considerable time, a serious accident could occur in the interim at the construction site concerned if the risks involved have not been effectively eliminated. The Bill therefore recommends that the Commissioner for Labour should be empowered to issue a notice to the proprietors and contractors concerned to suspend immediately any hazardous work, or the use of dangerous equipment, which is likely to give rise to an imminent risk of serious bodily injury to the workers.

The Commissioner for Labour will prepare clear departmental guidelines to ensure that a suspension notice will only be issued after internal clearance by officers of the appropriate rank in the Labour Department. The guidelines will also ensure that consistent standards are being applied. Any person aggrieved by the issue of a suspension notice may apply in writing to the Commissioner for Labour for a review. He can also appeal to the Administrative Appeals Board if he is not satisfied with the result of the review.

For less serious situation where workers are not exposed to an imminent risk, we propose that the Commissioner for Labour should be empowered to issue improvement notices to require proprietors and contractors to rectify breaches of the legislation within a specified period. Since ignoring an improvement notice is an offence, I believe that the new measure is more effective than the present system of issuing offenders with advisory letters. Proprietors and contractors should be more motivated to take positive measures to improve safety at work.

Since the new legislation does not require proprietors or contractors concerned to do anything new under the existing Ordinance, in the interest of improving industrial safety we propose that the new legislation should come into force immediately.

Finally, the Bill proposes that the maximum penalty for contravening a suspension notice should be \$500,000 and 12 months' imprisonment, with an additional maximum fine of \$50,000 per day for every day that the contravention continues. These are set deliberately high because of the seriousness of the offence and the imminent risks it poses to life and limb.

Mr President, I beg to move.

End

Telecommunication (Amendment) Bill

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

Mr President,

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

It is the intention of the Administration that laws which may impact on press freedom or the freedom of expression should be amended or repealed. Following a comprehensive review of all relevant legislation, sections 13C and 28 of the Telecommunication Ordinance were among the provisions identified which might affect press freedom or freedom of expression.

Section 13C(3)(a) empowers the Broadcasting Authority to include a condition in a radio licence under which the licensee may be required not to broadcast radio programmes which would contravene a direction by the Governor in Council or the Broadcasting Authority, or other regulations. This provision is considered excessive.

Clause 2 of the Bill repeals section 13C(3)(a). This is in line with the repeal of a similar power regarding television programmes. We will follow this up at the mid term reviews of the radio licences by deleting the condition in those licences which reflects this section.

Notwithstanding the repeal of section 13C(3)(a), the Broadcasting Authority will retain the power to regulate the standards of radio programmes, and the courts will have the power to ban programmes in specific circumstances, as set out in section 13M of the Telecommunication Ordinance.

Section 28 makes it an offence to transmit a message known to be false by telecommunication. This provision is considered too vague and onerous.

Clause 3 of the Bill accordingly replaces section 28 by a new provision which prohibits the transmission of false or deceptive distress, safety or identification signals. This is in line with the requirements of Article 47 of the Constitution of the International Telecommunication Union.

Mr President, I commend this Bill to the Council.

End

Dogs and Cats (Amendment) Bill

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Following is the speech by the Secretary for Economic Services, Mr Gordon Siu, in moving the second reading of the Dogs and Cats (Amendment) Bill 1996 in the Legislative Council today (Wednesday):

Mr President,

I move that the Dogs and Cats (Amendment) Bill 1996 be read a second time.

The purpose of the Bill is to provide the legal and institutional structure necessary to support regulations safeguarding members of the public from serious attacks by dogs.

Existing legislation on the control of dogs requires that a dog be kept on a leash in a public place, prohibits the keeping of a dog which persistently annoys or menaces neighbours or passers-by and prohibits anyone from allowing an unmuzzled ferocious dog into a public place. If a magistrate receives a complaint that a dog is dangerous, he may order that the animal be destroyed or kept under proper control. These provisions apply to dogs in general, without reference to specific breeds.

The Bill has three main provisions.

First, it enables a police officer or any other authorised officer to seize and detain any dog that has bitten or attacked any person and, subject to the outcome of any appeal, to destroy the dog if it has caused the death of a person. A dog can also be destroyed in circumstances where it cannot be seized without a serious risk to public safety or if a magistrate orders its destruction.

Secondly, the Bill provides for appeals against various decisions made, and actions taken, by the Director or an authorised officer under the Ordinance to be considered by the Administrative Appeals Board.

Thirdly, it proposes that a Dogs and Cats Classification Board be established to determine, on application to it, the breed of a dog or cat. The Board will have 11 members appointed by the Director of Agriculture and Fisheries after consideration of nominations made by tertiary education institutions, animal welfare associations, veterinary surgeons' organisations, dog breeding organisations and the Police Force.

Once the Bill has been passed by this Council, the Government intends to introduce regulations, which will classify dangerous dogs into three categories, namely fighting dogs, known dangerous dogs and potentially dangerous dogs and set out the specific controls applicable to each category.

The "fighting dogs" category will consist of the Pit Bull Terrier and similar breeds. These dogs are liable to attack a person without provocation or warning and may inflict serious injuries or death. The proposed regulation will ban importation and breeding of such dogs. Possession of such a dog will also be prohibited unless it is neutered and covered by insurance to a value of not less than \$100,000 to indemnify damage caused by the dog. If the breeder of an existing fighting dog surrenders his dog to the Director for destruction during the transitional period of 120 days, he will receive an ex-gratia payment of \$3,000.

The "known dangerous dogs" category will consist of individual dogs classified as such by a magistrate on application to him that the dog has a history of attacking and injuring people. Possession of such a dog will also be prohibited unless it is neutered and covered by insurance to a value of not less than \$100,000 to indemnify damage caused by the dog.

The "potentially dangerous dogs" category will consist of breeds including amongst others Staffordshire Terriers, Bull Terriers and American Bulldogs. These breeds do not normally attack people without provocation but have the size, strength and potential ferocity of a guard dog. Such dogs are also capable of inflicting serious injuries on people if they attack.

Under the proposed regulation, it will be an offence to allow a dog in any of the three categories to go into or remain in a public place unless it is both on a leash and muzzled.

Mr President, I commend the Bill to this Council.

End

Hong Kong in US Report on Special 301

Following is a question by the Hon Chim Pui-chung and a reply by the Secretary for Trade and Industry, Miss Denise Yue, in the Legislative Council today (Wednesday):

Question:

Regarding the United States Government Trade Representative's most recent report in which Hong Kong is put under the "Other Observations" category on the watch list under the US Special 301 law, will the Administration inform this Council:

- (a) of the Administration's understanding of the "Other Observations" category;
- (b) how the Administration will respond to Hong Kong being put on the watch list for the first time; and
- (c) whether consideration will be given to approaching other countries or territories included in the "Other Observations" category with a view to making a joint response?

Reply:

Mr President,

The US Trade Representative's Report on Special 301, announced at the end of last month, identified a number of economic entities, countries and territories perceived by the US to have inadequate intellectual property protection regimes or fair and equitable market access for US persons who rely on intellectual property protection. They were grouped into three categories with those perceived to provide the least adequate intellectual property protection regimes included under the 'priority foreign country' category, followed by the 'priority watch list' and the 'watch list'. The Report also contained an 'other observations' section. We understand this to be a commentary section rather than a list. We note that in this section, the USTR drew attention to four countries where the lack of adequate and effective protection of intellectual property rights is a concern. The 'other observations' section also highlighted developments in and expectations for progress in 16 countries and territories, of which Hong Kong was one.

Following announcement of the Special 301 Report, we have registered our disappointment at the reference to Hong Kong under the 'other observations' section. We have explained to the US Administration the vigorous actions already undertaken, and will continue to be undertaken, by the Hong Kong Government on the legislative as well as enforcement fronts. The Governor has also underlined our total commitment to protecting intellectual property rights in Hong Kong to senior US Administration officials during his recent visit to Washington. The Chief Secretary intends to do likewise when she visits Washington next month.

We do not intend to approach other countries or territories mentioned under the 'other observations' section with a view to making a joint response. We see no benefit in doing so. We consider that a more productive and effective approach is to continue to pursue direct bilateral dialogue with the US Administration.

End

Disposal of relics illicitly imported from China

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Following is a question by the Hon Elizabeth Wong Chien Chi-lien and a reply by the Secretary for Trade and Industry, Miss Denise Yue, in the Legislative Council today (Wednesday):

Question:

With regard to the seizure of relics imported into the territory from mainland China illicitly, will the Government inform this Council:

- (a) how it disposes of such relics; and
- (b) of the number of pieces which were returned to the Chinese Government in the past year, and the reasons therefor?

Reply:

Mr President,

Under section 18 of the Import and Export Ordinance, imports of relics to and exports of relics from Hong Kong are illegal if they are not properly manifested. Such acts are subject to a maximum penalty of a fine of HK\$2 million and imprisonment for 7 years. The unmanifested relics will be seized and liable to forfeiture. They will be directly forfeited to the Government if there is no claimant or, if there is a claimant, they may be forfeited by a court order or returned to the claimant as appropriate, after the hearing of the application by the claimant.

Once the goods are forfeited to the Government, they will be subject to the disposal of the Government upon the completion of all court proceedings. In the spirit of close cross-border co-operation between Hong Kong and China, arrangements will be made to return relics smuggled into Hong Kong from China to the Chinese authorities. In 1995-96, 1059 pieces of relics with a total estimated value of \$64 million have been returned to China.

End

Policy on use of Renminbi

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Following is a question by Dr the Hon Law Cheung-kwok and a reply by the acting Secretary for Financial Services, Mrs Lessie Wei, in the Legislative Council today (Wednesday):

Question:

As an increasing number of retail shops in the territory are accepting Renminbi (RMB) for payment, will the Government inform this Council:

- (a) of the current policy and legislation governing the use of RMB for payment of purchases and the RMB exchange activities taking place in retail shops in Hong Kong; and
- (b) whether it has discussed with the Chinese Government the possibility of RMB becoming one of the currencies in circulation in Hong Kong after the change of sovereignty in 1997; if so, what the details are, and whether it has estimated the extent of the circulation of RMB in Hong Kong during the initial stage following the change of sovereignty?

Reply:

- (a) There is no legislation in Hong Kong governing the use of Renminbi (RMB) or any foreign currency for payment of purchase. The concerned parties to a transaction may use and accept any currency agreed between them. This freedom for parties to transact in the currencies of their choice is common in most free market economies.

The exchange activities of RMB or any foreign currency at the retail level are governed by the Money Changers Ordinance which protects consumers from malpractices in the money changing trade. Under the Ordinance, a money changer is required to display the net rates of exchange and make out, for confirmation by a customer, a transaction note giving essential information in a prescribed form.

- (b) We do not prohibit the circulation or usage of the RMB in Hong Kong and the Sino-British Joint Declaration and the Basic Law of the Hong Kong Special Administrative Region (HKSAR) clearly state that the HKSAR government shall formulate monetary and financial policies on its own. The question of discussion with the Chinese government on the possibilities of the RMB becoming one of the currencies in circulation after 1997 does not arise.

We do not have any clear basis to estimate the extent of the circulation of RMB in Hong Kong now or after 1997. However, we believe that the amount is, and will remain, small compared with Hong Kong dollar in circulation.

End

Work shifts arrangement of CSD staff

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

Question:

It was reported that more than 10 Correctional Services Department (CSD) staff were taken hostage in the riot which broke out at the Whitehead Detention Centre on the tenth of this month. In this connection, will the Government inform this Council of:

- (a) the establishment of CSD staff on day and night shifts respectively at the Whitehead Detention Centre, and the number of CSD staff on duty on the night of the incident; and
- (b) the types and numbers of readily available anti-riot equipment, such as shields and anti-riot suits, etc, provided at the Whitehead Detention Centre?

Reply:

Mr President,

- (a) The normal arrangements for Whitehead Detention Centre are that two day shifts, each comprising 80 staff, and two night shifts, each comprising 60 staff, discharge patrol, security and camp routine duties. In addition, about 210 staff work during normal office hours in providing other services in the camp, and 60 staff are on sleep-in stand-by duty. On the night of the incident, 20 additional staff were deployed to reinforce the patrol and camp security duties, and another 30 staff were assigned to sleep-in stand-by duty.
- (b) Various types of anti-riot gear are kept in the Whitehead Detention Centre, including chemical mace, helmets, batons, and shields, etc.

End

Enforcement action against pirated CD-Roms sale

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Following is a question by the Hon Selina Chow Liang Shuk-ye and a reply by the Secretary for Trade and Industry, Miss Denise Yue, in the Legislative Council today (Wednesday):

Question:

In view of the passage of the Intellectual Property (World Trade Organisation Amendments) Bill 1996 by this Council, will the Government inform this Council

- (a) given that the sale of pirated computer CD-ROMs is becoming increasingly rampant and that such activities are concentrated in several computer shopping centres in Kowloon and on Hong Kong Island, whether the departments concerned have a comprehensive plan to step up enforcement action in these centres to combat such activities;

- (b) of the number of raids carried out in these centres in the past 12 months, and the total quantity and value of pirated CD-ROMs seized;
- (c) of the number of prosecutions instituted regarding such offences in the past 12 months, together with the percentage of prosecutions resulting in convictions, as well as the highest, lowest and average penalties imposed by the court, and
- (d) whether any difficulties have been encountered by the departments concerned in instituting prosecutions relating to such offences; if so, whether positive action has been taken to overcome such difficulties so as to enhance the deterrent effect on offenders?

Reply:

Mr President,

The Hong Kong Customs has stepped up enforcement action against the sale of pirated copyright products, including computer CD-ROMs, in known blackspots and shopping arcades. I wish to stress that in addition to tackling the copyright piracy problem at the retail level, Customs also places emphasis on tackling the problem at the distribution and importation levels. To this end, Customs, in conjunction with the Police, has been adopting a pro-active enforcement approach in the form of intelligence gathering and investigation work relating to alleged triad and organised criminal involvement in local and cross-border copyright piracy activities, resulting in a number of successful border interceptions and raids on storage premises for pirated CD-ROMs. Customs has also been forging closer co-operation with the relevant counterpart authorities in China in the protection and enforcement of intellectual property rights and in joint border operations.

In 1995, a total of 273 raids were carried out by Customs at the retail and distribution levels, resulting in a total seizure of about 359,000 CD-ROMs containing computer software and video CDs (VCDs) at an estimated value of HK\$27 million. The corresponding figures in the first four months of this year were 192 raids conducted, and about 210,000 CD-ROMs and VCDs seized totalling an estimated value of HK\$14 million. The quantity and value of pirated CD-ROMs and VCDs seized in the first four months of this year already represent 58% and 52% respectively of the figures in the entire year of 1995.

In 1995, 72 persons and one firm were prosecuted for copyright piracy offences relating to CD-ROMs and VCDs. The conviction rate was 69%. The corresponding figures in the first four months of this year were 144 persons and two firms. The conviction rate was 81%.

In 1995, the highest, lowest and average fines involving pirated CD-ROMs and VCDs and per case were HK\$33,000, HK\$500 and HK\$9,300 respectively. The corresponding figures for the first four months of 1996 were HK\$52,500, HK\$300 and HK\$12,500 respectively. In 1995, a total of two offenders were given imprisonment sentences of one month and three months respectively for CD-ROMs and VCDs piracy offences. In the first four months of this year, a total of 18 offenders were sentenced to imprisonment, with terms of imprisonment of up to three months.

Customs has encountered difficulties in pursuing prosecution action in CD-ROM and VCD cases where the copyright owners cannot be identified, or where the owners fail to provide adequate proof of copyright infringement, or where the copyright owners are not interested in pursuing criminal prosecution, or where the copyright owners cannot afford the costs to fly their expert witnesses to Hong Kong to assist in prosecution. Both Customs and the Intellectual Property Department have stepped up liaison with the relevant copyright industry and organisations so as to encourage copyright owners to come forward to assist in prosecution. In addition, to encourage co-operation from overseas copyright owners, financial assistance will be offered to them, on a case-by-case basis, to assist in criminal investigation and prosecution.

End

Civil servants and provisional legislature

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Following is a question by the Hon Tsang Kin-shing and a reply by the Secretary for Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question:

Officials of the Chinese Government have announced that the provisional legislature will be set up formally after 1 July 1997, and that it will start to operate before that date. In this connection, will the Government inform this Council whether it will permit civil servants to assist, before 1 July 1997, the provisional legislature in the preparatory work relating to amending or abolishing certain laws, such as the Bill of Rights Ordinance and the six amendment ordinances which the former Preliminary Working Committee's Legal Sub-group had recommended for their amendment or abolition, contrary to the stance taken by the Government?

Reply:

Mr President,

At present, we have yet to know when a provisional legislature will be established, or when and how such a body will begin operation. Nor would we wish to speculate at present. In the absence of the necessary and precise information, it would be difficult to provide a direct answer to Mr Tsang's question. But I should like to make four general remarks regarding the question.

First, the corporate position of the British Government and the Hong Kong Government on the question of a provisional legislature is clear, consistent, and well known to this Council as well as the community. Both the Prime Minister and the Foreign Secretary have reaffirmed our position in their recent meetings with Chinese leaders. And we will continue to reaffirm our position if the need arises.

Secondly, until British sovereignty ends on 1 July 1997, the only constitutional legislature in Hong Kong is the current Legislative Council, elected openly and fairly by a record number of voters, and with a clear and legitimate mandate. The Government's commitment is to continue to work with the present Legislative Council.

Thirdly, and following from the above, we have made clear to the Chinese side that we will not provide any assistance to a provisional legislature. However, we have stated clearly that we shall co-operate with the Preparatory Committee and, in due course, the Chief Executive (Designate) in other areas where there are identified common ground.

Fourthly, the Joint Declaration provides that Britain shall continue to be responsible for administering Hong Kong until 30 June 1997, and that China will co-operate in this regard. Chinese leaders have reaffirmed on various occasions that they will abide by the Joint Declaration. During his recent meeting with the Foreign Secretary at The Hague, Vice Premier Qian Qichen said that until 30 June 1997 the Governor, the Privy Council and the current Legislative Council would alone exercise power.

End

Hospitals productivity gains achievement

* * * * *

Following is a question by the Hon Michael Ho 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 order to fund new services, the Hospital Authority instructed all public hospitals to raise their productivity in order to achieve savings from the allocations provided to them, at the rates of 1%, 2% and 3% respectively in the past three financial years. In this connection, will the Government inform this Council:

- (a) whether the Hospital Authority has asked all public hospitals to submit detailed information on the savings achieved through enhancing productivity;
- (b) whether the Hospital Authority Board has discussed such information; and
- (c) whether the Hospital Governing Committees of individual public hospitals have discussed such information?

Reply:

The established practice of requiring individual hospitals to achieve productivity gains is a mechanism intended to create incentives for managers to enhance cost-effectiveness by rescheduling of duties, restructuring of work or re-engineering of processes. In many cases, productivity gains are notional and will only lead to better staff deployment or quality of service rather than quantifiable savings.

A reporting framework is in place for the Hospital Authority Head Office to capture and collate information about ways in which productivity gains have been achieved. The Hospital Authority Board has also been kept informed of the broad approach, methodology and parameters adopted by individual hospitals in meeting their targets.

Productivity gains are integral to the annual plan and budget of individual hospitals, both of which are endorsed and monitored by the respective Hospital Governing Committees.

End

Prisoners injured or killed while in custody

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Following is a question by the Hon Choy Kan-pui 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 number of prisoners injured or killed as a result of being physically assaulted whilst in the custody of the Correctional Services Department (CSD), in each of the past three years;
- (b) of the reasons for the occurrence of such incidents; and
- (c) whether family members of the prisoners killed in those incidents have been granted any compensation?

Reply:

Mr President,

Our reply to the three parts of the question is as follows:

- (a) There were no deaths resulting from assaults among prisoners in the three years 1993 to 1995. There was, however, an assault incident in Lai Chi Kok Reception Centre on 28 April this year, which resulted in one fatality -- the first fatal case in recent years. The number of prisoners injured by assaults was 408 in 1993, 510 in 1994, 520 in 1995 and 193 in 1996 (up to April).
- (b) The reasons for these assaults were mostly personal grudges or disputes. A small number of assaults were due to bullying or to cigarette debts (cigarettes are used as money in gambling in prisons). The cause of the fatal assault case in April this year is still under the Police investigation.
- (c) Any prisoner who feels that he has a case to claim compensation for injuries caused by another person may seek compensation or damages through legal proceedings. The same applies to family members of prisoners killed while in custody. So far, there have been no cases where compensation was sought or awarded.

End

Handover of sovereignty ceremony

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

Question:

With regard to the ceremony for the handover of sovereignty in 1997, will the Government inform this Council:

- (a) of the estimated number of overseas journalists coming to the territory to cover the event;
- (b) what assistance will be provided to these journalists; and
- (c) whether overseas journalists coming to the territory to cover the event will be required to obtain prior approval from the authorities concerned; if so, whether the Chinese Government's consent to such an arrangement will need to be sought?

Answer:

Mr President,

My reply is as follows:

- (a) To assess media interest, the Information Services Department conducted a survey with local and overseas news organisations in April. The returns received to date indicate about 2,300 media personnel plan to cover the handover ceremony and related events. However, as there are some 13 months to go before the handover, we expect that more news organisations may come forward and that the ultimate number may reach several thousands.

- (b) As the handover ceremony is a historical event for Hong Kong we fully intend to make proper arrangements to facilitate media coverage by, for example, establishing a press and broadcasting centre for this purpose to facilitate the coverage of the handover ceremony and other related events.
- (c) The current system of allowing foreign journalists to visit Hong Kong without restriction and to report on developments in the territory will continue. The government has no intention of making any change in the current practice of media coverage of major events.

End

Accidents involving vehicles hitting overhead bridges

* * * * *

Following is a question by the Miriam lau Kin-yee 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:

- (a) of the total number of accidents involving vehicles hitting overhead bridges in the past three years arising from vehicles (including the goods which they carried) exceeding the stipulated height limit and the owners of such vehicles failing to notify the Police and the Transport Department beforehand;
- (b) how the authorities concerned will enforce the provision in the Road Traffic Ordinance stipulating that the height of heavy goods vehicles should not exceed 4.6 metres; and
- (c) what measures will be adopted to prevent the occurrence of this kind of accidents?

Reply:

Mr President,

Since May 1993, there have been ten reported cases resulting in damage to overhead bridges. Details are annexed. Such damage is believed to have been caused by the vehicles with overheight loads.

Under the Road Traffic (Traffic Control) Regulations, it is an offence to drive a vehicle which, together with its load, exceeds 4.6m. The law does not provide for any exemption.

To obtain registration, goods vehicles must pass both a documentation check and a pre-registration examination to ensure that, amongst other things, the specified height is complied with. Vehicle heights are also checked at annual inspections. So far we have not come across any vehicle coming for annual inspection exceeding the prescribed height limit.

As a matter of course the Director of Highways will examine any footbridge/flyover that has been damaged to determine whether, apart from repairs, any other measures need to be taken. For example, because of the number of incidents involving the footbridge across Lung Cheung Road at Wong Tai Sin, its main span has recently been rebuilt to increase the headroom to enhance safety.

As regards preventive measures and publicity, detailed advice is already included in the Code of Practice for the Loading of Vehicles. This advice will be reinforced at Transport Department's regular meetings with representatives of the trucking industry. An article will also be included in the summer edition of the Department's Road Safety Quarterly.

**Damage caused to footbridges/flyovers
by overheight vehicles over the last three years**

Date	Location
22.10.93	Footbridge at Lung Cheung Road near Wong Tai Sin.
13.1.94	Footbridge at Lung Cheung Road near Wong Tai Sin.
23.7.94	Footbridge at Clear Water Bay Road near Ping Shek Estate.
20.8.94	Footbridge at Wong Chuk Hang Road near Aberdeen Sports Ground.
11.10.94	Footbridge at Lai Chi Kok Road near Cheung Shun Street.
11.11.94	Footbridge at Chai Wan Road near Wan Tsui Road Junction.
11.3.95	Footbridge at Lung Cheung Road near Wong Tai Sin.
3.4.95	Vehicular Underpass at Castle Peak Road near Fung Kat Heung, Yuen Long.
29.5.95	Footbridge at Lung Cheung Road near Wong Tai Sin.
1.5.96	Footbridge at Lai Chi Kok Road near Cheung Shun Street.

Reported theft cases at border

* * * * *

Following is a question by the Hon Selina Chow Liang Shuk-ye 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 whether:

- (a) it has any information showing the number of cases in which Hong Kong residents were robbed or had their property stolen while crossing the border at Lowu and Shenzhen in the past three years;
- (b) the police has taken the initiative to conduct investigation with a view to ascertaining the actual number of pick-and-steal crimes, including those which have not been reported, so as to understand the actual situation regarding the occurrence of such crimes at the border;
- (c) the police will co-operate with the mainland Public Security Bureau to combat pick-and-steal crimes committed by pickpockets from both territories; and
- (d) the authorities concerned will reflect to the mainland authorities either directly or through the liaison officers of the Public Security Bureau stationed in Hong Kong, the situation regarding the occurrence of robbery and theft crimes at the border and urge them to improve law and order at the Lowu border area, so as to safeguard the property and personal safety of Hong Kong residents travelling between the territory and mainland China?

Reply:

Mr President,

- (a) The number of reported cases of Hong Kong residents being robbed or having their property stolen while crossing the border at Lowu and Shenzhen are as follows:

<u>Year</u>	<u>Robbery</u>	<u>Pick-pocketing</u>	<u>Loss*</u>
1994	0	14	234
1995	0	9	109
1996 (Jan - Apr)	0	1	32

* These cases are reported as loss but some of them may involve pick-pocketing.

- (b) The Police set up a dedicated Task Force in December 1994 to tackle the problem of pick-pocketing at Lowu. The Task Force collates and analyses relevant data and intelligence on pick-pocketing activities at Lowu to identify the patterns and blackspots of such crime. As can be seen from the figures at (a), the problem has been contained but the Police will closely monitor the situation and take appropriate measures accordingly. The Police have not conducted any survey on the number of non-reported cases of such crime.
- (c) The Police maintain close liaison with the Shenzhen Public Security Bureau through the Border Liaison Channel to combat crimes at the border between Lowu and Shenzhen, including pick-pocketing.
- (d) We have well-established channels of communications between the Police and the Shenzhen Public Security Bureau to take up matters related to crime at the border. Given such channels, it is not necessary to go through the liaison officers of the Public Security Bureau stationed in Hong Kong on this matter.

End

Monitoring of debt collection by public utilities

Following is a question by the Hon Albert Chan Wai-yip and a written reply by the Secretary for Economic Services, Mr Gordon Siu, in the Legislative Council today (Wednesday):

Question:

Recently, I have received complaints from the public that Hongkong Telecom has engaged debt collection companies to collect arrears in payment from its customers, which has caused harassment to the customers concerned. In view of this, will the Government inform this Council:

- (a) whether it plays any monitoring role over the engagement of debt collection companies by public utilities companies to collect arrears from their customers; and
- (b) to which government departments the public can go for lodging complaints about such harassment?

Reply:

Mr President,

- (a) Existing legislation governing the operation of the public utilities companies does not contain provisions empowering the relevant authorities to regulate the employment of debt collection agencies to collect arrears from customers. Of the public utilities companies which are subject to government regulation, only three fixed telecommunication network services operators, i.e. the Hong Kong Telephone Company Limited (HKTC), New T&T and Hutchison Telecommunications, and the Hongkong Telecom International Limited (HKTI) employ debt collection agencies to collect outstanding payments from customers. We understand that the debt collection mechanism is subject to close monitoring by the companies concerned to avoid harassment to their customers. For instance, in the case of the HKTC and the HKTI the debt collection agencies are thoroughly vetted by the companies, correspondence issued by the agencies to customers needs the prior approval of HKTI or HKTC, and the agencies are instructed not to contact the customers at unsocial hours.
- (b) Should members of the public encounter harassment from debt collection agencies, they should lodge a complaint with the company to which the debt collection agencies work. Failing a satisfactory resolution of the problem, members of the public should report the case to the Police. They may also solicit assistance from the relevant monitoring authorities if they so wish; for example, cases relating to telecommunications companies may be directed to the Office of the Telecommunications Authority.

End

Security measures in public hospitals

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

Question:

It was reported recently that the lax security arrangements in Queen Elizabeth Hospital had given rise to an incident in which a patient, who had been reported missing, was found three days later to be hiding on the roof of the Hospital. In this connection, will the Government inform this Council:

- (a) of the number of cases involving the disappearance of patients from public hospitals in the past three years; and
- (b) of the security measures currently adopted by public hospitals to prevent patients from running away and whether the public hospitals will step up these measures?

Reply:

Given that the statistical data on disappearance of patients are captured and collated on a systematic basis by the Hospital Authority only since January 1996, the requested information is not available for 1994 and 1995. However, a total of 159 such cases were reported in the first quarter of 1996, a majority of which involved Vietnamese boat people, illegal immigrants or drug addicts.

Patients wishing to leave the ward to which they have been assigned should first inform the hospital staff, who will monitor closely the number and location of individual patients. Furthermore, standard procedures are in place to contact the family and to initiate a search in cases where patients are found missing. Assistance from the Police will also be sought, if necessary.

Given the nature of hospital services, additional measures to prevent patients from running away must be balanced against their interest to enjoy freedom of movement and an open ward environment. A number of measures have been adopted in the last few years to strengthen the internal security of public hospitals. These include security access control system, electronic tagging system for babies, automatic door alarm and close circuit television. Apart from training programmes aimed to sharpen the security awareness among hospital staff, each hospital has also appointed an officer to co-ordinate security measures and to train up the responsible personnel.

End

5-year comprehensive redevelopment programme

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

Question:

With regard to the Five-year Comprehensive Redevelopment Programme from 1996/97 to 2000/01 recently announced by the Housing Authority (HA), will the Government inform this Council:

- (a) whether units will be reserved in new public housing estates which are due for completion for rehousing those affected tenants who are included in the Programme; if so, please provide a list showing the details;
- (b) of the number of public rental housing sites which will be used to build Home Ownership Scheme flats after clearance, thus reducing the chance of the affected tenants in being rehoused locally;
- (c) how the HA will ensure that the number of new public housing units is adequate for rehousing affected public housing tenants locally; and
- (d) in regard to Blocks 5 and 6 of Lam Tin Estate which have been included in the redevelopment programme for the third time, what the reasons were for deferring the redevelopment works of these two blocks twice before and, in view of this, what measures the HA will take to ensure that the latest Comprehensive Redevelopment Programme will be completed on schedule?

Answer:

Mr President,

A proportion of units will be reserved in some new public rental housing estates for rehousing tenants affected by the recently announced Comprehensive Redevelopment Programme (CRP) during the planning period from 1996-97 to 2000-01. Details of rehousing arrangements will only be decided nearer the time of formal announcement of clearance.

CRP sites to be used partly for constructing home ownership flats are mainly located in the urban areas and Tsuen Wan, including Tsz Wan Shan, Wang Tau Hom, Lok Fu, Sau Mau Ping, Lam Tin, Yau Tong, Ko Chiu Road, Tin Wan, Wan Tsui and Shek Yam. These Home Ownership Scheme developments will not significantly affect the local rehousing of CRP tenants.

In planning the CRP, the Housing Authority considers the demand for local rehousing and the availability of reception flats, including both new and vacated flats, and will, as far as possible, ensure that sufficient reception flats are available to meet demand. Affected tenants may choose new or vacated flats depending on their own needs, preferences and financial situation. Some may choose to move out of the original districts, or to purchase home ownership flats.

Redevelopment of Blocks 5 and 6 of Lam Tin Estate was planned for 1999-2000 when the relevant CRP was announced in 1995. The timing has been rescheduled on one occasion only to 2000-01 when the CRP for the period from 1996-97 to 2000-01 was announced recently.

The redevelopment was rescheduled by one year because the construction programme of the relevant reception estates depends on the timing of relaxing airport height restrictions in East Kowloon. As these restrictions will be relaxed when the Hong Kong International Airport at Kai Tak is replaced by the new airport at Chek Lap Kok, which is scheduled to open in April 1998, the revised timing will enable us to maximise the development potential of the relevant reception estates.

End

Competition for government contract posts

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Following is a question by the Hon Ip Kwok-him and a written reply by the Secretary for Civil Service, Mr W K Lam, in the Legislative Council today (Wednesday):

Question:

It is learnt that since the Government started to open up the posts previously held by contract officers for competition by civil servants, for over a year only one-fifth of such posts have been opened up. In this connection, will the Government inform this Council :

- (a) of the total number of posts which have been included in the 'opening up' arrangement and the departments to which these posts belong, as well as the expected date at which all these posts will be opened up;
- (b) whether the progress of opening up these posts is on target; if not, what plans are in place to speed up the progress; and
- (c) whether the Government has encountered any difficulties in opening up these posts; if so, what the difficulties are?

Answer:

Mr President,

The opening up arrangement was introduced in December 1994. It applies to positions in promotion ranks which are occupied by agreement officers whose agreements expire on or after 1 September 1995. Such a position will be opened up for competition when an overseas agreement officer who is a permanent resident seeks a further agreement modelled on local conditions or when a local agreement officer seeks a further agreement on his existing terms. When a position is opened up, the incumbent and eligible officers one rank below can apply to compete for the position. A selection board would be formed to select the most suitable person for the position.

We estimated that 591 agreement officers in promotion ranks whose agreements expire on or after 1 September 1995 would be affected by the arrangement. A breakdown of these agreement officers by departments is at Appendix. Since the introduction of the opening up arrangement in December 1994, 124 positions have been opened up for competition and 41 positions are in the process of being opened up.

There are situations where the opening up arrangement does not apply to the 591 positions mentioned above. These include officers who choose to renew their agreements on overseas terms; local officers who have been approved to transfer to the permanent and pensionable establishment before the temporary suspension of such applications on 31 October 1995; and officers who decide not to seek renewal of their agreements. So far, 231 positions were not opened up for any one of the reasons above.

The opening up of the remaining positions would depend on when and how the officers choose to seek further employment with government. An officer is only required to exercise his option for further employment 12 months before the expiry of his agreement.

The opening up arrangement is being implemented and there are no major difficulties.

Appendix

Breakdown of agreements officers in promotion ranks
by departments (as estimated in 1994)

<u>Department</u>	<u>No of officers</u>
Architectural Services	40
Buildings	18
Civil Aviation	25
Civil Engineering	103
Health	13
Environmental Protection	22
Government Flying Service	22
Government Secretariat	22
Housing	40
Industry	13
Information Services	12
Legal	99
Legal Aid	14
Lands	20
Official Receiver's Office	24
Radio Television Hong Kong	28
Rating and Valuation	10
Transport	12
Water Supplies	10
Other departments	44
Total	591

End

Government implementation of Green Manager Scheme

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

Question:

Regarding the Government's implementation of the Green Manager Scheme which aims to reduce the consumption of paper and electricity in government departments, will the Government inform this Council :

- (a) of the government departments which have appointed Green Managers, and the respective ranks which they hold, since the implementation of the Scheme;
- (b) of the breakdown by department of the savings achieved in the consumption of paper and electricity since the implementation of the Scheme;
- (c) whether the Government has other follow-up plans to achieve further reduction in the consumption of the above resources; and
- (d) of the departments which still submit reports to the Planning, Environment and Lands Branch on the progress of the Scheme?

Reply:

Mr President,

- (a) Since the implementation of the Green Manager Scheme in January 1994, all nineteen government branches and sixty-seven government departments have appointed Green Managers. They are usually at directorate or branch/departmental secretary level.
- (b) The breakdown by department/branch of the savings in paper/electricity consumption is at Annex. Overall, the savings achieved in 1995 are :
 - paper consumption decreased by 22%;
 - waste paper collection increased by 11%; and
 - electricity consumption decreased by 6%.

- (c) Further reductions in the consumption of electricity are expected to be achieved through the energy audit programmes conducted by the Electrical and Mechanical Services Department for selected public buildings, which have saved \$10 million in electricity consumption since 1993. \$6 million has been set aside to implement energy saving measures which require capital investment for the next three years for twenty government buildings. To promote further reductions in paper consumption, the government has commissioned a life cycle study to establish whether the use of recycled paper could help reduce the consumption of virgin pulp. Green Managers will also be encouraged to achieve further reductions in paper consumption.
- (d) All the nineteen branches and sixty seven departments submit quarterly reports to the Planning, Environment and Lands Branch.

End

Non-Chinese ethnic minorities in Hong Kong

* * * * *

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

Question:

In view of the statement by the Shadow Secretary of State for Foreign and Commonwealth Affairs on 1 May 1996 that the Labour Party would give full support to a government bill to grant British citizenship to the non-Chinese ethnic minorities in Hong Kong, will the Administration inform this Council whether it has stepped up efforts to urge the present British Government to bring forward such a bill in the United Kingdom Parliament and, if so, what the British Government's response is?

Reply:

Mr President,

The Hong Kong Government has consistently supported the case of non-Chinese ethnic minorities with solely British nationality for the grant of British citizenship. The British Government's guarantee, announced by the Prime Minister on 4 March 1996, of admission to and settlement in the United Kingdom in the unlikely event that they ever came under pressure to leave Hong Kong was a significant improvement on previous assurances given to this group. We will continue to put our case to the British Government whenever the opportunity arises. We welcome the support for this case from any quarter.

End

Airline check-in counter indicators at Kai Tak Airport

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

Question:

Regarding airline check-in counter indicators along the passage way leading to the vehicle drop-off area at the Departure Hall level of the airport at Kai Tak, will the Government inform this Council:

- (a) when such indicators were last updated; and
- (b) why indicators of some airlines which have been in operation at the airport for quite some time have still not been put up?

Reply:

Mr President,

- (a) The airline check-in location signage along the passage-way leading to vehicle drop-off area at the Departure level will be updated when there are changes in the location of the airlines check-in areas. It was recently updated in April 1996.
- (b) There is not enough room along this passage-way to provide check-in location signage for all scheduled airlines serving Hong Kong, which at present comes to 52. The Director of Civil Aviation has consulted the Transport Department and the Airlines Operators Committee on this issue. To ensure that the location signage is readable by motorists and passengers in the cars, it has been agreed that check-in location signage be provided for 14 airlines with the highest passenger throughput at Kai Tak. These airlines together carry 83% of the total departing passengers.

End

Gambling activities on high seas

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

Question:

Will the Government inform this Council:

- (a) of the current number of passenger vessels based in Hong Kong which carry passengers from Hong Kong to the high seas to take part in gambling activities on board such vessels;
- (b) whether it has considered introducing legislation to control gambling activities which take place on board such vessels outside the waters of Hong Kong; and whether there is any legislation regulating the provision of entertainment, food and beverage as well as steam bath activities on board such vessels; and
- (c) whether it has received complaints about betting on horse races of the Royal Hong Kong Jockey Club through illegal bookmaking on board such vessels; if so, how the authorities concerned have handled such complaints?

Answer:

Mr President,

My reply to the question is as follows:

- (a) According to our knowledge, there are two vessels which carry passengers from Hong Kong to the high seas on which gambling activities have reportedly taken place. As the reported vessels are not registered in Hong Kong, any such activities on board these vessels in international waters are not subject to Hong Kong laws (please see (b) below);

- (b) Government has not considered introducing legislation to control gambling activities on board such vessels outside Hong Kong waters because Hong Kong laws cannot be enforced outside Hong Kong, except on board a Hong Kong registered vessel, in which case persons committing offences in international waters are liable to prosecution under Hong Kong laws.

The Merchant Shipping (Safety) Ordinance (Cap. 369) regulates shipping safety in general. All passenger vessels based in Hong Kong and which operate excursion voyages from Hong Kong have to be inspected by Government Surveyors to ensure that they comply with our safety standards before they are allowed to clear the port of Hong Kong.

Regarding entertainment, under the Places of Public Entertainment Ordinance (Cap. 172), a licence will be required if public entertainment is provided on board a vessel within Hong Kong waters. The Urban Council and the Regional Council are the licensing authorities in their respective areas.

Regarding food and beverage, the Director of Health has advised that provisions under the Quarantine and Prevention of Disease Ordinance (Cap. 141) deal with investigations into food poisoning outbreaks and the sanitary conditions on board ocean-going vessels.

There is no particular legislation regulating steam bath activities on board such vessels; and

- (c) the Police have advised that no complaints have been received about illegal bookmaking on horse races of the Royal Hong Kong Jockey Club on board these vessels.

End

Drafting of code of banking practice

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Following is a question by Dr the Hon Law Cheung-kwok and a written reply by the acting Secretary for Financial Services, Mrs Lessie Wei, in the Legislative Council today (Wednesday):

Question:

Will the Government inform this Council whether the Hong Kong Monetary Authority has considered the feasibility of the following proposals when drafting the "Code of Banking Practice":

- (a) before "selling" new banknotes at a price in excess of their face value, note-issuing banks be required to obtain approval from the Government and state clearly how the profits so generated will be used;
- (b) in offering retail monetary products to customers, banks be required to clearly set out in the relevant documents the "annual effective interest rates" to be charged and the penalty provisions for early settlement of loans;
- (c) everyday language be used in contracts made between banks and their retail banking customers;
- (d) formulating a set of guidelines on business conduct for compliance by debt collection agencies employed by banks; and
- (e) drawing up relevant guidelines to protect bank customers' right to privacy, having regard to some recent cases in which certain banks have changed the terms and conditions of their credit card contracts to the effect that they have the right to disclose the personal data of customers to a third party; and

if so, what the results are; if not, why not?

Reply:

The Code of Banking Practice (the Code) covers the most commonly used banking services available to personal customers such as deposits, loans and credit cards. All issues raised in the question, apart from the first one, have been included in the draft outline of the Code. The issue of legal tender notes raised in part (a) of the question is specifically regulated by the Bank Notes Issue Ordinance and is outside the scope of the Code. In this connection, nothing in the laws of Hong Kong requires bank notes to be sold at their face value. There is indeed an established market for the sale of new and used notes as collectors' items where notes are transacted at prices different from their face value. The pricing of the notes sold to, for example, collectors remains a matter for the note-issuing banks.

The Working Group on the Code (the Working Group) is consulting the banking industry associations and the Consumer Council on the draft outline before proceeding to the detailed drafting of the Code. We are therefore not in a position at this stage to give definitive statements on specific recommendations on issues raised in parts (b) to (e) of the question. Nevertheless, the areas being considered by the Working Group in relation to these issues (using the same numbering as in the question) are as follows:

- (b) The Working Group will consider the need for authorised institutions (AIs) under the Banking Ordinance to provide general descriptive information to customers about the retail banking products being offered. In the case of loans and credit cards, this information may include, among other things, the basis on which interest will be calculated (including the need to specify the annualized percentage of interest) and the related fees and charges (including the penalty charges for early redemption or late payment);
- (c) The Working Group will consider the need for the terms and conditions in contracts between AIs and their customers to be expressed clearly in plain language to the extent that it is consistent with the need for legal certainty;

- (d) The Hong Kong Monetary Authority, in response to the complaints concerning the use of debt collection agencies by AIs received through the hotline established in April, issued a letter to all AIs in May 1996. AIs were advised to instruct their debt collection agencies in writing that the agencies must not resort to intimidation or violence, either verbal or physical, against any person in their debt recovery actions, and that AIs and their debt collection agencies must not try to recover debt from third parties including referees, family members or friends of the debtor if these persons have not entered into a formal contractual agreement with the AIs to guarantee liabilities of the debtor. Furthermore, AIs were asked to stop passing information about referees or third parties other than debtors or guarantors to their debt collection agencies. Further guidance on the use of debt collection agencies will be covered in the Code. The Working Group has agreed that this section, together with the section on personal referees, should be prepared and issued in advance of the rest of the Code. It is expected that these two sections will be issued around the end of June 1996; and
- (e) All AIs need to comply with the Personal Data (Privacy) Ordinance in the collection, use and holding of customer information. The Code will also provide further guidance on the confidentiality of customer information, such as the need for AIs to define clearly and specifically the circumstances in which customers' confidential information may be disclosed and to explain in a clear manner the reason for and the scope of disclosure when seeking customers' consent.

End